

JOURNAL

OF THE

SENATE

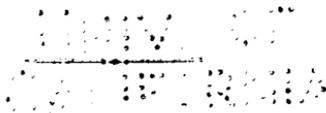
OF THE

ELEVENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

WHICH CONVENEED AT THE CAPITOL, IN DES MOINES, IOWA, JANUARY 8, 1866.



DES MOINES:

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UNIV. OF  
FLORIDA

JOURNAL OF THE SENATE.

SENATE CHAMBER, DES MOINES, IOWA, {  
JANUARY 8, 1866. }

In pursuance of law the Senate of the Eleventh General Assembly convened at 2 o'clock P. M., and was called to order by Lieut. Governor Eastman.

At the request of the President, Senator Wharton invoked the Divine blessing.

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

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

- |                                  |                               |
|----------------------------------|-------------------------------|
| 4th District—Nathan Udell.       | 29th District—John Hilsinger. |
| 7th District—L. W. Hillyer.      | 31st District—J. B. Young.    |
| 8th District—L. W. Ross.         | 32d District—Wm. B. King.     |
| 11th District—D. P. Stubbs.      | 33d District—H. C. Henderson. |
| 13th District—W. C. Shippen.     | 34th District—F. M. Knoll.    |
| 16th District—J. F. McJunkin.    | 35th District—J. M. Brayton.  |
| 18th District—J. A. L. Crookham. | 36th District—L. W. Hart.     |
| 19th District—Thos. McMillan.    | 37th District—B. T. Hunt.     |
| 24th District—Henry Wharton.     | 39th District—C. F. Clarkson. |
| 25th District—E. Clark.          | 43d District—J. G. Patterson. |
| 26th District—M. E. Cutts.       | 44th District—G. W. Bassett.  |

The following Senators presented their credentials:

- |                              |                             |
|------------------------------|-----------------------------|
| 1st Dist.—Joseph Hollman.    | 22d Dist.—J. B. Leake.      |
| “ “ —N. G. Hedges.           | “ “ —A. H. Larimer.         |
| 2d Dist.—Eliab Doud.         | 23d Dist.—J. Henry Smith.   |
| 3d Dist.—Samuel A. Moore.    | 28th Dist.—J. W. Cattell.   |
| 5th Dist.—C. R. Johnson.     | 30th Dist.—S. S. Farwell.   |
| “ “ —E. E. Edwards.          | 34th Dist.—B. B. Richards.  |
| 9th Dist.—Fitz Henry Warren. | 38th Dist.—W. B. Lakin.     |
| 10th Dist.—T. W. Woolson.    | 40th Dist.—James B. Powers. |
| 14th Dist.—J. M. Robertson.  | 41st Dist.—Charles Paulk.   |
| 15th Dist.—John A. Parvin.   | 42d Dist.—H. C. Bulis.      |
| 17th Dist.—E. S. Sampson.    | 45th Dist.—Addison Oliver.  |
| 21st Dist.—J. R. Reed.       |                             |

On motion of Senator Stubbs, W. T. Hunt, of Clayton county, was elected Sergeant-at-Arms *pro tem*.

On motion of Senator Patterson, Zimri Streeter, of Black Hawk county, was elected Door-keeper *pro tem*.

On motion of Senator Moore, John H. Udell was elected Messenger *pro tem*.

On motion of Senator McJunkin, S. W. McElderry was elected Postmaster *pro tem*.

Senator Hart moved that a Committee on Credentials, consisting of five, be appointed.

The President stated that the Statute provided that they be elected.

Senator Patterson moved that said Committee be elected *viva voce*. Carried.

Senator Udell nominated for said Committee, Senator Hunt, of Clayton county, who was elected.

Senator Parvin nominated Senator Cutts, of Poweshiek county, who was elected.

Senator Stubbs nominated Senator Henderson, of Marshall Co., who was elected.

Senator Clark nominated Senator Hart, of Buchanan county, who was elected.

Senator Bassett nominated Senator Udell, of Appanoose county, who was elected.

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

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SENATE CHAMBER, DES MOINES,  
 JANUARY 9, 1866.

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

Prayer by Rev. Mr. Geiger.

Journal of yesterday read, corrected, and approved.

A communication was received from the State Agricultural Society asking the use of the Senate Chamber to-morrow morning.

Senator Henderson moved that the use of the Senate Chamber be granted to the State Agricultural Society, to-morrow morning at such hour as will not conflict with the business of the Senate. Which motion prevailed.

Senator Hunt from the Committee on Credentials submitted the following report :

The Committee on Credentials ask leave to report that they examined the credentials of the following named Senators, and find the same correct, to wit :

District No. 1—J. H. Holman, and N. C. Hedges.

- District No. 2—Eliab Doud.  
 District No. 3—S. A. Moore.  
 District No. 9—Fitz Henry Warren.  
 District No. 10—T. W. Woolson.  
 District No. 14—J. M. Robertson.  
 District No. 15—J. A. Parvin.  
 District No. 17—E. S. Sampson.  
 District No. 21—J. R. Reed.  
 District No. 22—J. B. Leake, and A. M. Larimer.  
 District No. 23—J. H. Smith.  
 District No. 27—J. Meyer.  
 District No. 28—J. W. Cattell.  
 District No. 30—S. S. Farwell.  
 District No. 34—B. B. Richards.  
 District No. 38—W. B. Lakin.  
 District No. 40—J. B. Powers.  
 District No. 41—Charles Paulk.  
 District No. 42—H. C. Bulis.  
 District No. 45—A. Oliver.

Senator Hilsinger moved that the report of the committee be adopted, except so much as relates to the persons claiming to be elected Senators from the 5th Senatorial District, which motion prevailed.

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

“You, and each of you, do solemnly swear that you will support the Constitution of the United States, and the Constitution of the State of Iowa, and that you will faithfully discharge the duties of Senator to the best of your ability.”

Senator Stubbs offered the following resolution, which was adopted:

*Resolved*, That the Secretary of State be requested to furnish each member of the Senate with a copy of the Revision of 1860; also the “laws of Iowa since the Revision of 1860,” and the journal of the Senate of the 10th General Assembly.

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

Senator Stubbs nominated J. W. Dixon, of Wapello county, for Secretary.

Senator Knoll nominated Thos. C. Shields, of Dubuque county.

Those voting for Mr. Dixon were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

Those voting for Mr. Shields were Senators Hedges, Hollman, Knoll, Paulk and Richards—5.

Absent and not voting, Senators Bridges and McJunkin.

Mr. Dixon having received a majority of all the votes cast was declared duly elected Secretary of the Senate.

Senator Powers nominated James M. Weart, of Buchanan county, for 1st Assistant Secretary.

Senator Hollman nominated Charles J. Doerr, of Lee county.

Those voting for Mr. Weart were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

Those voting for Mr. Doerr were Senators Hedges, Hollman, Knoll, Paulk and Richards—5.

Absent and not voting, Senators Bridges and McJunkin.

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

Senator Cattell nominated Geo. P. Abel, of Polk county for Second Assistant Secretary.

Senator Knoll nominated August Heber.

Those voting for Mr. Abel, were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

Those voting for Mr. Heber were Senators Hedges, Hollman, Knoll, Paulk and Richards—5.

Absent and not voting were Senators Bridges and McJunkin.

Mr. Abel having received a majority of all the votes cast was declared duly elected 2d Assistant Secretary of the Senate.

Senator Parvin nominated Milford M. Kennedy of Muscatine county, for Engrossing Clerk.

Senator Hollman nominated Patrick Ward of Lee county.

Those voting for Mr. Kennedy, were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

Those voting for Mr. Ward, were Senators Hedges, Hollman, Knoll, Paulk and Richards—5.

Absent and not voting, Senators Bridges and McJunkin.

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

Senator Brayton nominated E. W. McJunkin of Washington county for Enrolling Clerk.

Senator Knoll nominated Frank Jennings of Dubuque county.

Those voting for Mr. McJunkin, were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hunt, Johnson, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

Those voting for Mr. Jennings, were Senators Hedges, Hollman, Knoll, Paulk and Richards—5.

Absent and not voting, Senators Bridges and McJunkin.

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

Senator Hart nominated William B. Hunt, of Clayton county, for Sergeant-at-Arms.

Senator Hollman nominated William Applen, of Lee county.

Those voting for Mr. Hunt were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—37.

Those voting for Mr. Applen were Senators Hedges, Hollman, Knoll, Paulk, and Richards—5.

Absent and not voting, Senators Bridges, Clark, McJunkin, Powers, and Shippen.

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

Senator Hilsinger nominated H. F. Beardsley, of Jasper county, for Door-keeper.

Senator Paulk nominated T. R. McLennon.

Those voting for Mr. Beardsley were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—36.

Those voting for Mr. McLennon were Senators Hedges, Hollman, Knoll, Paulk, and Richards—5.

Absent and not voting, Senators Bridges, Clark, Crookham, McJunkin, and Woolson.

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

Senator Young nominated John H. Udell, of Appanoose county, for First Messenger.

Those voting for Master Udell were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt,

King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—42.

Absent and not voting, Senators Bridges, McJunkin, Oliver, Paulk, and Woolson.

Master Udell having received a majority of all the votes cast, was declared duly elected First Messenger of the Senate.

Senator Stiles nominated O. D. Stubbs, of Jefferson county, for Second Messenger.

Those voting for Master Stubbs were, Senators Bassett, Brayton, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Udell, Warren, Wharton, Young—39.

Absent and not voting, Senators Bridges, Cattell, McJunkin, Paulk, Ross, Stubbs, and Woolson.

Master Stubbs having received a majority of all the votes cast, was declared duly elected Second Messenger of the Senate.

Senator Ross nominated John S. Bosworth of Pottawattamie county, for paper-folder.

Senator Paulk nominated John E. Kennedy of Polk county.

Those voting for Mr. Bosworth, were Senators Brayton, Bulis, Cattell, Clark, Clarkson, Crookham Cutts, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—37.

Those voting for Mr. Kennedy, were Senators Hedges, Hollman, Knoll, Paulk and Richards—5.

Absent and not voting, Senators Bassett, Bridges, McJunkin, McMillan and Woolson.

Mr. Bosworth having received a majority of all the votes cast, was declared duly elected paper-folder of the Senate.

Senator Hunt nominated R. E. Doran of Polk county, for paper-folder.

Senator Knoll, nominated John E. Kennedy of Polk county.

Those voting for Mr. Doran, were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—38.

Those voting for Mr. Kennedy, were Senators Hedges, Hollman, Knoll, Paulk and Richards—5.

Absent and not voting, Senators Bridges, Clark, Lakin, McJunkin and Woolson.

Mr. Doran having received a majority of all the votes cast, was declared duly elected Paper-folder of the Senate.

Senator Shippen moved that a Janitor of the Senate Chamber be elected, which motion did not prevail.

Senator Oliver offered the following resolution, which was adopted.

*Resolved by the Senate, the House concurring,* that S. W. McElderry be elected Post Master, and L. P. Baker Assistant Post Master of the Eleventh General Assembly, and that it be the duty of the Assistant Post Master to carry the mails.

On motion of Senator Henderson, a committee of three was appointed to inform the House that the Senate is organized and ready to proceed to business.

The President announced the committee as consisting of Senators Henderson, Patterson and Knoll.

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

The President announced Senators Stubbs and Paulk as said committee.

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

Senator Hunt offered the following resolution :

*Resolved,* That each member of the Senate be allowed thirty copies of daily, or their equivalent in weekly newspapers, published within the State.

Senator Oliver moved to amend the resolution so as to allow each member three newspapers published without the State.

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

The committee appointed to wait upon the Governor reported that they had discharged the duty assigned them, and are directed to inform the Senate that the Governor will communicate with the Senate in writing at two o'clock to-day.

Senator Clarkson offered the following resolution, which was adopted :

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

Senator Patterson offered the following resolution :

*Resolved by the Senate, the House concurring,* That the Senate and House will meet in joint convention for the purpose of canvassing the votes for Governor and Lieutenant-Governor, on Wednesday, January 10th, at 10 o'clock A. M., and that the inauguration of Governor and Lieutenant-Governor, shall take place on Thursday, January 11th, at 2 o'clock P. M.

The resolution was adopted.

Senator Stiles offered the following resolution :

*Resolved*, That the Secretary of State be, and he is hereby, authorized and directed to furnish to each member of the Senate a pen-knife and eraser.

The resolution was not adopted.

Senator Hedges moved that a committee be appointed to inquire whether the ministers of Des Moines are loyal.

Senator Hunt moved to refer the matter to the Committee on Elections.

On motion of Senator Hilsinger, the whole matter was laid on the table.

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

2 O'CLOCK P. M.

Senate convened at 2 o'clock.

A committee from the House of Representatives announced that the House was organized and ready to proceed to business.

The following Message from His Excellency the Governor, was announced by his Private Secretary, Major Geo. J. North :

STATE OF IOWA, EXECUTIVE OFFICE, }  
DES MOINES, January 8th, 1866. }

*Gentlemen of the Senate and House of Representatives :*

As the chosen representatives of the people, you are convened in obedience to the requirements of the Constitution, to discharge the important duties which devolve upon the Legislative branch of the State Government, and I heartily congratulate you upon the encouraging auspices under which we meet. From a condition of disastrous and protracted war, existing at the close of your last session, the country has triumphantly passed to a period of repose which, through wise counsels and the continued blessing of Providence, we fondly hope may become perpetual.

In communicating to you the condition of the State, as required by the Constitution, I deem it expedient for your information to present, in connection with the financial statement, an exhibit of our military expenditures from the beginning of the war to the present time. And I may be allowed to anticipate this exhibit with the remark that, considering the sparseness of our settlements, the absence of steamboat and railroad facilities, largely supplied by wagon transportation, and that, in proportion to our population, we have furnished a larger number of troops than any other State, promptly filling all our quotas, our record presents through the

entire period an economy of expenditure equalled by no other State in the Union.

There was expended for military purposes from

May, 1861, to Nov. 4, 1861.....	\$233,568 43
Nov. 4, 1861, to Nov. 2, 1863.....	639,163 85
Nov. 2, 1863, to Nov. 4, 1865.....	169,231 00
Nov. 4, 1865, to Jan. 1, 1866.....	4,047 71

These dates express the periods within which the above sums were paid, but not when they were actually incurred. The amount incurred from Jan. 14, 1864, to Jan. 1, 1866, is \$44,931.32. Total military expenditures for all purposes up to January 1, 1866, are \$1,046,735.99.

It will be observed that most of these expenditures were incurred during the period beginning with the war and closing with the fiscal year 1863. This was caused by our being compelled, in order to facilitate the military operations of the General Government, to defray a large portion of the expenses incurred in enlisting, transporting, subsisting, quartering and paying the volunteer forces organized in this State. The sums thus expended were regarded merely as money advanced to the United States, for which, under the Acts of Congress approved respectively July 17th and 27th, 1861, we are entitled to reimbursement.

Although we have filled four several requisitions of the President for troops, and organized four regiments and one battalion, during the last two years, yet the entire cost to the State will not exceed one thousand dollars. While I was anxious that our State should promptly discharge its entire duty in contributing to the national defense, in the way of furnishing men, I refused to defray the expense involved in recruiting and forwarding our quotas from the State Treasury; and accordingly the expenditures thus made were paid by disbursing officers assigned by the War Department. The residue of the expenditure of these two years was incurred in organizing the State Militia, under Act of the General Assembly approved March 26, 1864, transporting arms and ammunition, expense of the Adjutant General's office, detail of men for protecting Southern border counties from threatened raids in the fall of 1864 and the winter of 1865, and for all other military purposes except the Sanitary Department.

CLAIMS AGAINST THE UNITED STATES.

I desire in this connection, as briefly as I can, to present the condition of our claims against the United States for reimbursement under the Acts of Congress above referred to. The sums embraced in these claims were mostly expended during the first and second years of the war from the War and Defense Fund appropriated by Act of the Special Session, May, 1861. The history of our military transactions during this period is too well known

to the members of your honorable body to require explanation here. The evidence is perfectly clear that these claims are for money unavoidably expended for legitimate military purposes; and also that they were allowed, audited and paid by the accounting and disbursing officers of the State, in strict conformity with the laws of the General Assembly. Upon this point, there has never been any room for controversy, as the accounting officers of the United States Treasury freely concede. But the real difficulty between us arises from the fact, that, after a large share of these claims had been paid by the State in the utmost good faith, the Secretary of the U. S. Treasury adopted a set of regulations exceedingly technical and unreasonable in their character, by which the accounting officers of that department were required to be governed in examining the military claims of the several States. In the biennial message of my predecessor, under whose administration these transactions occurred, this conflict is fully explained, as follows:

“There is due this State, from the United States, for expenses incurred by the State in raising and equipping troops, and sending them to the field, and for other purposes growing out of the rebellion, the estimated amount of \$300,000. There is much difficulty in procuring an adjustment of this claim at Washington. When these moneys were expended by the State, there was no law of Congress, or regulation of the Federal Government, prescribing the form in which proof of the expenditure should be taken; and the General Assembly of this State provided, by law, for such proofs and vouchers as were deemed sufficient, both for the protection of the State and the United States. Upon presentation of these proofs and vouchers to the proper Department at Washington, they are found not to comply, in form, with regulations since adopted by that Department; and it is doubtful whether they will be allowed without some legislation by Congress. Some portions of these expenditures, thus made, are also objected to as not coming within the letter of existing laws of the United States. Among these are the sums paid by the State for the subsistence and pay of the troops that went from this State to Missouri, at the request of the United States officers, under the command of Colonels EDWARDS and MORLEDGE.

“There is, also, an unsettled claim against the United States, for expenditures by the State, for the protection of our people during the two winters following the massacre on our north-western frontier, by Ink-pa-du-tah and his band. The United States are also, in my judgment, justly liable for the amounts expended by this State in protecting our people on the north-western and southern borders since the commencement of the rebellion. I recommend the appointment of an agent of the State to proceed to Washington to press the adjustment of these claims, and to secure, if necessary, additional legislation by Congress for that purpose.”

I fully concur in the opinion that the United States is under obligation to reimburse this State for money expended in defending our frontiers from Indian depredations. The General Government having assumed exclusive jurisdiction over the Indian tribes, and, being therefore responsible for their conduct, should willingly refund all money necessarily expended by this State in protecting its borders against their savage incursions. The claim for money expended in maintaining the Northern Border Brigade rests upon this ground. The organization of the Southern Brigade was rendered necessary, in the opinion of the General Assembly, to protect the border counties from the depredations of guerrilla bands existing in the adjacent State of Missouri. These expenditures, though constituting just claims against the United States, in the absence of any general law covering the case, will not probably be secured to us without further legislation by Congress. This matter is respectfully referred to your consideration.

In compliance with the provisions of Chapter 61, Acts of the last session, I visited Washington and found the military claims of the State in a very unsatisfactory condition. But little progress had been made in their examination, and, under the regulations above referred to, most of them were necessarily suspended as the examination advanced. I pointed out the gross hardship of these regulations to the Secretary of the Treasury, and repeatedly solicited their modification, so as to make them conform to the laws of this State, under which our claims were allowed and paid. Failing in this, I presented the matter to the President, who readily perceived their injustice, and gave his opinion to the Third Auditor of the Treasury, that, under the circumstances, they should not be rigorously applied in the examination of the Iowa claims. Although this opinion was freely expressed by the President, yet he declined to make any positive order for the modification of these rules, on the ground that the subject was within the peculiar province of the Secretary of the Treasury. Repeated efforts have been made by myself and others for a suspension or change of the regulations mentioned, so as to procure a favorable examination of our claims, but so far the labor has been unavailing.

On the 1st of October last, I was advised by the Third Auditor that the preliminary examination of the Iowa claims had been concluded, and a "statement of differences" forwarded. From this statement, now in the Executive office, it appears that the total amount of Iowa claims on file in the Treasury Department is about \$616,739.07. Of this amount, \$20,825.00 have been allowed; \$430,326.70 suspended, and \$165,589.23 disallowed.

To have a full understanding of the subject, it will be necessary to bear in mind that this total of \$616,739.07 embraces the entire amount of our Military expenditures for a given period, including expenses of the Adjutant-General's Office, Governor's Aids, interest on money borrowed, State Agents, duplicate payments to

troops, &c., which do not come within the provisions of the Acts of Congress, and for which we cannot reasonably expect reimbursement. This class of claims amounts in the aggregate to \$165,589.23, stated as disallowed. The sum of \$430,326.70, stated as suspended, is money legitimately paid on behalf of the United States in recruiting and getting troops into the field. This sum has been merely suspended for want of the technical proofs required by the Treasury regulations above referred to, and is subject to re-examination and allowance. This is the entire amount in dispute between the State and the General Government under the Acts of July, 1861.

Upon this claim the United States is entitled to credit for \$384,274.80, being the quota of the direct Federal tax apportioned for the year 1861, to this State by the Act of Congress approved August 5, 1861, the assessment and collection of which the State assumed by Act of the General Assembly, approved January 31, 1862, and also to the further sum of \$100,000.00 paid the State from the United States Treasury, in advance of settlement on our military disbursements specified above—making a total credit of \$484,274.80.

Subsequent levies of this direct tax upon the States were abolished by Act of Congress, approved June 30, 1864, but leaving them still liable for the apportionment of 1861. Section 53 of the Act of August 5, 1861, and the Act amendatory thereto, approved May 13, 1862, provide in substance for allowing such portion of this tax, due from any State, to be paid and satisfied in whole or in part by the release of such State, duly executed, to the United States of any liquidated and determined claim of such State for reimbursement of expenses incurred in enrolling, subsisting, transporting, &c., troops employed in aiding to suppress the rebellion, as should be filed with the proper officers of the United States before the 30th of July 1862. The bulk of the military claims of this State was duly filed in the Treasury Department within the time thus limited, but not having been "liquidated and determined" by its accounting officers, no release has or could have been executed.

All of the money derived to the State Treasury from the levy imposed by the Act of January 31st, 1862, has been absorbed in the redemption of warrants issued upon these War and Defense Claims, and was, therefore, a virtual payment of them out of funds belonging to the United States, being sufficient as will be perceived with the \$100,000.00 advanced to the State to more than cover the entire amount of our suspended demands against them.

Under these circumstances, I have determined to hold these unadjusted claims as an offset to this direct tax, unless otherwise directed by the General Assembly. This course I have considered necessary to protect the interests of the State from what I am constrained to regard as exceedingly disingenuous conduct on the part

of the Treasury Department towards us. By pursuing this course, but little detriment can result to the State from the suspension of our claims. But as a final adjustment is desirable for both parties, steps should be taken to procure it without unnecessary delay; and I therefore recommend the appointment of a special committee to investigate the subject, and report a definite and practicable plan for securing a settlement.

## FINANCE AND REVENUE.

Our financial affairs were never in a sounder condition. During the entire period of the war we have levied but two mills on the dollar for State purposes; and have incurred an indebtedness of only \$300,000, which was for military expenditures during the first year of the war. The total amount received in the Treasury during the fiscal two years ending November 4, 1865, was \$977,825.10; and the amount expended for all purposes for the same period is \$952,739.42, leaving a balance in the Treasury of \$25,087.68.

The total amount of State revenue derivable from general levy at two mills, and other sources for the ensuing biennial period, excluding the estimated balance due from the United States Government, may be calculated at \$1,311,002.87.

The total disbursements required for the same period for ordinary purposes, including payment of bonds (\$200,000) due in 1868, may be estimated with approximate accuracy at \$794,923.65, leaving a balance of \$516,079.22 in favor of resources, from which to make such special appropriations as the General Assembly shall deem expedient.

The entire debt of the State is only \$622,295.75, consisting of \$122,295.75 loaned from the Permanent School Fund, November 12th, 1864; loan of \$200,000.00, payable January, 1868; and \$300,000.00 War and Defense Bonds.

The amount loaned from the School Fund is, practically, so much borrowed from ourselves, and is only a method resorted to for the permanent investment of that fund. The interest on this loan is due semi-annually; but the principal is payable at the pleasure of the General Assembly; leaving only \$500,000.00 as the actual indebtedness of the State. The \$200,000.00 due January 1st, 1868, may be promptly met from present resources. The remaining \$300,000 are not due until 1881.

This record of economy and exemption from indebtedness is a subject of profound satisfaction to our people.

The annual interest on the bonds of 1858 amounts to \$14,000; and, to curtail this expenditure as far as possible, I recommend the passage of an act authorizing the State Treasurer to redeem these bonds as he may be able to secure them, out of money in the Treasury not required for other purposes.

Our laws regulating the assessment and collection of taxes,

though possibly defective in some respects, have in the main been eminently successful. Careful observation has satisfied me that any attempt to improve the present revenue system by additional legislation would be an experiment of doubtful expediency.

## POPULATION.

The population of Iowa, according to the census of 1863, was as follows:

Total number of whites.....	700,842
Total number of blacks.....	1,320

Total population.....	702,162
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According to the census of 1865, the population of Iowa is as follows:

Total number of whites.....	751,125
Total number of blacks.....	3,607

Total population.....	754,732
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No report for 1865 from the populous county of Winneshiek has been furnished, and the return for 1863 being taken for this county, a heavy increase is thereby omitted in the above calculation. The census of 1865 also having been taken in the early portion of the year, the spring and fall immigration is necessarily left out. In all probability there are now over 20,000 people, residents of Iowa, not included for these reasons in the above statement, which would give an actual population of about 775,000. It will be observed that our increase has been much greater during the last two years than the former periods. If the increase continues in the same ratio during the residue of this decade, we may justly anticipate the next National Census will give us a population of nearly one million.

It is observable that the ratio of our increase keeps pace with the advance of railroad enterprises, furnishing, as they do, increased facilities for traveling, and additional means for improving and developing the resources of the State.

The large amount of unoccupied and fertile lands within our borders, our vast agricultural resources, and our healthy climate, furnish so great inducements to the surplus and enterprising population of the older States, that we may reasonably expect this rapid increase of population to continue for years to come.

## SCHOOLS.

By reference to the clear and comprehensive report of the Superintendent of Public Instruction, it will be observed that the schools of the State are in a healthy and flourishing condition.

The system is working well, and is so far perfected as to require but little additional legislation.

The average attendance of pupils during the year 1864 was 117,378, and the number of youth of school age, 294,912. Out of 324,338 enumerated school children in 1865 there was an average attendance of 119,593 pupils.

Nothing committed to your care is more far-reaching in its importance than the education of our youth. To carry out this exalted duty successfully, we need not only the munificent school fund at our disposal, but we need especially an increasing corps of thoroughly trained and competent teachers. This is manifestly a great educational demand.

To supply this pressing want, a Normal Department has been added to the State University; but it is questionable whether this provision is or can well be adequate to the purpose. I would therefore most earnestly invite your attention to the importance and necessity of establishing a special school for the exclusive purpose of training teachers, with as little delay as possible. The value of special preparation for all professional avocations cannot be easily over-estimated, and should certainly not be disregarded in the infinitely important work of educating the young. I therefore cordially approve and recommend to your favorable consideration the suggestions of the Superintendent of Public Instruction, bearing on the subject of a Normal School.

#### STATE UNIVERSITY.

The State University, located at Iowa City, is meeting with a most gratifying success. The present year opens with a largely increased attendance in all the departments. Established by the Constitution, munificently endowed by grants of lands, centrally situated in the midst of a cultivated and enterprising community, with the growing confidence of our people, and conducted by a faculty of laboring and competent professors; it bids fair in time to equal in usefulness and renown the famed seats of learning in the older States.

An appropriation was made at your last session for the erection of an additional and much needed building. Owing to the unexpected and rapid advance in the price of material and labor, a farther appropriation of about \$11,000 will be necessary to complete the structure as designed, which I earnestly recommend be granted. The wants of this important institution should always be promptly provided for.

A University is properly an institution in which all departments of learning are taught. A branch for instruction in the science of medicine is now established at Keokuk. In order to obviate the necessity our young men are now under of going out of the State to pursue a regular course of studies in jurisprudence, and to pro-

note sound legal learning, I recommend the organization of a Law Department, with power to confer diplomas upon graduates which shall entitle their possessors to practice in all the Courts of the State.

While in some respects it would be desirable to have the Law School, when established, located at the same place with the collegiate department of the University, yet the fact that the United States and State Supreme Courts, attracting at regular periods the most eminent legal talent of the State, sit at Des Moines, and that the State Law Library, a valuable auxiliary to a Law School, is also located there, present peculiarly strong reasons for the location of this school at the Capital. Law students will naturally seek Court centers, where, while studying the principles of law, they can also observe its practical workings in the conduct of causes.

#### PERMANENT SCHOOL FUND.

The Auditor in his able report has called your attention to the present condition of the permanent School Fund. This subject should receive your early and serious attention. The plan originally adopted of distributing this fund among the counties, vesting the school fund commissioners with authority to loan it out to individuals, always of doubtful expediency, has caused much embarrassment, and resulted in a material diminution of the fund. Through the incompetency and mismanagement of county officers a large amount remains unaccounted for, and although strenuous efforts have been made by the Auditor of State to obtain a satisfactory adjustment of the accounts, great discrepancies still exist in many instances between the sums charged to counties and the amounts accounted for in their returns. Unless a careful settlement can be obtained with those delinquent counties, and the remedies against them strictly enforced, the ultimate loss to the School Fund will amount to many thousands of dollars.

The last General Assembly, by the Act approved March 29, 1864, attempted to provide for the gradual return of the School money to the State Treasury; but this act leaves it discretionary with the County Supervisors to retain and reloan it in their counties, or direct it to the State Treasurer for the purpose of being invested in U. S. Stocks, as they may deem advisable. If it should be considered expedient to withdraw this fund entirely from the counties, and invest it in safe and available securities, it will be necessary to modify the 2d section of this Act, and make it obligatory upon County Treasurers to transmit this fund promptly as received to the Treasurer of State for investment. I cordially recommend to you the suggestions of the Auditor, whose opportunities for thoroughly understanding this subject entitle his views to great weight.

Our Constitution makes the State the responsible and perpetual

guardian of this fund, ultimately liable for every dollar which passes through its hands. From this liability the State cannot absolve itself; and, the people being subject to taxation for all losses which may occur, the importance of carefully guarding and preserving this fund by efficient legislative enactment is apparent. The educational interests of the State, and the success of our common schools depend upon it; and therefore this duty must at all hazards be faithfully performed.

It should be borne in mind that the principal constitutes the permanent and inexhaustible fund, while only the interest derived from its investment creates the semi-annual fund distributed among the schools of the State for their current support. No mode of investment or rate of interest is prescribed by the Constitution. This matter is left to the sound judgment of the Legislative department. We may loan it out to individuals as we have heretofore done, or invest it in bonds either State or National. I am decidedly of the opinion that it would be advisable to require the whole of this fund, now floating among the counties, to be returned to the State Treasury as soon as practicable, and so invested as to render the interest promptly receivable for apportionment among the schools.

Would it not be judicious to redeem our outstanding State bonds with this fund, executing in lieu thereof, bonds bearing the same rate of interest, payable semi-annually to the School Fund, and the principal redeemable at the pleasure of the General Assembly? We are now paying an annual interest of \$35,000 upon our bonded debt, and the most of this goes into the pockets of non-resident holders. By adopting the plan here suggested we could, within a reasonable time, liquidate our entire indebtedness, by transferring it to ourselves, paying the Schools of the State instead of strangers, the interest accruing thereon; and at the same time make a safe and permanent investment of this sacred fund. I can perceive no sound objection to this measure, and its importance is so obvious that I trust it will meet with your early and favorable consideration.

#### AGRICULTURAL COLLEGE.

The completion of the Agricultural College is a subject which demands your early attention. By the Act of Congress under which we obtained this rich endowment of lands for the benefit of Agriculture and the Mechanic Arts, the State is required within five years from the date of the grant, to provide at least one College as described in said Act. If we fail to comply with this condition, the lands thus granted will revert to the United States. To lose this magnificent donation by our own neglect or parsimony, after having accepted it, would not only reflect lasting disgrace upon the State, but would be an irretrievable injury to the advance-

ment of our agricultural interests. The primary object of this grant is to establish an experimental and model farm where all the fruits and cereals adapted to our climate and soil may be thoroughly and scientifically tested. The object of the College, as contemplated by the law, is to teach the different sciences which are necessary to more eminently qualify our young men for this ennobling avocation. Such is the character of our climate and soil that agriculture will not only be a profitable pursuit, but must, in the very nature of things, forever constitute the great underlying interest of the State. Therefore, the necessity of providing an institution for the proper education of our young farmers in all those branches applicable to their calling is so obvious, that I trust you will not, as the legal guardians of this projected institution, hesitate to freely give it your fostering care.

As required by the act of the last session, the Board of Trustees, after careful and due examination, adopted a plan and specifications for a College building. In addition to this, the Board secured sworn estimates by architects and master-workmen, of the cost of the building according to the plan submitted. The proof so furnished satisfied the Board and myself that the structure thus designed could be completed within the limits prescribed by the Act.

The work was begun in the utmost good faith; but the estimate of expenses being based upon prices prevailing at the time, our calculations were, to a great extent, frustrated, in consequence of the unexpected and exorbitant advance in the prices of materials and mechanical labor. The foundation is completed and ready for the walls, and a large portion of the brick for the entire building on the ground. The appropriation, it will be remembered, was but two-fifths of the limited cost of the structure. These facts are more fully explained in the memorial of the Board, which in due time will be presented for your consideration.

This building must be completed at all hazards, and I trust the General Assembly will not hesitate to make an appropriation adequate to accomplish the work within the time limited by the grant. When completed upon the present plan, next to the Insane Asylum at Mt. Pleasant, it will be the finest edifice in the State; and will have been erected for a much smaller sum than the other States have expended upon their Colleges under the same grant.

I also recommend an appropriation of \$5,000 for the purpose of reliably testing, by means of an experimental orchard, the varieties of fruit best adapted to the soil and climate of this State, and for the purchase of additional heads of improved stock. These departments will be of immense practical value to the State, and can soon be made self-sustaining; and their utility depends very much upon their early introduction.

#### HISTORICAL SOCIETY.

The State Historical Society is one of the established institutions

of the State, and its utility as a permanent repository of historical documents, relics and memorials, will be increased from year to year. This institution should be liberally provided for. The interesting report of the curators herewith transmitted, will furnish you with a satisfactory statement of its present condition and wants, and I respectfully and earnestly commend them to your attention.

#### CHARITABLE INSTITUTIONS.

The Charitable Institutions of the State demand your careful attention, and they should receive all needful and appropriate aid. The reports of the proper officers of the Insane, Blind, and Deaf and Dumb Asylums herewith submitted, will furnish you with all necessary information in regard to their financial affairs and general condition. They appear to have been both ably and economically managed. And it should be regarded as a matter of sincere gratification, that these institutions, in spite of the many embarrassments incident to their foundation and early growth, have steadily advanced in usefulness, and are now in an exceedingly flourishing condition. As our population increases, we may naturally expect a corresponding augmentation in the number of our unfortunate fellow-citizens who will require treatment and education in these different institutions, and it becomes our solemn duty to render them fully adequate to the increasing demands of the State.

The law requires the expense of supporting patients at the Insane Asylum to be paid either from private means or by the counties from which they are sent. Great inconvenience results from the tardiness with which many counties return their dues to the State Treasury, while some of them have wholly neglected this duty. The importance of promptly paying their dues should not be overlooked, as all deficiencies must be made up to the Asylum from the general State Fund.

The Trustees of the Asylums for the Blind, Deaf and Dumb, and Insane, present, in their reports, the proper financial statements, and ask appropriations for repairs, improvements, and contingent expenses deemed necessary to advance the utility and meet the increasing wants of their respective institutions, which I trust will be promptly and favorably considered.

#### STATE PENITENTIARY.

The Penitentiary at Fort Madison is one of the permanent and indispensable institutions of the State. It is, as yet, incomplete, and for years will need regular appropriations for current expenses not only, but large outlays for additions and improvements. It now has accommodations for 148 persons, and 14 additional cells in a short time will be ready for occupancy.

A warden's house, a clerk's office, a vault for the safe keeping of the records of the institution, and a building 104 by 40 feet for the purpose of a convict kitchen, dining hall, chapel and hospital are about completed.

The labor of the convicts has been leased at the rate of 40 $\frac{1}{2}$  cents a day, per man, the contract having been made for 10 years from January 1st, 1865.

The Warden asks for appropriations to complete the yard wall, to construct a sewer from the south east corner of the yard to the river, to build a reservoir for water on the hill, for greater protection against fire, to put up fixtures for the purpose of warming and lighting the cells, which is now indifferently done, to enlarge the yard by moving the wall to the western limits of the prison grounds, to convert the west wing into cells, and for other important repairs and improvements, amounting in all to \$48,100.00.

The expediency of these appropriations is respectfully referred to your intelligent consideration. I earnestly urge upon you the importance of adequate security against fire by the means proposed in the Warden's Report, as no insurance can be effected; and of properly warming and lighting the cells of the convicts, so that the inmates can be rendered comfortable, and spend their leisure hours in reading.

I invite your attention to the Warden's Report, which will furnish you with a detailed statement of the receipts and disbursements of the Penitentiary, and suggest the appointment of a special committee to visit the institution, and report upon the propriety of the appropriations and improvements recommended. I take great pleasure in saying that the affairs of the prison have been conducted with marked success in all the departments.

#### LAND GRANTS.

The elaborate and comprehensive report of the Register of the State Land Office, will present you the condition of the various land grants, which have been made by Congress at different times for the benefit of the State. It will be observed that many questions of an exceedingly complicated character have arisen from the conflicting claims of the parties interested in these several grants, the full and just determination of some of which may require judicial investigation. To settle these questions, however, so far as they can be settled by legislative action, will involve much thorough and patient labor. A large number of our citizens who have settled upon public lands in good faith under color of title, now find their homes jeopardized on account of claims insisted upon by corporations which have become beneficiaries of those grants. These adverse claims, in most cases harshly insisted upon, will, unless, some remedy is provided, ultimately cause great inconvenience and perhaps ruin to a large number of our enterprising

and worthy settlers. It was evidently the intention of Congress in all these grants to preserve inviolate the rights of *bona fide* settlers, and allow them a fair opportunity to purchase at the minimum price. And the attempts now being made by these corporations to appropriate these lands against the rights of the settlers, are, in my judgment, a manifest departure from the spirit of the grants. I therefore earnestly recommend such legislation on your part, and resort to judicial tribunals, both of which I deem essential, as will speedily bring these conflicting interests to a full and final adjustment.

The difficulties existing in the adjustment of the Swamp Land claims in the Department at Washington are fully explained in the Register's report. I entertain the hope that these difficulties will be fully removed within a reasonable time, and that the counties will not be long delayed in procuring the allowance of their claims.

The law provides that where lands, afterwards proven to be Swamp lands, have been sold by the Government, the purchase money shall be refunded to the State, which goes to the benefit of the proper county. A large number of warrants for the indemnity money have been issued by the United States Treasury, and forwarded to this office. Some of these warrants, without coming into my personal possession, have been improperly and illegally applied by parties through whose hands they have passed, and the counties to which the warrants belong, have, up to this time, failed to receive their money. This matter is of so grave a character, that I deem it incumbent on me to call the early attention of the General Assembly to it, and I therefore ask for the immediate appointment of a joint committee to investigate the facts.

#### JUDICIAL SALARIES.

Your attention is especially invited to the subject of judicial salaries. Chapter 19, Acts of the Extra Session September, 1862, reduced the salaries of District Judges to \$1,300.00, and of the Supreme Judges to \$1,800.00. When this Act was adopted we were in the midst of the rebellion, liable to extraordinary outlays of money for an indefinite period, and the reduction of salaries was then regarded by the Legislature as an important measure in the generally policy of retrenchment. The wisdom of such a measure, however, at any time, may be seriously questioned, especially in regard to judicial officers; for it should not be forgotten that upon the purity, ability and independence of the judiciary depends to a great extent our stability and strength as a nation. These essential qualifications cannot well be secured or continued by a system of compensation which is inadequate to the proper support of judicial officers. Those best qualified for the bench must, under the most favorable circumstances, make great pecuniary sacrifices in becoming judges. This reduction of salaries in

its application to the District Judges took effect in January, 1863, with the commencement of the present terms, but in providing for the reduction of the salaries of the Supreme Judges "after the several terms of office of the present incumbents expire," it may well be doubted whether the act takes effect until the close of Justice Lowe's term in January, 1868, inasmuch as his is one of the "several terms which will not expire" until that time. Otherwise the anomaly would be presented of paying some judges less compensation than others of the same grade, and for performing the same service. This the General Assembly clearly never intended, and it may well be doubted whether they could have done so under the Constitution. This view is sustained by two of the Supreme Judges and the Attorney General, whose opinions will be found in the Auditor's report. If therefore, it be correct that the salaries of these judges have not yet been affected by the operation of this law, the constitutional provision against changing the compensation of judges during the term for which they are elected, will not be contravened by its repeal, which would leave the salaries of all the Supreme Judges at \$2,000. But whatever view you may entertain as to the time of taking effect of this law, I trust you will perceive the expediency of its immediate repeal, as this cannot change the salaries of those now in office.

In my opinion the public interests would be clearly subserved by paying our District Judges \$2,000 a year, and those of the appellate tribunal \$2,500. A law increasing the salaries of District Judges would take effect in January, 1867, at which time the terms of the present incumbents will expire; but those of the Supreme Bench cannot be increased, if this view of the Constitution is sustained, until after all of the present terms shall have expired.

I recommend that you constitute the judges of the Supreme Court "Commissioners of Legal Inquiry" in place of those contemplated by section 2675 Rev. 1860, making it their duty at the close of each regular term to report fully to the Governor, and also to the General Assembly at each regular session, upon any discrepancies or imperfections in the general statutes and code of procedure. These duties should be made imperative and compensation provided. This is not now the case, and as a consequence no report of Commissioners of Legal Inquiry has ever been submitted. The trust is one of such delicacy and responsibility, that it would be appropriate to confer it upon those who hold the highest judicial position in the State. In this way we will be gradually enabled to systematize and perfect our laws and code of practice, civil and criminal, at the same time that we raise the pay of the Supreme Bench by constitutional means to something near a proper compensatory standard.

## RAIL-ROADS.

The successful development of the vast resources of this State, and its consequent prosperity and wealth, are largely dependent upon the facilities offered by railway communication. To encourage and foster our railroad enterprises by every feasible means, is manifestly the part of wisdom. The financial disorders through which the country has passed have crippled the means and retarded the progress of these enterprises in Iowa. Largely dependent for aid upon foreign capital, which is proverbially timid in regard to mode of investment, the difficulties incident to the construction of railroads through this State will be readily appreciated. All the railroads leading from the Mississippi river, with but one exception, have made an extension of their lines since your last session. New lines running from Missouri northerly through this State are now projected, and at least one of them is already in process of construction. The importance of a railway connection with St. Louis by which the products of the Des Moines, Iowa and Cedar valleys will find a cheaper and readier exit to market, than eastern lines are able to afford, is being duly comprehended in enterprising and intelligent commercial circles. Experience has already sufficiently demonstrated the incapacity of existing lines of railroads for conveying our immense agricultural productions to the eastern markets. And it is also equally clear that, whatever may be the capacity of these eastern lines, their immoderate thirst for monopolizing the avenues of transportation, and their exorbitant charges for carrying stock and grain, render them formidable enemies to our agricultural prosperity. For this, the only permanent remedy is the establishment of competing lines. In this question the farmers of Iowa are deeply interested, and the time for prompt and decided measures upon their part has arrived. The projected railway connecting us directly with St. Louis, and by this means affording us the advantage of navigation to the Ocean at all seasons, in spite of low water in summer and ice in winter, must be admitted as a commercial and agricultural necessity. Such a road leading up the Cedar Valley, and to St. Paul, would also bring us in more direct and certain connection with the pine regions of the North, enabling our rapidly increasing demands for lumber to be more readily and cheaply supplied.

But it is not to the East alone that we should look for our future commercial relations. Iowa occupies a central position, a pivotal point, between the Atlantic and Pacific coasts. The mountains and the unproductive regions of the West must ultimately look to this State for a large portion of their agricultural supplies, while the Pacific States offer powerful inducements to our commercial enterprise. These vital considerations must not be disregarded.

Every rational calculation for the future urges the great importance of immediately seizing the opportunities now offered of

securing these natural and invaluable tributaries to our commerce. Is it not of the highest importance, therefore, that we take immediate steps to secure the extension of the Union Branch of the Pacific Railroad through this State? The General Government has already given aid to the construction of one branch of this road through Kansas, and it is certainly not too much to expect that Congress would be equally generous towards this State. This road must inevitably become one of the important military lines of the Government, as intelligent statesmen will not fail to perceive. But space will not permit me to discuss the importance of this enterprise at greater length. I, therefore, most earnestly recommend that you address a joint memorial to Congress asking the proper aid for extending this road from its terminus on the Missouri river to some practicable point on the Des Moines where it can be united with one of the lines running eastward from that point.

#### MILITARY.

Without extending this communication much beyond the proper limits, it will be quite impossible to present even a general outline of our military history. The faithful services rendered during the late war by the troops from this State and their admirable conduct upon all occasions have furnished themes for abler pens than mine. Their fidelity and heroism have been often and appropriately acknowledged by the distinguished generals under whom they have served. It was their fortune to have borne a conspicuous part in all the renowned campaigns of the Western division of the army, bravely participating in its bloodiest and most decisive engagements. When the history of this great conflict shall have been fully and impartially written, it will contain no brighter pages than those upon which the achievements of Iowa soldiers are recorded. A State which before the war was scarcely known except as a patch upon the map of the Republic, to-day has a name calculated to excite becoming emotions in every manly and patriotic breast. But the evidences of sorrow yet visible on every hand remind us that this good name has been earned at a fearful cost. Some of the brightest names which adorn the annals of the war are ours; and citizens of Iowa are numbered among the noblest of the fallen heroes.

Our average population during the war has not exceeded 700,000, and of this we have furnished *one-ninth* to the national armies. The aggregate of the quotas assigned to this State, under all calls for the war since the first regiment was organized, being reckoned at their equivalents in three years' men, amounts to 70,825, and the number claimed by us to have been furnished upon these quotas is 73,240. Not included in this statement are the First Regiment of Infantry, 962 men, furnished under the three months call of April,

1861, 12 two years' recruits, 3,689 one year recruits, and 3,857 one hundred days' men, which last were a volunteer offering by the State, and independent of all calls, making a total aggregate of 78,059 men. These figures are not strictly accurate, but are as nearly so as they can be made from the data at our command. On account of discrepancies between the credits given by the War Department and our own records, much difficulty was experienced in obtaining proper credits for all that we claimed, but the accounts were finally so far adjusted in January, 1865, pending the previous December call, that in consideration of our general promptness, and by special request, I procured a relinquishment of all further demands against the State under that and prior calls, although quite a number of the sub-districts were still delinquent.

By the Act of Congress passed in March, 1863, the enrollment of the national forces was made by sub-districts, consisting of townships and wards, and each sub-district thus designated was required to furnish the full amount of the quota assigned it, without reference to the county in which it was situated. The accounts of quotas and credits were kept, through the Provost Marshal's department, with sub-districts only, counties being disregarded. This was the method resorted to by the Government to compel each community to bear its own share of the common burden, in due proportion to its enrolled military strength. Many entertain the opinion that while the State was apparently in advance of all calls, a draft was ordered against it. This opinion is erroneous. But one draft was ever ordered for men in this State, and this was under the July call of 1864, and in the delinquent sub-districts only. This being in accordance with the express requirements of the law, it was unavoidable while any ward or township was delinquent.

In this connection I deem it proper to state that, notwithstanding the grave differences of political opinions entertained, my efforts to procure enlistments under the several requisitions were, with rare exceptions, cheerfully and cordially seconded by the leading men of all parties. There were, however, on the other hand, quite a number of inhabitants in different parts of the State, who, when the probabilities of compulsory enlistments became imminent, suddenly abandoned their homes and expatriated themselves. These persons should be known of all men, and held up to perpetual scorn. The citizen who, in the hour of his country's peril will flee beyond the reach of law to avoid the performance of military duty, is an unworthy subject of the government, and should be rendered forever incapable of enjoying the rights and privileges of citizenship.

During the last year of the war the regiments from this State being assigned to so many departments of the army, became dispersed over almost the entire theatre of military operations. This created the necessity of an increased amount of sanitary assistance,

and imposed additional labor and responsibility upon the Executive department. Every practicable effort was made to secure proper attention to the wants of our sick and wounded soldiers, and, if any were neglected, it was in most cases because of their remote and isolated situation, or the misconduct of U. S. Surgeons and other government officers entirely beyond our reach. Of the \$40,000 appropriated at the last session for extraordinary expenses of the Executive office and relief of sick and wounded soldiers, up to the close of the last fiscal term \$26,500 have been expended, of which \$3,500, were for claims unpaid under the preceding appropriation, leaving the sum of \$13,500, undrawn up to that date.

#### ARSENAL.

I desire to urge upon your attention the necessity of immediately erecting a building for the safe keeping of ordnance stores belonging to the State, and the preservation of our military records. The last General Assembly appropriated \$5,000 for the construction of an Arsenal at Des Moines, and directed the Adjutant-General to commence the building, provided the necessary grounds for that purpose could be procured without expense to the State. The advance in prices so far increased the value of labor and materials beyond the estimate upon which the appropriation was based, that the Adjutant-General deemed it advisable to defer the work for the farther consideration of the General Assembly.

We have now under our control about 18,000 stands of arms and several pieces of artillery, besides a large amount of ordnance stores, which can only be preserved from deterioration by having a suitable building in which to place them. In addition to this, the importance of a safe depository for the records of the Adjutant-General's office must not be overlooked. These records contain the original rolls and all the documents of various kinds pertaining to the enlistment, service and discharge of Iowa soldiers, the destruction of which would be an irretrievable loss to the State. We now have none but rented buildings for this purpose, costing about \$1,000 annually, and without any adequate security against fire. A fire-proof building of sufficient capacity for all these purposes could be erected at a moderate cost, and it should be done without unnecessary delay.

#### MILITIA.

Early in the summer of 1864, general orders were promulgated as contemplated by the law enacted at the last session, for the organization of the State militia. Hostile Indians on the plains and guerrilla bands in Missouri threatening our southern and north-western borders and the preparations of a treasonable order in the State to offer forcible resistance to the draft, necessitated the dis-

tribution of a large quantity of arms and ammunition to the militia. In many localities conspiracies were formed for securing the control of companies by excluding men of known loyalty, and having them commanded by persons chosen from the treasonable organization mentioned. I therefore appointed committees of prominent gentlemen in nearly all the counties to assist in the formation of companies that would be loyal and reliable; and I also directed that to such companies only were commissions and arms to be issued. Notwithstanding the opposition interposed to these precautionary measures, they were successful in preserving almost uninterruptedly the tranquillity of the State.

The only serious outrage was perpetrated in Poweshiek county, in October, 1864, by a company styling themselves "Democrat Rangers." Captain John L. Bashore and Josiah M. Woodruff were brutally murdered by members of this company, while engaged in the execution of orders from the Provost-Marshal of the Fourth District. The facts connected with this atrocious affair are fully set forth in the report of the Adjutant-General for 1865, to which your attention is respectfully invited.

Having thus presented you with such matters as I deem most important for legislative consideration, I cannot close this communication without congratulating you upon the activity everywhere displayed in recovering from all effects of the recent struggle for the preservation of the Union. Where in all history has any nation developed such wonderful energy and power? The foreigner who now visits our shores will hardly discover in the general thrift and quietude of the country the traces of that gigantic contest which so amazed the civilized world. With no intermission in the exercise of its sovereign authority, either on land or sea, except the brief usurpations of the insurrectionary States, or any material diminution in the vast measure of its foreign commerce, our country has continued to advance, in all the essential elements of national greatness, with a steadiness and rapidity unsurpassed even during the periods of profound tranquillity. Terrible and bloody, beyond all precedent, as the conflict was, it may not, under God's disposing Providence, have been unproductive of wholesome results. For, notwithstanding the unparalleled expenditure of life and treasure incurred in its prosecution, and the thousands of hearthstones made desolate, the sacrifices of the war have intensified the attachment of the American people to the government of their fathers, and secured the involuntary respect of other nations for the exalted qualities it has developed in our national character.

Although unable at this juncture to adequately comprehend the influence of this gigantic struggle upon the ultimate destiny of the Republic, yet we may clearly discern that our gratitude is eminently due to the Divine Ruler of Nations for graciously sustaining our Government through its perils, in guiding our armies to victory, in preserving the nationality of our people, and in His own

good time delivering our land from the horrors of continued war. Deriving wisdom from the instructive lessons of the past, let us calmly devote ourselves to the future, remembering that posterity has a claim upon our efforts, and that the great work of this generation remains to be completed.

WILLIAM M. STONE.

The following message was received from the House of Representatives :

MR. PRESIDENT :—I am directed to inform your honorable 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 S. W. McClellan of Jefferson, be appointed Post Master, and L. P. Baker Assistant Post Master of the General Assembly.

CHAS. ALDRICH, Chief Clerk.

The following message was received from the House of Representatives :

MR. PRESIDENT :—I am directed to inform your honorable body that the House of Representatives has adopted the concurrent resolution of the Senate, in regard to a joint convention of the two Houses for the purpose of canvassing the votes for Governor and Lieut. Governor, and fixing the time for the inauguration of said officers.

Also that the House has adopted the concurrent resolutions of the Senate in relation to Post Master and Assistant Post Master of this General Assembly.

CHAS. ALDRICH, Chief Clerk.

Senator Marshman offered the following resolution, which was adopted :

*Resolved,* That a committee of five Senators be appointed by the President to investigate the claims of Hon. C. R. Johnson, and Hon. E. E. Edwards, from the 5th Senatorial District, to a seat in this body, and that said committee have power to send for persons and papers, should they deem it necessary.

Senator Ross offered the following resolution :

*Resolved by the Senate, the House concurring,* That so much of the Governor's Message as relates to the swamp land indemnity warrants, forwarded to the Executive office and improperly and illegally applied by parties through whose hands the same have passed, be referred to a select committee of two on the part of the Senate, and three on the part of the House, and that said committee have power to send for persons and papers, and that they report the facts to the General Assembly.

The resolution was adopted.

Senator Patterson moved that the Governor's Message lie on the table, and that 5,000 copies be printed in the English, and 2,000 copies in the German language.

Senator Bulis moved to amend by adding 1,000 copies in the Norwegian language.

Senator Stubbs moved to further amend by adding 500 copies in the Swedish language.

The question recurring on the amendment to the amendment, it was adopted.

Senator Knoll moved to further amend the amendment by adding 500 copies in the Holland language. The motion did not prevail.

Senator Robertson moved to further amend the amendment by adding 500 copies in the Welsh language. Lost.

The question recurring on the motion to amend the original motion by adding 1,000 copies in the Norwegian and 500 copies in the Swedish language, the yeas and nays were demanded by Senator Knoll.

The yeas were Senators Bassett, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, McMillan, Meyer, Moore, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Stiles, Stubbs, Warren—32.

The nays were Senators Brayton, Cutts, Larimer, Oliver, Parvin, Ross, Smith, Udell, Wharton, Woolson—10.

Absent and not voting, Senators Bridges, Henderson, Marshman, McJunkin and Young.

The motion prevailed.

Senator Hart moved to amend the original motion by striking out 5,000 copies in the English language and inserting 2,000 copies. The yeas and nays were demanded by Senator Hedges.

The yeas were Senators Brayton, Cattell, Clark, Clarkson, Cutts, Farwell, Hart, Hedges, Hollman, Knoll, Larimer, Leake, Marshman, McMillan, Moore, Oliver, Parvin, Powers, Robertson, Smith, Stubbs, Wharton, Woolson—23.

The nays were Senators Bassett, Bulis, Crookham, Doud, Hilsinger, Hillyer, Hunt, King, Lakin, Meyer, Paulk, Patterson, Reed, Richards, Ross, Sampson, Shippen, Stiles, Udell, Warren—20.

Absent and not voting, Senators Bridges, Henderson, McJunkin and Young.

The motion prevailed.

Senator Oliver moved to amend by striking out 2,000 copies in the German language and substituting 1,000 copies.

The motion prevailed.

The original motion as amended prevailed.

On motion of Senator Stubbs the following resolution was adopted:

WHEREAS, The Congress of the United States has proposed to the several States, the following amendment to the Federal Constitution, viz:

## ARTICLE XIII.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation; therefore be it

*Resolved* by the General Assembly of the State of Iowa, That the State of Iowa, by its Legislature, hereby ratifies and assents to said amendment.

On motion of Senator Ross the resolution was laid upon the table and made a special order for Friday morning at 10 o'clock.

Senator Cattell offered the following resolution, which was adopted:

*Resolved*, That this Senate will be governed by the rules of the last Senate until others shall be adopted by this body.

Senator Shippen moved that a committee of three be appointed to inquire as to the amount of postage required by the members of the Senate. The motion prevailed, and the President appointed Senators Shippen, Udell, and Hedges as such committee.

Senator Moore moved that the Secretary of State be directed to keep the Senate Chamber in order. The motion did not prevail.

On motion of Senator Clark the Senate adjourned until 9½ o'clock to-morrow morning.

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SENATE CHAMBER, DES MOINES, }  
JANUARY 10, 1866. }

Senate convened at 9½ o'clock A. M. The President in the Chair.

Prayer by Rev. Mr. Cole.

Journal of yesterday read, corrected, and approved.

Senator Stubbs asked leave of absence for Senator McJunkin, for a few days, on account of sickness. Granted.

Senator Cattell moved to reconsider the vote ordering the printing of the Governor's Message.

The yeas and nays were demanded, and the yeas were:

Senators Bassett, Bulis, Cattell, Clark, Crookham, Doud, Farwell, Hilsinger, Hillyer, Hunt, King, Marshman, McMillan, Meyer, Patterson, Powers, Reed, Richards, Ross, Sampson, Shippen, Stubbs, Udell, Warren, and Woolson—25.

The nays were Senators Brayton, Cutts, Hart, Hedges, Hollman, Knoll, Lakin, Larimer, Leake, Moore, Parvin, Paulk, Robertson, Smith, Stiles, Wharton, and Young—17.

Absent and not voting, Senators Bridges, Clarkson, Henderson, McJunkin and Oliver.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has adopted the following resolution in which the concurrence of the Senate is asked :

*Resolved by the House of Representatives, the Senate concurring,* that the Governor of Iowa be requested to communicate with the Secretary of War, and to request on behalf of this Assembly, the immediate muster-out of service of the First Iowa Cavalry, and such other Iowa regiments or companies whose services can be dispensed with.

I am also directed to inform the Senate that the House has adopted the following resolution, in which the concurrence of the Senate is asked,

*Resolved,* (In accordance with the recommendation of the Governor of the State) that a committee of five (5) on the part of the House, with such as the Senate may join, be appointed to investigate the alleged diversion of the Swamp Land Indemnity Fund, and that said Committee have power to send for persons and papers.

I am further directed to inform the Honorable Senate that Messrs. Hale, Barker, Clark, Russell and Martin, have been appointed in accordance with the above resolution, as said committee on the part of the House.

CHAS. ALDRICH, Chief Clerk H. R.

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

The President appointed Senator Patterson teller on the part of the Senate.

Senator Cattell moved to reconsider the vote by which the original motion in relation to printing the Governor's message was amended, by striking out "5,000 copies" and inserting "2,000 copies."

On motion of Senator Cutts the Senate proceeded to the Hall of the House of Representatives.

THE SENATE AND HOUSE OF REPRESENTATIVES IN }  
JOINT CONVENTION, January 10, 1866. }

The President of the Senate in the Chair, who announced that the convention had met to canvass the votes for Governor and Lieutenant-Governor of the State of Iowa, and declare the result.

The Speaker proceeded to announce the votes of the several counties in the State. Pending the counting of votes, Senator

Stubbs moved an adjournment until 2 o'clock P. M. The motion prevailed and the joint convention adjourned.

2 O'CLOCK P. M.

Joint convention met pursuant to adjournment in the Hall of the House, when the canvass was concluded with the following result:

RECAPITULATION.

Wm. M. Stone.....	70,445
Thos. H. Benton.....	54,070
G. S. Bailey.....	239
Scattering.....	115
	<hr/>
Total vote for Governor.....	124,869
B. F. Gue.....	72,834
W. W. Hamilton.....	52,308
L. W. Babbitt.....	316
Scattering.....	130
	<hr/>
	125,588

Whereupon the President announced Wm. M. Stone duly elected Governor of the State of Iowa for the term of two years from the second Monday in January, 1866, and B. F. Gue duly elected Lieutenant-Governor of the State of Iowa for the term of two years from the second Monday in January, 1866—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 10, 1866. }

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. 1865, for the office of Governor of the State of Iowa, it appeared that Wm. M. Stone 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 10th day January, 1866.

E. W. EASTMAN,  
Lieut. Gov. and Pres. of Joint Convention.  
ED WRIGHT,  
Speaker of the House of Representatives.

Attest: J. G. PATTERSON, Teller for the Senate.  
HOWARD W. HOLDEN, Teller for House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }  
DES MOINES, January 10, 1866. }

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. 1865, for the office of Lieutenant Governor of the State of Iowa, it appeared that Benjamin F. Gue received a majority of all the votes cast at said election for said office, and was therefore declared duly elected to said office for the term of two years, and until his successor is elected and qualified.

Signed in the presence of Joint Convention, this 10th day of January, 1866.

E. W. EASTMAN,  
Lieut. Gov. and President of the Convention.  
ED WRIGHT,  
Speaker of the House of Representatives.

Attest: J. G. PATTERSON, Teller for the Senate.  
HOWARD W. HOLDEN, Teller for House of Representatives.

Senator Stubbs of Jefferson county, moved that a committee of two be appointed to wait upon the Governor and Lieut. Governor elect, and inform them of their election.

The motion prevailed, and the President appointed Senator Stubbs on the part of the Senate, and the Speaker of the House appointed Mr. O'Brien of the House.

Mr. Thompson, of the House, moved that the Convention rise. The motion prevailed, and the Convention was dissolved.

15 MINUTES PAST 3 O'CLOCK, P. M.

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

The President announced as the special committee to investigate the claims of Hon. C. R. Johnson, and Hon. E. E. Edwards, from the 5th Senatorial District, to a seat in the Senate: Senators Marshman, Hollman, Stubbs, Leake and Sampson.

The further consideration of the motion of Senator Cattell to reconsider the vote by which the original motion in relation to

printing the Governor's message was amended, by striking out "5,000 copies," and inserting "2,000 copies."

The motion did not prevail.

Senator Leake moved to reconsider the vote by which the words "2,000 copies in the German language" were stricken out, and the words "1,000 copies in the German language," were substituted.

The motion did not prevail.

Senator McMillan moved to amend the original motion by adding 500 copies in the Holland language. Lost.

The question recurring on the adoption of the original motion. it was adopted.

Senator Udell offered the following resolution, which was referred to the Committee on postage.

*Resolved*, That each Secretary shall be entitled to ten copies, and each Clerk, Post-Master, Sergeant-at-Arms, Door-keeper, Messengers, and Paper-folder of the Senate be entitled to five copies of dailies, or their equivalent in weeklies, and the necessary stamps for transmitting the same.

Senator Cattell called up the concurrent resolution of the House, relating to the appointment of a Joint Committee to investigate the alleged diversion of the Swamp Land Indemnity Fund, and moved to amend by adding that said Committee on the part of the Senate consist of three Senators.

The motion prevailed and the resolution as amended was adopted.

Senator Henderson offered the following concurrent resolution, which was, on motion of Senator Stubbs laid on the table.

*Resolved by the Senate and House of Representatives of the General Assembly of the State of Iowa*, That our Senators in Congress are instructed, and our Representatives in Congress requested to procure, if practicable, the passage of a law authorizing the Post-Master General to contract with such authorities of the State Government as may be authorized by the State laws, for the payment of a gross sum for the privilege of franking letters and documents by State officers and members of the State Legislatures.

The President announced Senators Stiles, Richards and Udell as the Committee on the part of the Senate, to investigate the alleged diversion of the Swamp Land Indemnity Fund.

Senator Hart moved to reconsider the vote by which the resolution of the Senator from Wapello was lost, on yesterday, providing for pen-knives and erasers for the members of this Senate.

Laid on the table and made a special order for to-morrow at eleven o'clock.

Senator Hunt asked leave of absence for Senator Stiles, on account of sickness. Granted.

The special committee to inquire as to the amount of postage required by the members of the Senate, reported as follows:

The select committee on postage for members of the Senate, beg leave to report, that we recommend that the Secretary of State be

required to procure and furnish to each member, postage stamps, or wrappers, as they may wish, to the amount of five dollars each week during the session, and the President the same.

Also, said committee recommend that the resolution of the Senator from Appanoose, in regard to papers for Secretaries and other officers of the Senate, do pass. SHIPPEN.

Senator Stubbs moved to amend the report by striking out "five" and inserting "six."

Upon the adoption of the motion, Senator Woolson demanded the yeas and nays:

The yeas were, Senators Bulis, Clark, Clarkson, Crookham, Cutts, Hart, Hedges, Hillyer, Hollman, Hunt, King, Larimer, Leake, Meyer, Paulk, Patterson, Powers, Reed, Ross, Stubbs, Udell, Warren, Wharton, Young—24.

The nays were, Senators Bassett, Brayton, Cattell, Doud, Farwell, Henderson, Hilsinger, Lakin, McMillan, Moore, Oliver, Parvin, Richards, Robertson, Sampson, Shippen, Smith, Woolson—18.

Absent and not voting, Senators Bridges, Knoll, Marshman, McJunkin, and Stiles.

The motion prevailed.

Senator Hart moved to amend that part of the report recommending the passage of the resolution of the Senator from Appanoose, in regard to papers for Secretaries and other officers, by striking out of the resolution the words "the necessary stamps," and inserting the words "one dollar and fifty cents in stamps."

The motion prevailed, and the report, as amended, was adopted.

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

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SENATE CHAMBER, DES MOINES, }  
January 11, 1866. }

Senate convened at 10 o'clock, A. M. The President in the chair. Prayer by Rev. J. M. Phillips.

The 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 Resolution in which the concurrence of the Senate is asked.

*Resolved by the House of Representatives, the Senate concurring,*  
That a Joint Convention of the General Assembly of Iowa be held on Saturday, the 13th day of January, 1866, at 11 o'clock

A. M., for the purpose of electing a U. S. Senator. First for the full term of 6 years, beginning, March 4, 1867.

Second, To elect a U. S. Senator, to fill the vacancy occasioned by the resignation of Hon. James Harlan.

CHARLES ALDRICH, Chief Clerk.

Also the following :

MR. PRESIDENT :

I am directed to inform your honorable body that the House has concurred in the Senate's amendment to the House Resolution, relative to the investigation into the alleged diversion of the Swamp Land Indemnity Fund; and, also, that the House has farther amended the resolution by the addition of a clause authorizing the Committee to employ a Clerk.

In which the concurrence of the Senate is asked.

CHARLES ALDRICH, Chief Clerk.

#### RESOLUTIONS.

By Senator Parvin : Preamble and Joint Resolution instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States.

WHEREAS, The States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, have, by their several acts of secession, and their rebellion against the Constitution and laws of the United States, forfeited all rights of States under said Constitution and laws; and,

WHEREAS, The said States waged war against the United States until they were subdued by force of arms, and are now in the condition of conquered rebels, subject entirely to the control of the Government of the United States; therefore,

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed and our Representatives be requested to use their influence to prevent the said rebellious States having Senators or Representatives in Congress until the right of suffrage shall be given to the citizens of said States without regard to color.

*Resolved,* That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress a copy of the foregoing preamble and resolution.

On motion of Senator Hollman, the preamble and resolution was laid on the table for the purpose of being referred to the Committee on Federal Relations, when appointed.

By Senator Udell :

WHEREAS, The Thirty-Seventh Regiment Iowa Volunteer Infantry was in the military service nearly three years, and all that time doing arduous and useful duty for their country; and,

WHEREAS, A portion of said regiment were discharged for dis-

ability, and were paid the full bounty promised them, while those remaining until the rebellion was crushed received no bounty, but instead, the installment of twenty-five dollars received as bounty-money when they were mustered into the service, was deducted from their pay; therefore, be it

*Resolved by the General Assembly of Iowa,* That our Representatives in Congress be requested and our Senators instructed to use their utmost endeavors to procure the passage of an act giving those noble men bounties equal to any other volunteers.

2d, That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress at the earliest practicable period.

The resolution was read a first, second and third time.

On motion of Senator Udell, the eleventh rule was suspended: the question being "Shall the resolution prevail?" the yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, and Young—44.

Absent and not voting, Senators Bridges, Hilsinger, and McJunkin.

The resolution was adopted.

By Senator Ross.

*Resolved by the Senate, the House concurring,* That the joint committee to investigate the condition of certain Swamp Land Indemnity Warrants, forwarded to the Executive Office, be and they are hereby instructed to take the testimony in writing, and report the same to this General Assembly, in addition to finding up the facts as contemplated by the concurrent resolution, under which said committee was appointed.

The resolution was adopted.

The House resolution relative to requesting the Governor to communicate with the Secretary of War, relative to the muster-out of the 1st Iowa Cavalry, and such other Iowa Regiments or Companies whose services can be dispensed with, was taken up and concurred in.

The House resolution relative to holding a Joint Convention on Saturday, January 13, for the purpose of electing a United States Senator, was taken up, and concurred in.

The concurrent resolution relative to the appointment of a Joint Committee to investigate the alleged diversion of the Swamp Land Indemnity Fund, was taken up and the House amendment, authorizing said committee to employ a Clerk, was concurred in.

The following message was received from the House:

MR. PRESIDENT:

I am directed to inform the honorable Senate that the House of

Representatives, has ordered the printing of 3,000 copies of the Governor's message in the English language; 2,000 in German; 1,000 in Norwegian; 1,000 in Holland; 1,000 Bohemian and 500 in Swedish.

CHAS. ALDRICH, Chief Clerk.

The hour having arrived for taking up the special order, the same being a resolution authorizing the Secretary of State to procure pen-knives and erasers for the members of the Senate, it was postponed for the present.

By consent, Senator Leake offered the following resolution:

*Resolved*, That so much of the report of the Committee on Credentials as referred to the claim of Mr. Carskadden to represent the 31st Senatorial District in the Senate, reporting the same back to the Senate without recommendation, be referred to a Committee of five to report: 1st. Whether there has any vacancy occurred in the office of Senator in said District since the last session of the Senate. 2d. And if so whether the claimant has been legally elected to fill such vacancy; said committee to have power to send for persons and papers.

Pending the consideration of which, Senator Cattell presented a petition of David Carskadden, asking to be admitted to a seat in the Senate from the 31st Senatorial District.

The petition was read.

Senator Oliver moved that the resolution of Senator Leake and the petition of David Carskadden be laid upon the table and made the special order for to-morrow morning at the opening of session.

The motion did not prevail.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded.

The yeas were Senators Brayton, Cattell, Clark, Crookham, Doud, Farwell, Hart, Hedges, Hillyer, Hollman, Knoll, Larimer, Leake, Marshman, McMillan, Meyer, Oliver, Reed, Richards, Shippen, Smith—21.

The nays were, Senators Bassett, Bulis, Cutts, Henderson, Hunt, Lakin, Moore, Parvin, Paulk, Patterson, Powers, Robertson, Ross, Sampson, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—20.

Absent and not voting, Senators Bridges, Clarkson, Hilsinger, King, McJunkin and Young.

The resolution was adopted, and the President announced Senators Stubbs, Paulk, Powers, Oliver, and Ross as such committee. On motion of Senator Cattell, the petition of David Carskadden was referred to the same committee.

The special order, being the resolution instructing the Secretary of State to furnish each member of the Senate with a pen-knife and eraser, was taken up, and the motion to reconsider the vote by which the resolution was lost, prevailed.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded.

The yeas were Senators Bulis, Clarkson, Cutts, Doud, Hedges, Henderson, Hollman, Hunt, King, Knoll, Meyer, Oliver, Patterson, Reed, Ross, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—23.

The nays were Senators Bassett, Brayton, Cattell, Clark, Crookham, Farwell, Hart, Hilsinger, Hillyer, Lakin, Larimer, Leake, Marshman, McMillan, Moore, Parvin, Powers, Richards, Robertson, Sampson, Woolson—21.

Absent and not voting, Senators Bridges, McJunkin and Paulk.

The resolution was adopted.

By consent, Senator Stubbs offered the following resolution, which was adopted :

*Resolved*, That Mr. Remsburg be and is hereby appointed janitor of the Senate, and that it shall be his duty to attend to the sweeping and keeping the same in order and to keep the temperature thereof at 62 degrees Fahrenheit.

On motion of Senator Udell the Senate adjourned until 2 o'clock P. M.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

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

The Senate then proceeded to join the House in joint convention.

JOINT CONVENTION, JANUARY 11, 1866.

Lieutenant Governor Eastman in the chair.

On motion of Mr. Holden the Judges of the Supreme Court were invited to seats on the stand, and Mr. Holden was appointed a committee to tender the invitation.

On motion of Mr. Poindexter the State officers were invited to take seats upon the stand, and Mr. Poindexter was appointed a committee to tender said invitation.

The several committees on invitation reported and were discharged.

Mr. McNutt moved that the officers of the army and navy now in this city be invited to take seats on the floor. The motion prevailed, and Mr. McNutt was appointed a committee to tender the invitation.

Mr. McNutt, accompanied by the officers of the army and navy in this city, reported for the committee and the committee was discharged.

On motion of Senator Henderson, a committee of one on the part of the Senate, and one on the part of the House, was appointed to wait upon the Governor and Lieutenant-Governor elect, and inform them that the General Assembly was ready to receive them.

Mr. Henderson on the part of the Senate, and Mr. O'Brien on the part of the House, were appointed as such committee.

The committee reported, and the Governor and Lieutenant-Governor elect entered the hall, followed by the Judges of the Supreme Court and the State officers, and the inauguration ceremonies were completed in the following order :

1st—Music by the band (Hail Columbia).

2d—Prayer by Rev. J. M. Phillips.

3d—Administration of the oath of office to the Governor and Lieutenant-Governor elect, by Hon. Enoch W. Eastman, Lieutenant-Governor and President of the Senate.

4th—Singing of the Star Spangled Banner, by G. P. Abel.

5th—The Governor delivered the following Inaugural Address :

EXECUTIVE OFFICE, }  
DES MOINES, January 11th, 1866. }

*Gentlemen of the Senate and House of Representatives :—*

Chosen by the partiality of my fellow-citizens to discharge the duties of the Executive office for a second term, I have appeared before you to solemnly renew the obligations prescribed by the Constitution of our State, and to repeat the assurances of my earnest devotion to the public welfare.

With a sense of profound obligation to the Almighty Ruler of the Universe, for the altered condition of the country since my first inauguration, and the dawn of a more tranquil era in the national history to cheer me, I enter upon the present term with the flattering hope that the State will continue to prosper, our people realizing an adequate measure of success in developing the resources which nature has so bountifully placed at their disposal.

Grateful to Him who in mercy has guided and sustained us, I congratulate you that during the vicissitudes of a War which shook the foundations of the Republic, the people of Iowa have continued to advance in all the essential elements of enduring wealth. With extended borders exposed to the incursions of watchful enemies, the property and lives of our citizens have, nevertheless, been adequately protected. Notwithstanding that eighty thousand of our active and vigorous population were furnished to the national armies, yet by the aid of machinery substituted for the manual labor thus withdrawn, the annual yields of agricultural productions have steadily and rapidly increased. While our granaries have been abundantly supplied at home, the avenues of commerce have teemed with our surplus grain and stock contributed to the markets of other States ; and the census returns exhibit from

year to year a constant and astonishing augmentation in the avails of every other department of material industry. The increase of useful inventions indicates that the labors of the mechanic and artisan have been duly rewarded. The progress of internal improvements, and especially of our railroad enterprises; the growth of towns and cities; the complete recovery of all classes from pecuniary embarrassments; our present sound financial condition, and the widely disseminated facilities for intellectual development, afford the general outlines of a picture which older and more favored States may strive in vain to rival.

What Iowa is, she owes only to herself—to the industry, to the enterprise, the moral character and patriotism of her people, while her healthful climate and her soil of unexcelled fertility, her rich deposits of mineral wealth, the inland water courses, and the navigable rivers which wash her boundaries; her central position between the two great Oceans, and the iron links uniting her inseparably with the commercial arteries of the continent, utter predictions of her coming greatness more emphatic than either pen or tongue can make.

But inasmuch as the biennial message has presented in detail the condition of the State, and its exigencies in the various departments, I may be pardoned if, in suggesting additional topics for your consideration, I now turn to the more extended theatre of National affairs.

Thoroughly imbued with the principles of liberty and equality, proclaimed by our fathers at the origin of the Republic, and alive to the importance of transmitting to posterity the Government which they established, the people of Iowa, in the recent struggle, contributed liberally of their blood and treasure for the preservation of the Union. Loyalty to the Constitution, and adherence to the Federal Union were the cardinal ideas of our people, and the exalted motives which unswervingly attached them to the National cause. If the spirit of treason or sympathy with rebellion existed among us, it was only in a modified form, emphatically stifled by the aggregated patriotism and preponderating influence of the loyal masses. As a member of the Federal Union, possessing a joint interest in the national heritage, Iowa had a destiny inseparably connected with that of the loyal and adhering States. Our radical and undeviating opposition to the bold and persistent demands of the slave power, prepared us to meet the issues which were finally submitted to the terrible arbitrament of war.

Fully realizing the magnitude of the questions at stake, and perceiving no adequate equivalent for an undivided Union, our citizens in obedience to the national call promptly abandoned their peaceful avocations, and became soldiers bravely rallying in defense of the common emblem. Their devotion to Liberty and the Union has been nobly vindicated by their blood. Their intelligent submission to discipline, their endurance and valor conspicuously dis-

played in marches, sieges and battles, are the subjects of imperishable history, and need not be recounted here. As they bore the flag of Iowa victoriously on the tide of War, the rattle of their musketry was heard upon every field of conflict made historic by the valor of the West, and the thunder of their cannon amidst the carnage of battle, announced the progress of our advancing columns.

In this connection, the occasion seems not unsuitable for a brief allusion to affairs resulting from the termination of the war. Conscious of no desire to excite unfounded distrust in the minds of others, regarding the prospects of an early return of the insurgent States upon a loyal and satisfactory basis, I nevertheless cannot disguise my own apprehensions of ultimate danger from existing adverse elements, unless the loyal States shall remain firm in their purpose to vindicate the majesty of the Government in dictating the terms of restoration. The statesmen to whose wisdom the destiny of this great nation is now entrusted, will be held responsible for a faithful performance of their work. Coming generations of our people will, in the light of history, carefully review the events of these times, and with a considerate judgment they will admire our fidelity or condemn our recreancy.

Let us not be deceived by the flattering assurance indulged by many, that the conflict is over. To suppose that this embittered contest between right and wrong, of adherence to the fundamental principles of the government, and the intensified spirit of treason nursed for half a century terminated when the rebel armies were overthrown, is to forget all the teachings of history, and disregard the instructive lessons of our own experience. Every indication of the times affords accumulating evidence that the great problem of our National Future remains to be solved. But I am not without hope. The substantial progress with which, under manifold difficulties, the work of restoration has been attended in so brief a period may be construed as a favorable indication of the future; and although short of the anticipated measure of success, it yet affords encouraging evidence, that among the well disposed inhabitants of the South, the bitterness engendered by rebellion is rapidly giving way to a common purpose of conciliation. For this, all parties should be grateful. And the insurgent States, especially, will not fail to perceive their obligations to that magnanimous policy, which, in spite of opposing influences secured for their efforts the friendly co-operation of national authority.

This policy, known as the President's plan of reconstruction, has been characterized by the development of extraordinary constitutional power on the part of the Federal Executive, and this power having been exercised with so great a degree of general approbation, amounts to a practical interpretation of the Constitution absolutely conclusive upon all parties, and unavoidable as a precedent for the future. The successful exercise of this inherent power

demonstrates that the Constitution contains, when rightly interpreted, ample resources for its own preservation.

Upon what grounds can this conduct of the President be justified? The effort to consider a State, for political purposes, separate and distinct from the people who compose it is a manifest absurdity. A State is a body politic, or civil community, united together for the purposes of government, and their government is the accredited legal organ through which they act, and by which they are known as a municipal organization. South Carolina may have land and defined territorial boundaries, but it can have no government without inhabitants, and without a government, although having inhabitants, it would not be known or recognized as a State. The people of that and every other State in the Federal Union, are nothing more or less than a municipal body, exercising the powers and franchises of a government under the authority of the United States, and in subordination to the paramount sovereignty of the Constitution, which is the supreme law of the land. This subordination of States and supremacy of the Constitution are our sheet anchor and bond of perpetual union. Any theory adverse to this would result in the inevitable destruction of our nationality.

While in a territorial condition, though having inhabitants, and the same boundaries she now possesses, and though within the jurisdiction of the Federal Government, Alabama was in no Constitutional sense a State in the Union, and she became such only through the act of admission adopted by Congress in pursuance of the provision authorizing new States to be admitted. By this act of admission, or ordinance, accepted by the people of Alabama, the United States became bound, among other things to secure to them a republican form of government, to protect them against invasions and domestic violence, while on the other hand, the State so created, acknowledged the sovereignty of the Constitution and the supremacy of the General Government within the scope of its granted powers. From these mutual obligations, perpetually binding as Constitutional covenants, neither party can legally recede. The original States became members of the Union by ratifying and accepting the Constitution which placed them upon a like footing with those subsequently admitted, and created between them and the government precisely the same reciprocal obligations.

Reasoning from these obvious premises it follows that the attempted expatriation of the Southern States, and their efforts to maintain it by war, virtually dissolved, for the time being, their political relations with the Federal Government, inasmuch as these unauthorized acts violated their constitutional obligations, and, on their part, the conditions upon which they were created and admitted as members of the Union. The treason of a few individuals, or a mere local insurrection would not have produced this result. But when the people *en masse* renounced their constitutional rights

and deliberately transferred their allegiance to a hostile sovereignty, taking the entire power of the State with them, and levying war to maintain their new relations, it became treason on their part, involving by the established rules of national conduct, the destructibility of their political organizations. For it is manifest that, if these States had accomplished their treasonable designs, their political separation would have been complete, although their territorial boundaries might have remained as before. But, being overcome by the superior power of the Union, they were forcibly retained within its jurisdiction in the attitude of a conquered people. Having with treasonable intent violated the solemn covenants by which they were originally organized as States, and having forfeited their rights under them they are now in no condition to claim the benefits of these covenants, which can only be renewed by the disposition of the Federal Government, as the innocent and injured party, in the exercise of its sovereign power.

Having thus ascertained the true condition of these States, under the Constitution, the question as to whether they have been out of the Union becomes a mere abstraction. In legal contemplation they certainly were not; for all their acts in that direction, being in conflict with the Constitution, became null and void; yet it is nevertheless equally clear, as a matter of fact, that for a period of four years the authority of the Union was forcibly excluded from these States, and that, during that period, they were out of their constitutional orbits. Had this condition been maintained, and their separation permanently established, then the proposition that they were out of the Union would scarcely have been disputed; and may we not therefore with equal propriety now admit that, for all practical purposes, these States were not in the Union while this abnormal condition existed.

To hold, as many do, that the functions of these States were merely suspended, not destroyed by rebellion, would result in the logical conclusion that their former condition revived when the cause of that suspension was removed; and, if they have not been destroyed, by what right do we now intervene in their affairs, and require their governments to be reformed before allowing them to resume their civil and political relations with the Union? From what source does the President derive rightful authority to appoint Governors for these States, conferring power to elect delegates and organize constitutional conventions, prescribing the qualifications of electors, and, by compulsory directions, require them to adopt certain measures and reject others. He could do none of these things for Pennsylvania or Iowa, and he does them for the insurgent States only as the authorized agent of constitutional sovereignty, and because their civil vitality has been destroyed, and they have ceased to exist except as geographical boundaries within the Union, containing inhabitants deprived of organized governments.

Upon this broad and conclusive theory the work of restoration has so far progressed. It was the landmark which guided Abraham Lincoln in his labors, wherein he was endorsed by the overwhelming verdict of the American people. It is the grand and abiding principle in accordance with which the struggle was maintained by us, and the Union saved. And I hesitate not in saying, that to abandon it now would be an insult to the memory of the martyrs who have fallen in its defense, and a dishonorable surrender to the enemies we have conquered.

If the view we have taken be not correct, then the President has committed a flagrant violation of the constitution by arbitrarily invading the sovereignty of these States, in the absence of war and consequently military necessity, for which he should not only be arraigned before the tribunal of public opinion, but deserves the penalty of impeachment.

At a juncture so fraught with danger to the land, honest convictions may be fitly uttered. The boldest advocate of strict construction will scarcely deny the rightfulness of the power claimed and employed by the President, yet in the existing posture of affairs these obvious reasons for its exercise are far more important to the country in the adjustment of the grave questions before us than the mere fact that the power itself has been asserted. And by keeping these reasons steadily in view we shall not only be furnished with a safe guide for our own conduct, but avoid casting any obstacles in the way of Congress whose duties, in solving the problem of reconstruction, are more responsible and delicate than those which devolve upon any other department of the government.

Though firmly entertaining these views, I would not be understood as doubting the exalted patriotism or integrity of the President. While I could have desired him to go farther than he has, I cannot withhold my cordial approval of the acts already done in the exercise of these constitutional powers, and would counsel my fellow-citizens to sustain him while performing his duties within the limits thus defined, with their generous confidence and cheerful support. He makes no immodest claim to perfection in his own theory, and, while we may differ from him on minor points, his courage and devotion, so amply tested, may be taken as a guaranty that he will not differ from us in the great object of saving and perpetuating the noble fabric of our American Union.

Starting from the substantial point of observation we have chosen, let us ascertain how far the Ship of State has progressed in its proper course. After all this magnanimity and display of extraordinary power, what concessions has the Government obtained from the leaders of the rebellion that were not the immediate and logical results of successful war? By the overthrow of the rebel armies treason in its overt form was abated, but if we have gained any practical advantage beyond that, except by compulsory measures, a patient and discriminating people have failed to perceive

it. Amid the smoke of battle and the tramp of contending legions, Abraham Lincoln issued the emancipation edict not as the concession of a political right to four millions of bondmen, but in the exercise of his war powers and as a measure of military necessity to weaken the enemy and strengthen the national armies. Had its immortal author in the grim shadows of war, failed to seize the inspiration which conceived it, where are the statesmen and what their number, whose boldness gives assurance that they would have demanded emancipation at the close of the conflict as a measure of reconstruction? It may be noted as a significant fact that not a Southern State, either rebel or adhering, took any steps in this direction until after the proclamation was endorsed by the loyal party of the North, and had become the rallying cry of our conquering armies, while every one of them from the border to the Gulf denounced it as a usurpation of power, and an invasion of Southern rights. The Constitutional Amendment secured from unwilling States, in part by the bold requirements of the President, is the legitimate offspring of emancipation, while emancipation itself was but the result of military necessity. It was not statesmanship or diplomacy, therefore, but the patriot blood so nobly shed at Gettysburg and Spottsylvania, at Vicksburg and in the mountains of Georgia, that secured freedom to the slave.

But let us consider the question from a nearer stand-point. In the recent conventions assembled under executive sanction for the re-organization of their late governments, the overthrow of slavery was conceded as a fact entirely beyond their power to control, but we have looked in vain for indications that they accept emancipation as a measure of justice, or regard it as a progressive idea of the age. The expressed determination of President Johnson to follow in the footsteps of his predecessor, and adhere to the Proclamation of Emancipation, as a basis of reconstruction, the probable ratification of the pending amendment to the Federal Constitution, and the Act of Congress, declaring the families of negro soldiers free, rendered absolutely futile all attempts to rehabilitate the doomed institution of American Slavery.

The early restoration of the Union upon an enduring loyal basis, is the obvious work of the hour, and its bearing upon the political and material interests of the country should not be lightly estimated. To this end, and with kindness toward all but the guilty authors of our national calamities, the energies of all good men should be earnestly directed. But in contemplating the task before us, a prudent statesmanship demands that we consider by what means it can be most successfully accomplished. I will not assume that treason would not have existed without slavery, but it may be asserted that if there had been no slavery, there would, in this age, have been no rebellion. For without an idea, or a motive, civil war for the disruption of the government could not have prevailed. Slavery, in its eagerness for perpetuity, furnished both,

and thereby traitors were afforded a pretext for war. It will be perceived, therefore, that, by the total eradication of this mischievous element, we shall have abated the most exciting if not the only source of national peril. We cannot rest secure with the mere destruction of its acknowledged legal form; we must adhere to the edicts of freedom within every State, in the strictness of their letter and the fullness of their spirit. Universal Freedom and Political Equality must be defined as the cardinal principles upon which this Government shall hereafter exist. Let us have the courage to maintain that, inasmuch as these four millions of bondmen became free by the immutable fiat of the American people, so they shall be endowed with all the means necessary to practically defend that freedom against all who, under any form, pretext or subterfuge whatever, may attempt to abridge it. Place the Red Sea for all time between them and their oppressors. Let the whip and the hand-cuff remain forever broken on the field where the slave and his master fought. Animated by the spirit of justice, let us be vigilant in our efforts to correct the wrongs of the past. Record in bold letters upon the history of these times, as the deliberate judgment of this generation that "before the law" the loyal black man, the dusky defender of the flag, is at least the equal and peer of the pardoned traitor.

Add to the vicious theory of State Sovereignty, still boldly maintained by many, and renounced by none, the defiance of Federal authority, exhibited at their late elections, in rejecting from office all citizens of tried Union sentiments, the re-election of men to executive positions who had attained the most offensive notoriety in the rebel armies, the return of representatives to Congress who, on account of their treason, dare not take the oath prescribed by law, the bold avowal of purposes inimical to the future financial policy of the Government, and all this, too, while begging for pardon at the feet of the President, and we have an array of testimony which completely demonstrates the impolicy of their immediate restoration to political power in the nation.

To expect a permanent or satisfactory adjustment of the Union, with States still adhering to these pernicious ideas, would, in my judgment, be the "suicide of hope." And to shield the country from the inevitable calamities of an inconsiderate or hasty restoration, let us keep these yet refractory States in political quarantine until their inhabitants, by due repentance and heathful reflection, shall have abandoned their offensive theories, and the epidemic of treason shall have permanently abated.

How we shall deal with the authors of the late rebellion, is also a question which profoundly interests the loyal masses of our country who so patiently endured the burdens and perils of the war, and whose yet mourning circles and desolate hearthstones too plainly tell of its calamities. "It is manifest that treason," says the President in his late Message, "most flagrant in character has

been committed. Persons who are charged with its commission should have fair and impartial trials in the highest civil tribunals of the country, in order that the Constitution and the laws may be fully vindicated; the truth clearly established and affirmed, that traitors should be punished, and the offense made infamous."

In this sentiment I fully concur. To excuse these men from merited punishment upon the plea that the atrocious crime of treason has been merged in the grander drama of revolution, is to render crime respectable in proportion to its enormity and magnitude. If four deluded wretches, acting upon the vicious principles imbibed from the leaders of the rebellion, can be hung for taking the life of our chief magistrate, why cannot the hempen noose be as deservedly sprung around the necks of these guilty men of higher pretensions, who deliberately sacrificed a million of precious lives upon the altar of their mad ambition? If an ignorant foreigner, a mere subordinate of Jefferson Davis, can be condemned and executed for the barbarisms of Andersonville, should this arch-conspirator, now hospitably quartered by the shores of the Chesapeake, and by whose fiendish connivance fifty thousand Northern soldiers were slaughtered in Southern prison pens, be allowed to escape the just demands of our violated laws?

The success which the American people have attained since the rebellion began, in the adoption of an enlightened and humane policy towards the African race, so long oppressed, may be regarded as a moral triumph highly creditable to our national character. The abolition of slavery, in spite of all efforts to avoid or postpone it, finally became, in the candid judgment of our intelligent statesmen, a measure of absolute necessity to the preservation of the Union. By this act, the validity of which all parties are now disposed to concede, responsibilities have devolved upon the Government as novel as they are imperative.

The magnanimous conduct of this immense population of bondmen, has contradicted the observation and experience of other Nations, and must excite in their behalf the admiration of posterity. Under no perceivable obligation to assist in the maintenance of a government from which they have never received either justice or mercy, and whose arm for generations had only sustained their oppressors, they nevertheless became, both in spirit and conduct, not merely the truest friends of the Union in the South, but the only friends from whose co-operation the National cause derived material aid in the entire region of the rebel States. Nor was their alliance to our cause by any means an inconsiderable accession to the disposable power of the Union. In various ways their physical efforts, always cheerfully rendered, and their knowledge of the country and its inhabitants, assisted in a large degree in overcoming the serious difficulties which so often interposed themselves to the advance of our armies through the insurgent States. While on many a field of conflict for the Union, their dusky bat-

tallions have displayed a steadiness, a devotion and courage excelled only by the tried veterans of the Northern armies.

Nor is this all. Pass by the outlines which present this war in its horrid form of carnage and blood, to those inner scenes which unfold the sublime spectacle of these black agents of mercy hovering upon the verge of battle-fields within range of bursting shells, bearing food and water to nourish the bleeding soldiers of the Union. Invoke the grateful memory of the many thousands who have been rescued from the dead-lines of Andersonville and Libby, to find sympathy and protection in the rude cabin of the slave. Appeal to the fathers and mothers all over this broad land, whose sad hearts have been relieved by the return of sons long mourned as among the hapless victims of rebel cruelty!

By these numerous acts of valuable service, and their unwavering fidelity to the Union, these people have placed the Government in a position towards them which should engage the gravest consideration. The act of emancipation compelled them to occupy an essentially new and responsible relation to the country. While in the condition of slavery, they neither claimed nor received any political recognition, and, beyond their amenability to the criminal code, the will of their masters was their only law. But, transformed from slaves to freemen, they have become invested with duties and rights which, in their very nature, necessarily create political relations between them and the Government.

Their emancipation was an emphatic assertion of Federal jurisdiction and authority over them, carrying with it, by unavoidable implication, the power to guaranty all the rights and incidents which result legitimately from it. Although, in form, a military measure, yet its validity did not terminate with the war. Independent of the Constitutional amendment, we insisted upon freedom in the Southern States as a condition of their return to the Union. This demand could not have been legally made anterior to the rebellion, but the power to do it now is clearly deducible from the position of the Government as the injured and prevailing party in the late war, exercising the right to require conditions of security from a vanquished belligerent. To maintain that we now lack the Constitutional authority to secure this freed people in the enjoyment of all the rights incident to their new condition, involves the inevitable conclusion that, on the part of the Federal Government, compulsory emancipation itself was a usurpation of power.

No large and distinct class of citizens in any community can long or successfully maintain their rights, deprived of the means to protect them against the gradual encroachments of power in the hands of others. While suffrage may not be regarded as an inherent right, yet, under a popular form of government, it becomes a political right, common to all classes from whom the duties of citizenship are required. This is the essential and manifest theory of our Republican System. We invite the foreigner to our shores,

tendering him the inducement of a home and protection under the flag. At the end of five years, if he chooses to avail himself of the privilege, we confer upon him the full stature of an American citizen. No people of any recognized nationality on the globe are excluded from the benefits of our naturalization laws. And as a bounty for military services, a foreigner who has served one year in the army and received an honorable discharge, may become naturalized without any further qualification. All this accords with the sublime truth announced in the Declaration of Independence that, to secure certain inalienable rights, "Governments are instituted among men, deriving their just powers from the *consent* of the governed," and with that higher declaration that God "hath made of one blood all nations of men." And by what authority dare we declare that the loyal citizens of African descent, born upon our soil, shall, among "all men," be the solitary exception to this truth. He has worn our uniform, fought our battles, and proved true to the flag. We made him a freeman, an element of national power, and thereby a citizen, and as a citizen he obeys the laws, owns property, pays taxes, and will, when called upon again, cheerfully defend the flag. Yet there are those among us who would deny him the common political right which, more than any other is enjoyed by all citizens under this Government. Can we satisfy ourselves that it would be expedient or wise to inflict so great a wrong upon an obedient and loyal subject? History affords no example of a government having prospered, while violating a fundamental principle of its constitution. This Government was not established for the benefit of any particular nationality or complexion of men, but was designed by its immortal founders as an asylum for all men who seek the shelter of its flag.

I speak now of a national necessity. Hereafter the political power of the late insurgent States must be exercised either by loyal citizens or traitors, or by both conjointly. Prejudice may dictate, but justice and sound policy will never sanction the disfranchisement of these four millions of tried people, whose loyal ballots, more formidable to treason than bayonets, would hereafter constitute them an army of occupation to the Government in the yet unquiet regions of the South.

Shall we adhere to this fundamental idea of political equality incorporated with our very existence, or must we surrender it in the hour of the nation's triumph, to the caprice of men who, by four years of desperate war, attempted to destroy the Constitution, thereby acknowledging that in spite of our greatness, the Government has ceased to contain in itself the means of its own preservation.

States in their individual capacity, must meet this vital issue by bold and decided action. Indications are not wanting that the people of this State, will pronounce upon it their calm and intelligent judgment. We have stricken from our statutes the infamous

laws enacted in our early history, which denied the free negro, or the hunted fugitive the right to tread the free soil of Iowa. And it is a reflection no less gratifying, that the men through whose truculency to the slave power this black code was adopted, have long since been consigned to their political graves. Our present just laws reflect the liberal and humane sentiments of the people. We acknowledge that black men have some rights which are entitled to respect. They testify in our courts, they have the right of immigration and exit, they hold property, enjoy the benefits of our common school system, and are otherwise protected.

In the darkest hour of the late struggle for the Union, seven hundred of these black citizens stepped forward to fill the quota of Iowa under the President's call for troops. No class or people contributed so many soldiers in proportion to their numbers. The regiment thus formed, proud of the noble State whose name was borne upon their flag, served faithfully and fought bravely. Receiving the highest commendations for their good discipline and valor, they were honorably discharged at the close of the war, and are now among us. Their history belongs to the State. Their flag, torn by the storms of battle, has been received from their hands and deposited among the cherished mementoes of the war. Many of them have families, own property, and have long been among our industrious and quiet inhabitants. Have we that degree of moral courage which will enable us to recognize the services of these black veterans, and do them justice? Anticipating your friendly consideration, they have forwarded a memorial to your honorable body, asking that you take the necessary steps to secure them the right of suffrage. Shall we assume the responsibility of denying this request, while the many thousands who sympathized with the rebellion, giving aid and comfort to the enemy, are allowed to vote and hold office under our laws?

Disclaiming any authority as the organ of others, and speaking only for myself, I declare it as my deliberate and solemn conviction that the prayer of this memorial should be heard and granted.

Political equality—the object sought to be attained—is a vital principle of the American Constitution as clearly exemplified by the contemporaneous acts of the men who framed it. For, in their day, freemen enjoyed the right of suffrage without regard to color, and if in any locality a distinction existed, it was a marked exception to the general rule. No danger was ever apprehended from this impartial dispensation of the elective privilege. With proper safeguards to the purity of the ballot box, I can perceive no danger in making loyalty to the Constitution and the Union the basis of suffrage, adding thereto the qualification of intelligence. But, whatever conditions may be deemed expedient, the gravest considerations of policy demand that we make them applicable to all classes, ignoring the tyrannical distinction based upon nationality or color.

Desiring no fundamental change in our political system, we seek only a practical acquiescence in those immutable principles which an enlightened patriotism, intensified by the ordeal of civil war, has indicated as the only true foundation of the American Union.

For these reasons, and because the end cannot otherwise be attained, I earnestly press upon your attention the expediency of proposing an amendment to the Constitution for striking out the word "white" from the article on suffrage, in order that, in due time, this much agitated question shall be submitted directly to the people for their ultimate and final decision.

Every vestige of this atrocious institution must be forever obliterated from the land. No relic or memento should be left to remind posterity that the stars of our national emblem ever shone upon such a monstrous crime.

We cannot ask others to adopt this stern principle of impartial justice, if we reject it in our own State. Before we assert that the freedmen of the South should be invested with equality of political rights, let us chasten ourselves, placate our own animosity, and thus practically illustrate the sincerity of the convictions we profess to cherish.

The recent political canvass in this State was characterized by a thorough and comprehensive discussion of this subject by the opposing parties, and, while the result may not be fairly construed as a direct endorsement of free suffrage, it can nevertheless with entire accuracy be taken as a popular demand for the submission of the proposed amendment to the people.

Boldly assuming the van-guard in this great struggle for equal rights, and deliberately choosing our own path, whatever may be the action of surrounding States, our history is bond and security that we shall take no backward step. Among the first in the deadly breach for the Union, and with her tents still standing on the field, the courage and fidelity of Iowa are placed forever above suspicion. In all the great West her star is among the brightest, and her flag among the noblest.

I herewith transmit a copy of the joint resolutions adopted at the last session of Congress, proposing an amendment to the Constitution, forever abolishing slavery and involuntary servitude within the United States. These resolutions, having been ratified by the requisite number of States, have become a part of the federal constitution, forever, as it may be hoped, divorcing our land and people from this national sin. Let us trust in the infinite God that slavery, with its manifold crimes, has been consigned to the sleep which shall know no waking. An era of honor, of peace and unity, has dawned upon our land. As our fathers witnessed the birth of freedom amid the thunders of war, so it has been baptized at a holier fount in the blood of their children. The conflict of years was finally narrowed to the sublime struggle of an hour, and in that hour, after years of grief, was the triumph of the bond-

man—the consummation of perfect liberty. Hopeful of the future, and protected by law, the American slave may now tread the land of his nativity in all the conscious pride of a freeman, realizing the fullness of the sublime truth that “all men were created equal, and endowed by their Creator with the inalienable rights of life, liberty, and the pursuit of happiness.” No more shall he be driven by the master’s whip from the home of his childhood and the graves of his kindred, a hunted fugitive seeking the boon of liberty beneath the shining stars of the North.

“That starry flag no longer waves  
In splendid mockery o’er a land of slaves.”

These resolutions having been adopted by Congress since the last General Assembly was in session, their ratification by this State has necessarily been delayed until now. To make this triumph of freedom more emphatic and glorious, let us hasten to place Iowa in the column of ratifying States. Though late at the altar, our offering will help to swell the funeral pyre of slavery. These measures—Emancipation and Enfranchisement—radiant with the hopes of millions, and dictated alike by wisdom and justice, should together receive our cordial sanction. They are intimately related as concurrent rights, and we cannot consistently grant the one and withhold the other.

Fellow-citizens of the General Assembly, let me implore you to meet this great crisis like men and patriots, fearless in the discharge of duty. This offering of freedom should not be an empty thing—a mere formality. Lay aside your prejudice against the slave when you lift the iron from his neck, and make him a man. Our 80,000 bayonets have made a wall between you and the wrongs of slavery, while ten thousand Iowa graves scattered from the banks of the Des Moines to the Atlantic sea-board, are silent, yet eloquent advocates for those who have nobly earned the rights of manhood at the price of valor and blood.

As the unfading line of history stretches back from this age to the thunders of Sinai, to the sea and the wilderness through which Jehovah guided the deliverers of Israel, so may it not reach forward to that golden era when the enfranchised race shall point to the children of statesmen now living and say, “their fathers delivered our fathers from the House of bondage and the Land of oppression.”

WILLIAM M. STONE.

#### 6. Singing of the Battle Hymn of the Republic.

The inauguration ceremonies being concluded, Senator Patterson offered the following resolution, which was adopted:

*Resolved*, That the three branches of the Government of the State of Iowa, the Judiciary, the Executive and the Legislative, here assembled, do declare that we pledge ourselves and the State

to the eternal principles of *Freedom, Justice, and political equality* to all men regardless of color or nationality.

On motion of Senator Reed, the convention was dissolved.

4 O'CLOCK P. M.

Senate having returned to its Chamber, was called to order by the President, and on motion of Senator Stiles, adjourned until 10 o'clock Saturday morning.

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SENATE CHAMBER, DES MOINES, }  
JANUARY 13, 1866. }

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

Prayer by Rev. Mr. McCague, of Des Moines.

Journal of Thursday read and approved.

Lieutenant-Governor Eastman, on retiring from the Chair, addressed the Senate as follows :

SENATORS :—My term of office of Lieutenant-Governor of Iowa has now expired. My official duties have been exclusively confined to presiding over the deliberations of this honorable Senate.

The position has been an exceedingly pleasant one to me. I entered upon the discharge of the duties with a determination *to do right*. I had a right to expect the co-operation of all the honorable Senators in this effort ; but I did not expect that we should always agree as to what was right. I now take great pleasure in acknowledging your courtesy to an extent that was never, to my knowledge, extended to any other presiding officer of a legislative body in this State. You not only have *not reversed* any one of my decisions, but *no appeal* has ever been taken from any ruling which I have made. For this unusual partiality I now desire to express to you my most profound acknowledgements and sincere thanks.

When I entered upon the duties of my office we were in the midst of a fratricidal war. Treason had been and was then being boldly talked in Congress, in the Legislatures of all the disloyal and some of the loyal States. The *right* to do this was claimed and almost universally yielded upon the alleged *unlimited* right of speech. On taking my seat as your presiding officer, I said :

“I do not believe in any such right. The right of speech, like all other rights, can never be legitimately used to infringe upon the sacred rights of persons by slander or libel. And the exercise of it to that extent is not only a licentious use, but a *crime* which the common law punishes by indictment, fine and imprisonment.

The character and existence of the Government are paramount to the life of a person, and every one goes *beyond* the bounds of loyalty who *talks* the Government into disrepute with the people. Seditious and treason are first propagated and then consummated by a licentious exercise of speech.

"I hold that no man has the legal, moral or political right to *begin* to do, or even to *advocate* that which the law will punish him for consummating.

"Believing, therefore, as I do, that the ax should be laid at the *root* of the tree, I will hold it *unparliamentary* for any one to talk treason, or advocate the cause of secession or any dismemberment of our Union, or in any way give aid and comfort to the rebellion by pleading the cause of the traitors, or denouncing or disparaging the Government in this Senate while I preside over it. The right of speech in a Legislative Assembly does not extend beyond the bounds of loyalty. Within the limits of *loyalty* it will be my desire to give a liberal construction to all parliamentary rules in favor of free discussion."

Some exception was taken to this by some papers, and persons, not members of this Senate. I desire now to be understood that I then had no reference to any member of the Senate; but I said it in *my place* because I thought it was time that this unquestionable parliamentary rule was promulgated and enforced, and to give notice that I intended to do it. I now take great pleasure in bearing testimony that during all the time I have presided over the Senate, each and every member has evinced a sacred devotion to the Union. Not one disloyal word or idea has been uttered by any one. Thank God, the *Iowa* Senate has *all* been loyal. So may it ever be.

Senators, I now bid you, each and all, a kind and generous farewell, with the hope that your lives and healths may be preserved, and that our beloved State and our common country, with all our free institutions, may be perpetuated. And when our earthly mission shall have ended, may we each and all have credentials to a seat in the sacred Chamber of Rest, where the Supreme Lawgiver of the Universe presides.

I now have the pleasure of introducing to you my worthy successor, the Hon. B. F. Gue. And now, my dear Sir, I take great pleasure in resigning this gavel to you. It is an instrument of power, to be obeyed on all occasions. Receive it, Sir, and may you be enabled to use it with honor to yourself and satisfaction to the honorable Senators over whose deliberations you preside.

Senators, I bid you, each and all, a kind and affectionate "good-bye."

Lieutenant-Governor Gue, on taking his seat, said :

SENATORS:—In assuming the position to which I have been called by the legally expressed voice of the people of our State, I do so with many doubts as to my ability to perform the duties devolving upon the President of the Senate, to your satisfaction.

I therefore earnestly desire your indulgence for any errors of judgment that may occur, and your generous assistance, in my efforts to properly discharge the responsible duties pertaining to the office. Your kind co-operation at all times, will remove much of the embarrassment I may feel in entering a new sphere of action, without that experience which is so essential in this position.

The preservation of that degree of order and decorum necessary in your deliberations, I am confident will at all times be observed; and that spirit of forbearance and courtesy which should mark our intercourse with each other, I trust will never be departed from.

I may be permitted, upon this occasion, to express to the people of our State my gratitude for the mark of confidence and esteem which they have manifested towards me, in the recent election. I fully appreciate the honor thus conferred, and shall earnestly endeavor to discharge the duties pertaining to the office impartially and with the best of my ability.

We are assembled here in accordance with law, to guard and protect the interests of the people of our State, to revise and enact laws for their benefit, and to execute their will in all matters pertaining to legislation.

The fearful perils that have encompassed our country for the last four years, threatening the utter destruction of our liberties, the overthrow of our Government, anarchy, and wide-spread ruin, have partially passed away. The great struggle which has convulsed the nation, reaching every material interest of the country, every remote region, almost every fireside, has, through the desolation which it has brought, taught us to realize the fearful price paid for the preservation of our national unity.

The armed enemies of the Government have been defeated and overthrown by the devotion, patriotism, and heroic deeds of our soldiers in the field; but the great work of restoration of permanent peace and lasting security, remains yet to be accomplished.

Iowa soldiers have won for our State a name and fame that the ever changing events of time can never obscure. The remembrance of their brilliant achievements, their heroic endurance, their sufferings and sacrifices, admonishes us to stand firmly for right, justice, and humanity, that we may secure to our country the legitimate results which their valor has so nobly wrought.

If the loyal people, in view of these stern lessons of the past, shall, through their representatives, State and National, Executive and Judicial, prove as faithful to their trust, and discharge their high duties as sternly and fearlessly as did our soldiers of the Army of the Union, we may look to the future with the confident assurance of lasting peace, National security, and unparalleled prosperity.

Some of the measures deemed necessary for the establishment of national harmony and future security, will demand your attention, and I have no doubt but that your actions will be

governed by sound judgment, pure patriotism and a just regard for equal and exact justice to all classes of our citizens.

In conclusion, Senators, permit me to express the hope that all of our deliberations may be conducted with a conscientious regard for the best interests of our State and its institutions, and that all of our acts may reflect credit upon ourselves, and meet the cordial approval of the patriotic and loyal people of Iowa.

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 concurrent resolutions relative to the equalization of bounties to soldiers, and the trial and punishment of Jefferson Davis.

These resolutions are herewith transmitted, and the concurrence of the Senate therein is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

*Be it resolved by the Senate and House of Representatives of the State of Iowa,* That the arch-traitor, Jefferson Davis, ex-President of the so-called Southern Confederacy, is guilty of the highest crime known to the Constitution and laws of the United States, and in the opinion of the loyal people of this State, is not a fit subject for clemency, and in our opinion it is due to the living and dead, that he should expiate his crime upon the scaffold.

*Resolved, the Senate concurring,* That we, the representatives of the people of the State of Iowa, urge upon the attention of Congress the importance and justice of making the bounty of soldiers who enlisted in the army to put down the rebellion in answer to early calls, equal to that of soldiers who enlisted under calls near the close of the war, and we earnestly entreat Congress to make such enactments as will secure even justice to all soldiers who enlisted under the various calls of the Government.

And be it further ordered, that copies of this resolution, be forwarded to our Senators and Representatives in Congress.

PETITIONS AND MEMORIALS.

By Senator Sampson : A petition of the Board of Supervisors of Keokuk county, asking for increase of the *per diem* of members of the Board of Supervisors.

Referred to Committee on County and Township Organizations.

By Senator Udell : A petition asking an increase of Recorders' fees.

Referred to Committee on County and Township organizations.

By Senator Oliver : A claim of R. A. Smith, of Dickinson county, for the allowance of a claim of \$452.00 for lumber furnished at the time of the Indian massacre on the upper Des Moines.

Referred to Committee on Claims.

By Senator Knoll : A petition of citizens of Dubuque county, asking an increase of Recorders' fees.

Referred to Committee on County and Township Organizations.

By Senator Warren: A petition of the citizens of Des Moines county, asking an increase of Recorders' fees.

Referred to Committee on County and Township organizations.

By Senator Bullis: A petition of the citizens of Winneshiek county, asking an increase of Recorders' fees.

Referred to Committee on County and Township organizations.

By Senator Hillyer: A resolution of the Board of Supervisors of Taylor county, asking a repeal of the act creating Board of Supervisors and substituting the Commissioner system.

Referred to Committee on County and Township organizations.

By Senator Moore: A petition of the citizens of Davis county, asking an increase of Recorders' fees.

Referred to Committee on County and Township organizations.

#### INTRODUCTION OF BILLS.

By Senator Parvin: Senate File No. 1, a bill for an Act authorizing the Supervisors to use "the Relief Fund" as other funds of the county.

Bill read first and second times and referred to Committee on County and Township organizations.

By Senator Hilsinger: Senate File No. 2, a bill for an Act to provide for the election of Township Collectors and to define their duties.

Bill read first and second times, and on motion of Senator Woolson it was laid on the table and ordered to be printed.

Senator Woolson offered the following resolution, which was, on motion, laid on the table and ordered to be printed.

*Resolved by the General Assembly of the State of Iowa, That the Constitution of this State be, and it is hereby proposed to be amended by the adoption of the following, which shall be known as Article 13 thereof, viz:*

#### "ARTICLE XIII.

"SEC. 1. Upon the taking effect of this article, each male person of the age of twenty-one years, who shall have been a resident of this State six months next preceding the election, and of the county in which he claims to vote, sixty days; and who shall have been duly enrolled in the military forces of this State prior to July 1, 1865; and shall have, after such enrollment, been duly mustered into the military service of the United States during the war of the great rebellion; and shall have served therein one year and been honorably discharged therefrom, shall, without regard to color or nationality, be entitled to vote at all elections to be held in pursuance of law; *Provided*, no idiot, insane person, or person convicted of an infamous crime, shall be entitled to this privilege.

"SEC. 2. After the last day of December in the year 1870, each male citizen of the age of twenty-one years who shall have resided in this State for six months next preceding the election, and in the county in which he claims to vote for sixty days, and who can read and write the English language in an intelligible manner, and no other person, shall be entitled to vote at all elections held in pursuance of law; *Provided*, no insane person, or person convicted of an infamous crime, shall be permitted to so vote.

"SEC. 3. The General Assembly shall provide by law for ascertaining by proper registration, who are entitled under this article, to the right of suffrage."

*Resolved*, That the Secretary of State be required to publish the foregoing for three months previous to the time for the election of the members of the Twelfth General Assembly of this State, in one newspaper in each Senatorial District in this State in which there shall be a newspaper printed, and shall lay the proof of such publication before the next General Assembly.

Senator Wo. Ison offered the following resolution instructing our Senators &c., to endeavor to effect amendments to the Constitution of the United States:

*Resolved by the General Assembly of the State of Iowa*, That our Senators in Congress are instructed, and our Representatives requested to endeavor to effect the passage by Congress of an amendment to the Constitution of the United States, making the right of suffrage uniform throughout the United States; basing it upon loyalty and intelligence alone; and also basing representation in the House of Representatives upon the number of persons entitled to such right of suffrage.

*Resolved*, That the Secretary of State furnish a copy of this resolution to each of our Senators and Representatives in Congress.

Resolution read a first and second time and referred to Committee on Federal Relations.

Senator Udell offered the following resolution, which was adopted:

*Resolved*, That the President of the Senate be authorized to appoint all standing Committees for this session.

Senator Parvin offered the following joint resolution, instructing our Senators in Congress, and requesting our Representatives to procure the passage of a law equalizing the bounties of soldiers.

*Resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be instructed, and our Representatives be requested to use their influence to procure the passage of a law equalizing the bounties of all volunteer soldiers who were mustered into the service of the United States during the late rebellion, and who served three years, or were honorably discharged therefrom, in consequence of wounds received or disease contracted while in said service, and in the proper discharge of their duty.

*Resolved*, That the Secretary of State be directed to forward to

each of our Senators and Representatives in Congress a copy of this resolution.

Resolution read a first and second time, and on motion, was laid on the table.

Senator Shippen offered the following resolution respecting the introduction of foreign troops and munitions of war into Mexico :

*Resolved by the Senate, the House concurring,* That the introduction of foreign troops and munitions of war into Mexico, for the purpose of subduing a free people, may justly be regarded as inimical to our interests and policy, and menacing to republican forms of government, and that our Senators in Congress are hereby instructed, and our Representatives requested, to recommend the enforcement of our policy known as the Monroe doctrine, until it shall be properly recognized and duly respected by all foreign nations.

Resolution read first and second time and referred to Committee on Federal Relations.

A committee from the House announced that the House was ready to receive the Senate in Joint Convention for the purpose of electing United States Senators.

1. For the full term commencing March 4th, 1867.

2. For the unexpired term made vacant by the resignation of Hon. James Harlan.

The President announced Senator Ross, teller on the part of the Senate.

On motion, the Senate then proceeded to join the House in Joint Convention.

#### JOINT CONVENTION.

Lient.-Governor and President of the Senate, Benjamin F. Gue in the chair.

Mr. Sherman was appointed teller on the part of the House, and Senator Ross was appointed teller on the part of the Senate.

Mr. Godfrey of the House, and Senator McJunkin of the Senate, were excused from attendance on account of illness.

The joint roll was then called and a quorum found to be present.

On motion of Mr. Hall, the Convention then proceeded to ballot for a U. S. Senator for the short term.

Mr. Sapp nominated Samuel J. Kirkwood.

Mr. Fellows nominated J. T. Stoneman.

The roll was then called with the following result :

Whole number of votes cast.....	139
Necessary to a choice.....	75
Mr. Kirkwood received.....	118
Wm. Stoneman received.....	20
Fitz Henry Warren received.....	1
Absent and not voting.....	9

Those who voted for Mr. Kirkwood were Messrs. Abernethy, Abbott, Barnes, Bassett, Brayton, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clark of Tama, Clarkson, Close, Conway, Crawford, Crookham, Cutts, Darwin, Dashiell, DeForest, Doud, Dudley, Dwelle, Emery, Farwell, Finkbine, Flanders, Fry, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Huggins, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Leffingwell, Linderman, Marshall, Maxwell, McMillan, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Parvin, Patterson, Poindexter, Powers, Reed, Robertson, Rohlf, Rogers, Ross, Runyan, Russell, Ryan, Sampson, Safely, Sapp, Serrin, Sherman, Shippen, Smith, Stiles, Stockman, Stubbs, Thacher, Thorne, Tisdale, Thomson, Tracy, Travis, Udell, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Williams of Winnesheik, Woolson, Young—118.

Those voting for Mr. Stoneman were, Messrs. Alcorn, Ballinger, Bahl, Barker, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, Martin, O'Brien, Paulk, Richards, Sipple, Wright of Alamakee, and Wilson of Dubuque—20.

Mr. Gamble voted for Fitz Henry Warren.

Absent and not voting, Messrs. Bridges, Edwards, Godfrey, Hunt, Johnson, McJunkin, Stockman, and Van Leuven—9.

Mr. ——— moved that the Convention proceed to the election of a U. S. Senator for the long term. The motion prevailed.

Mr. Darwin nominated James Harlan.

Mr. Ballinger nominated H. H. Trimble.

The roll was called with the following result:

Whole number of votes cast.....	138
Necessary to a choice.....	70
Mr. Harlan received.....	118
Mr. Trimble received.....	20
Absent or not voting.....	8

Those voting for Mr. Harlan were Messrs. Abernethy, Abbott, Barnes, Bassett, Brayton, Belt, Bereman, Bennett, Boomer, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winnesheik, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clark of Tama, Clarkson, Close, Conway, Crawford, Crookham, Cutts, Darwin, Dasheill, DeForest, Doud, Dudley, Dwelle, Emery, Farwell, Finkbine, Flanders, Fry, Gamble, Gaylord, Gary, Garrett, Garber, Glasgow, Goodrich, Graves, Griffith, Hale, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Huggins, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Leffingwell, Linderman, Marshall, Maxwell, McMillan, McPherson, McNutt, McCullough, McLaughlin, McKean, Mills, Meyer, Moore,

Morgan, Oliver, Olmstead, Palmer, Parvin, Patterson, Poindexter, Powers, Reed, Robertson, Rohlf's, Rogers, Ross, Runyan, Russell, Ryan, Sampson, Safely, Sapp, Serrin, Sherman, Shippen, Smith, Stiles, Stubbs, Thacher, Thorne, Tisdale, Thomson, Tracy, Travis, Udell, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Williams of Winneshieek, Woolson, Young—118.

Those voting for Mr. Trimble were Messrs. Alcorn, Ballinger, Bahl, Barker, Bolter, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, Martin, O'Brien, Paulk, Richards, Sipple, Wright of Alamakee, Wilson of Dubuque—20.

Absent and not voting, Messrs. Bennett, Bridges, Edwards, Godfrey, Hunt, Johnson, McJunkin, Stockman and Van Leuven—10.

Credentials of the election were then prepared and signed as follows :

REPRESENTATIVE HALL, DES MOINES, IOWA, {  
JANUARY 13, 1866. }

This is to certify that at an election by the two Houses of the General assembly of the State of Iowa, in joint convention, on Saturday, the 13th day of January, A. D. 1866, for the purpose of electing a United States Senator, to fill the vacancy occasioned by the resignation of Hon. James Harlan, Samuel J. Kirkwood having received a majority of all the votes cast for said office, was declared duly elected United States Senator for the unexpired term, ending March 3, 1867, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 13th day of January, A. D. 1866.

B. F. GUE,  
President of the Senate.

ED WRIGHT,  
Speaker of the House of Representatives.

ATTEST :

LEWIS W. ROSS,  
Teller of the Senate.

HOYT SHERMAN,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, {  
JANUARY 13, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 13th day of January, A. D. 1866, for the purpose of electing a United States Senator, James Harlan, having received a majority of all the votes cast for said office, was declared duly elected United States Senator for the term of six years from and

after March 4, 1867, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 13th day of January, A. D. 1866.

B. F. GUE,  
President of the Senate.

ED WRIGHT,  
Speaker of the House of Representatives.

ATTEST :

LEWIS W. ROSS,  
Teller of the Senate.

HOYT SHERMAN,  
Teller of the House of Representatives.

Mr. Oliver moved that the convention do now rise, which motion prevailed and the convention dissolved.

12 o'clock M.

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

Senator Woolson asked leave of absence for Senator Hunt for ten days on account of business. Granted.

Senator Udell moved that a committee of three on mileage of the members be appointed.

The motion prevailed and the President announced Senators Udell, Hilsinger and Richards as such committee.

Senator Oliver moved that a committee of three be appointed to report rules for the government of the Senate, and that said committee be instructed to confer with the House committee on rules, in relation to joint rules.

The motion prevailed, and the President appointed Senators Clarkson, Hedges and Woolson, as such committee.

On motion, the Senate adjourned until 10 o'clock, Monday morning.

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SENATE CHAMBER, DES MOINES, }  
January 15, 1866. }

Senate convened at 10 o'clock A. M., pursuant to adjournment.

President in the chair.

Prayer by Rev. Mr. Winans, of Des Moines.

The Journal of Saturday read, corrected and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has concurred in the Resolution of the Senate instructing the Committee appointed for the

purpose of investigating the alleged diversion of the Swamp Land Indemnity Fund, to report testimony in writing to the General Assembly.

CHARLES ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has appointed Messrs. Finkbine and Barker as a committee on Joint Rules of the two Houses, to act with a similar committee on the part of the Senate.

CHARLES ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following concurrent resolution, praying for additional mail facilities:

*Resolved*, By the House, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a daily mail route from Boonsboro, in Boone county, *via* Dennison and Paradise, in Crawford county, Olmstead and Whitesbury to St. John in Harrison county, at the earliest period possible.

*Resolved*, That the Secretary of State be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Senator Udell asked leave of absence for Senator Clark, on account of business. Leave granted.

Senator Leake asked leave of absence for Senator King, on account of business. Granted.

Senator Stubbs asked leave of absence for Senator McJunkin, on account of sickness. Leave granted.

Senator Cutts asked leave of absence for Senator Clarkson, on account of sickness. Granted.

Senator Woolson, from the Committee on Rules for the government of the Senate, submitted the following report, which was, on motion of Senator Leake, adopted:

The select committee upon rules beg leave to report that they recommend that the rules of last session stand adopted, with the following amendments:

1st. Add at the end of Rule 1, the following: "He shall appoint all committees unless otherwise specially ordered."

2d. Amend Rule 13 by inserting the word "joint" before the word "resolution," in the first and seventh lines respectively; and by striking from the eighth line the words "requiring the concurrence of both Houses."

3d. Amend Rules 14 and 15 by inserting before the word "resolution," the word "joint," in each rule.

4th. Include in the order of Standing Rules, the following additional committees:

On Constitutional Amendments.

On Medical Institutions.

On Senatorial Districts.

On Representative Districts.

Your committee, as instructed, consulted with the committee of the House on the subject of Joint Rules, and recommend no change therein from those of last session, and that they stand adopted.

Respectfully submitted,

T. W. WOOLSON, for Committee.

PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Brayton, a petition of the Board of Supervisors of Delaware county, asking the passage of a law, authorizing Boards of Supervisors to apply Relief Fund to such purposes as they deem proper.

Referred to Committee on County and Township Organizations.

By Senator Hart, a petition of the Board of Supervisors of Buchanan county, asking to be relieved from the payment, to the State, of \$1,034.57, money belonging to the State, stolen from the County Treasury.

Referred to Committee on Ways and Means.

By Senator Parvin, a memorial on behalf of the Freedmen by representatives of the Society of Friends.

Referred to Committee on Federal Relations.

By Senator Parvin, a memorial of Jacob Bolter and two hundred and thirty-six others, citizens of Muscatine, asking that steps be taken for the amendment of the Constitution of the State, and for the repeal of all laws making distinctions on account of color.

Referred to Committee on Constitutional Amendments.

By Senator Parvin, a memorial of Alexander Clark and sixty others, colored people of Muscatine county, asking that steps be taken for the amendment of the Constitution of the State, and for the repeal of all laws making distinctions on account of color.

Referred to Committee on Constitutional Amendments.

By Senator Parvin, a memorial of the non-commissioned officers and privates of the 60th U. S. colored infantry, asking that steps be taken for the amendment of the Constitution of the State, and for the repeal of all laws making distinctions on account of color.

Referred to Committee on Constitutional Amendments.

By Senator Wharton, a petition of the Board of Supervisors of Cedar county, asking suitable and proper legislation on the following subjects:

1st—Limitation of the rates of fare and charges for freight upon the several Railroads operating within the State.

2d—Protection of sheep, by a tax on dogs or otherwise.

3d—Encouragement to the growth of live hedges and timber, by the payment of a limited bounty, or otherwise.

4th—The duties and liabilities of contiguous owners of land, pursuing agriculture in common.

5th—Encouragement to the introduction of manufacturing capital in the State, by relief from taxation for a limited period, or otherwise.

Referred to Committee on Manufactures.

By Senator Patterson, a petition of Wm. B. Fairfield, and nineteen others, citizens of Floyd county, asking an extension of the jurisdiction of county courts.

Referred to the Committee on Judiciary.

By Senator Henderson, a memorial and joint resolution of the General Assembly of the State of Iowa, to Congress, in relation to the removal of obstructions to the navigation of the Mississippi river.

Referred to Committee on Commerce.

The President announced the following as the Standing Committees for the present session.

*Ways and Means*—Messrs. Udell, Clark, Cattell, Stiles, Woolson, Bassett, Richards, Oliver, and Hart.

*Judiciary*—Messrs. Leake, Henderson, Hunt, Stubbs, Cutts, Ross, Patterson, Sampson, and Powers.

*Federal Relations*—Messrs. Warren, Stubbs, Meyer, Darwin, Patterson, Hart, and Knoll.

*Constitutional Amendments*—Messrs. Woolson, Cutts, Crookham, McJunkin, Sampson, and Hollman.

*Schools and School Lands*—Messrs. Henderson, Stiles, Robertson, Hilsinger, Paulk, and Cattell.

*Agriculture*—Messrs. Clarkson, Henderson, McMillen, Paulk, King, Powers, and Bridges.

*County and Township Organization*—Messrs. Patterson, Hilsinger, Paulk, Bridges, Udell, Brayton, Wharton, Henderson and Moore.

*Rail Roads*—Messrs. Bassett, McJunkin, Oliver, Clark, Richards, Reed, Lakin, Hillyer and King.

*State University*—Messrs. Clark, Ross, Bulis, Knoll, Brayton, Young and Farwell.

*Military Affairs*—Messrs. Moore, Warren, Sampson, Smith, Meyer, Hollman and Edwards.

*Elections*—Messrs. McJunkin, Hunt, Woolson, Parvin and Hillyer.

*Claims*—Messrs. Cattell, Bulis, Hedges, Crookham and Smith.

*Banks*—Crookham, Marshman, Edwards, Robertson and Knoll.

*Commerce*—Messrs. Hilsinger, Hedges, Young, Edwards and Brayton.

*Public Buildings*—Messrs. Stubbs, Clarkson, Oliver, McMillen, and Hillyer.

*Charitable Institutions*—Messrs. Young, Hollman, Woolson, Wharton and Larimer.

*Medical Institutions*—Messrs. Robertson, Bulis, Udell, Crookham and Richards.

*Incorporations*—Cutts, Larimer, Sampson, Doud and Marshman.

*Manufactures*—Messrs. Hart, Bulis, McJunkin, Hedges and Shippen.

*Printing*—Messrs. Reed, Henderson, Powers, Moore and Bassett.

*Public Lands*—Messrs. Ross, Edwards, Farwell, Leake and Richards.

*Internal Improvements*—Messrs. Bridges, Lakin, Robertson Udell and Knoll.

*Roads*—Messrs. McMillen, King, Marshman, Shippen and Doud.

*New Counties*—Messrs. Wharton, Hunt and Hart.

*County Boundaries*—Messrs. Shippen, Farwell and Robertson.

*State Library*—Messrs. Brayton, Smith and Crookham.

*Engrossed Bills*—Messrs. Meyer, Shippen and Stubbs.

*Enrolled Bills*—Messrs. Lakin and Paulk.

*Senatorial Districts*—Messrs. Stiles, Warren, Hillyer, Leake, Bassett, Lakin, Knoll, Ross and Hedges.

*Representative Districts*—Messrs. Hunt, Smith, Bridges, Reed, Richardson, Oliver and Clarkson.

*Soldiers' Orphans Home*—Messrs. Powers, Parvin, Larimer, Lakin, Patterson, King, Moore, Doud, and Shippen.

Senator Bassett offered the following joint resolution:

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in the Congress of the United States be instructed, and our Representatives requested, to use their best endeavors to prevent the passage of any act which shall withdraw from the control of the Legislature of this State, the lands granted to the State to aid in the construction of railroads, or that shall in any manner release the railroad companies from their responsibility to the State to construct their several lines of railroads according to the conditions of the acts under which they claim.

Referred to Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Ross, Senate File No. 3, a bill for an act granting to the Iowa State University certain property in Iowa City.

Read first and second times, and referred to Committee on State University.

By Senator Moore, Senate File No. 4, a bill for an act to provide for the early distribution of the laws.

Bill read a first and second time, and referred to Committee on Printing.

By Senator Crookham, Senate File No. 5, a bill for an act to extend the elective franchise to certain persons of Iowa, that have been heretofore excluded.

Bill read first and second time.

Senator Henderson moved that the bill be referred to the Committee on Constitutional Amendments.

Senator Wharton moved as a substitute, that the bill be laid on the table and ordered to be printed.

The motion did not prevail.

Senator Woolson moved to amend the original motion by striking out the words "Committee on Constitutional Amendments" and substituting the words "Committee on Judiciary."

The amendment prevailed, and the bill was so referred.

By Senator Reed, Senate File No. 6—a bill for an act to increase the pay of recorders of deeds.

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

By Senator Patterson, Senate File No. 7—a bill for an act providing dockets for Justices of the Peace.

Bill read a first and second time, and referred to Committee on Judiciary.

By Senator Hillsinger, Senate File No. 8—a bill for an act to provide for establishing private roads in the State of Iowa.

Bill read first and second time, and referred to Committee on Roads.

The following message was received from the House :

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

House File No. 16—a bill for an Act providing for compelling witnesses to appear before investigating committees.

CHAS. ALDRICH, Chief Clerk.

Senator Stubbs moved to take up the Joint Resolution made a special order for last Friday morning at 10 o'clock, the same being a ratification of the Amendment to the Constitution of the United States.

The motion did not prevail.

Senator Sampson introduced Senate File No. 9—a bill for an act to enable County Judges to perfect their marriage records.

Bill read first and second time, and referred to Committee on Judiciary.

Senator Udell offered the following concurrent resolution, which was adopted :

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

Senator Hart offered the following resolution, which was adopted:

*Resolved*, That Zimri Streeter be allowed \$10.00, as full pay for his services as Door-Keeper *pro tem.* of this Senate.

The joint resolution of Senator Parvin, instructing our Senators and Representatives in Congress on the re-admission of the rebellious States, was taken from the table and referred to Committee on Federal Relations.

Senator Patterson offered the following resolution :

*Resolved by the Senate, the House concurring*, That the Secretary of State procure 6,000 copies of the Inaugural Address of the Governor, to be printed, for distribution by the General Assembly.

Senator Paulk moved to amend by striking out "6,000," and inserting "2,000."

Senator Hollman moved to amend the amendment by striking out "2,000," and substituting "10,000."

Upon the adoption of the amendment to the amendment, the yeas and nays were demanded by Senator Hollman :

The yeas were, Senators Crookham, Hedges, Hollman, Knoll, Reed, Richards, Ross—7.

The nays were, Senators Bassett, Brayton, Bridges, Bulis, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Lakin, Larimer, Leake, McMillen, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—32.

Absent or not voting, Senators Cattell, Clark, Clarkson, Hunt, King, Marshman, McJunkin, and Young.

The motion did not prevail.

Senator Oliver offered the following as a substitute for the original resolution, which was adopted :

*Resolved*, That there be printed for the use of the Senate, the same number of copies of the Governor's Inaugural, and in the same languages, as the Senate has already ordered of the Biennial Message: *Provided*, That double compensation shall not be allowed for composition and translation for the copies ordered by the House and Senate.

#### COMMUNICATIONS ON THE PRESIDENT'S TABLE.

A communication from the State Librarian was received, and on motion, it was ordered to lie on the table and be printed.

#### REPORTS OF SPECIAL COMMITTEES.

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

The Committee on Mileage ask leave to make the following report: The mileage of a small number of Senators is large, but the Committee are satisfied that owing to the impassable condition of the roads, that these long distances were over the only practica-

ble route. We have added the mileage of President Eastman and President Gue, as also that of contesting gentlemen holding certificates of election.

N. UDELL,  
B. B. RICHARDS, } Com.  
J. HILSINGER, }

NAMES.	MILES.
Bassett.....	180
Brayton.....	406
Bridges.....	200
Bulis.....	900
Cattell.....	20
Clark.....	260
Clarkson.....	200
Crookham.....	120
Cutts.....	190
Carskaddon.....	280
Doud.....	270
Edwards.....	230
Farwell.....	360
Hart.....	480
Hedges.....	330
Henderson.....	130
Hilsinger.....	480
Hillyer.....	460
Hollman.....	380
Hunt.....	750
Johnson.....	330
King.....	160
Knoll.....	620
Lakin.....	760
Larimer.....	420
Leake.....	400
Marshman.....	40
McJunkin.....	416
McMillan.....	100
Meyer.....	80
Moore.....	280
Oliver.....	430
Parvin.....	340
Paulk.....	900
Patterson.....	710
Powers.....	550
Reed.....	50
Richards.....	600
Robertson.....	380
Ross.....	330

NAMES.	MILES.
Sampson.....	200
Shippen.....	190
Smith.....	440
Stiles.....	200
Stubbs.....	240
Udell.....	300
Warren.....	340
Wharton.....	400
Woolson.....	290
Young.....	280
Eastman.....	240
Gue.....	180

On motion of Senator Woolson, the report of the Committee was laid on the table.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable body that the House of Representatives has passed a Joint Resolution ratifying the amendment to the Constitution of the United States abolishing slavery within the United States, which is herewith transmitted, and in which the concurrence of the Senate is asked.

CHAS. ALDRICH, Chief Clerk.

WHEREAS, The Congress of the United States did, on the first day of February, one thousand eight hundred and sixty-five, pass a resolution, two-thirds of both Houses concurring therein, which is in the words following, to-wit:

“A resolution submitting to the Legislatures of the several States, a proposition to amend the Constitution of the United States:

“*Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid to all intents and purposes, as a part of said Constitution, namely:*

ARTICLE XIII.

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

“SEC. 2. Congress shall have power to enforce the article by appropriate legislation.”

1. *Be it resolved by the General Assembly of the State of Iowa, That the said amendment to the Constitution of the United States,*

so proposed by Congress, be, and the same is hereby agreed to and confirmed.

2. *Resolved*, That the Secretary of State forthwith transmit to the Secretary of State of United States, a duly authenticated copy of these resolutions.

On motion of Senator Wharton the Senate adjourned until 2 o'clock P. M.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened.

Mr. Stubbs from the Committee on the contested election case from the 31st Senatorial District, submitted the following majority report :

*To the Honorable Senate :*

Your special committee appointed in pursuance of the following resolution :

*Resolved*, That so much of the "report of the committee on credentials, as referred to the claim of Mr. David Carskaddon to represent the 31st Senatorial District in the Senate, reporting the same back to the Senate without recommendation, be referred to a committee of five, to report :

1. Whether there has any vacancy occurred in the office of Senator in said District, since the last session of the Senate.

2. And if so, whether the claimant has been legally elected to fill such vacancy, said committee to have power to send for persons and papers,"—would report, that they have caused to come before them, both parties claiming to be entitled to hold a seat in the Senate, as Senator from said 31st District, and have had such evidence, as your committee deemed important to fully explain the claims of each of the said parties, and to satisfy your committee of the merits of the contestants' cases respectively. Your committee find the following facts to exist :

1. That at the October election for the year 1863, Hon. J. B. Young was duly elected Senator from the 31st Senatorial District, for the term of four years from the second Monday of January, 1864, and that he appeared, and was regularly sworn in and served as a member of the Senate of the 10th General Assembly.

2. That in the month of June, 1864, said Young was appointed by competent authority of the United States an additional Paymaster in the volunteer forces of the United States, and was regularly mustered into such service, and continued to receive the pay and emoluments of said office, and to discharge the duties thereof

till in the month of July, 1865, when he was mustered out of the same.

3. That said Young held said office of additional Paymaster under the United States, and that said office is and was lucrative, the pay and rations thereof amounting to at least one hundred and thirty-four dollars per month.

4. That said Young, on or about the 1st day of April, 1864, accepted the office of Commissary of Subsistence; but resigned soon after receiving such appointment, his resignation having been accepted on the 18th of May, 1864, and that he never entered upon or discharged the duties of Commissary of Subsistence.

As to the first proposition referred to your Committee in said resolution, to-wit: "whether there has any vacancy occurred in the office of Senator, in said District, since the last session of the Senate:" your committee are clearly of the opinion that such vacancy has occurred.

Section 22d of Article 3 of the Constitution of Iowa provides: "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."

And in addition to this provision of the Constitution, which was, in the opinion of your Committee, intended by its framers, to meet the classes of cases now under consideration, the 9th General Assembly, at its regular session, as additional cause for vacancies of office in the State, enacted an amendment to Section six hundred and sixty-two of the Revision of 1860, as follows, to-wit: "The acceptance of a commission to any military office, either in the militia of this State, or the volunteer service of the United States, which requires the incumbent in the civil office to exercise his military duties out of the State, for a period not less than sixty days."

From the Section of the Constitution, and the law above quoted, your Committee can arrive at no other conclusion than that, by the acceptance of any lucrative office, whether under this State, the United States, or any other power, by a member of the General Assembly, his office becomes vacant.

We are aware that it is claimed by the occupant, Mr. Young, that inasmuch as there was no session of the General Assembly during the time that he was employed as Paymaster U. S. A., and that as he has long since been mustered out of the service, and was not, at the commencement of the present session, an incumbent of any office, save that of Senator, and is, therefore, competent to hold his seat as Senator from the 31st District.

But your committee cannot reconcile this position with provisions of the Constitution, which provide that Senators shall be elected for the term of four years, and if elected for that term, must, of course, hold their office for that term, unless by other provisions of the Constitution and laws they should, 'by lot, draw a

term for two years. And if they hold their office for that period, then during the whole of that term they must be eligible and qualified to hold a seat in the Senate; but if during that time a Senator should do any act which disqualifies him from holding his seat, then, at once, in the opinion of your committee, such office or seat becomes vacant, and the person who so disqualified himself, can, of himself do no act to reinstate himself; that power lies with the people of his district, and if they see fit to clothe him again with Senatorial votes, he will be again qualified, but in no other event.

It is also claimed by the incumbent that the office of Additional Paymaster U. S. A., is a civil and not a military office.

Your committee is of the opinion that such office is a military office; that such paymasters are under the control of the President as Commander-in-Chief, the Secretary of War, and superior officers, and are under the army regulations. But, should the position of the claimant be correct as to the office being "civil;" instead of "military," it is hard to discern any difference in the position it places him.

As to the second proposition that your committee is called upon to decide and report upon, to-wit: "2d, and if so whether the claimant has been legally elected to fill such vacancy," your committee finds:

1st—That at the general election in the fall of 1864, the claimant, David Carskaddon, was voted for as Senator by a majority of the legal voters of the 31st Senatorial District, to fill a vacancy in the Senate.

2d—That at the time he was so voted for, he held a Colonel's commission in the military service of the United States, and continued to hold said commission, and to receive the pay and emoluments of said office till in January, 1865, when he was mustered out of the service.

3d—That no writ of election, or proclamation, was issued by the Governor, or sheriff of Linn county, forming said 31st District, ordering the election of Senator to fill the unexpired term of Senator Young.

The precedents are too numerous, and the occurrences of electing persons to office who at the time hold other offices, and, in fact, hold them up to the time of qualifying for the office to which they have been elected, too frequent to need any argument to show that, at the time of electing a person, his holding an office does not disqualify him from holding the office to which he has been elected, so that he does not hold it at the moment he enters upon the duties of the office to which he may have been chosen. If the holding of an office at the time of election disqualifies one from the discharge of the duties of the office to which he may have been elected, then no officer could be his own successor.

We now come to the third proposition; that is, as to the legality

of Mr. Carskaddon's election, no writ of election or proclamation having been issued by the Governor to fill the vacancy.

Section 460 of the Revision of 1860, provides that: "Special elections are such as are held in pursuance of a special law, and such as are held to supply vacancies in any office, whether the same be filled by the vote of the qualified voters of the State, or any district, county or township, and any be held at such time as may be designated by such special law, or the proper officer duly authorized to order such election."

It seems to be clear that the vacancy occasioned by Mr. Young's acceptance of the commission, was to be filled at a "special election," at such time as may be designated by law.

We shall see by referring to Section 672 of the Revision, what "time is fixed by law" to "fill vacancies."

#### SECTION 672.

Vacancies occurring in Township offices, ten days; and in all other public elections of offices, thirty days prior to the day of a general election, shall be filled at such general election; *Provided*, that should a vacancy occur in the office of representative in Congress, Senator or Representative in the General Assembly, member of the Board of Education, and the body in which the vacancy exists, will convene in a general, or extra session prior to such election, then it shall be the duty of the Governor to order a special election to fill such vacancy, to be held at the earliest practicable time, and ten days' notice of such election shall be given.

It is clear by this section that the proper time for filling said vacancy was at the general election in the fall of 1864, the vacancy having occurred more than thirty days before the general election.

Section 12 of Article 3 of the Constitution provides that "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," and it is understood that because no such writ was in this case issued, that the election of Mr. Carskaddon was void and of no effect; but your committee are of the opinion that no writ of election in this case was required, the election having been on the day required by law. (See Section 672 of the Revision). That no proclamation of the Governor was necessary, the office of Senator not being such an office as to require a proclamation. (See latter portion of Section 462 of the Revision).

Your committee are of the opinion that the writ of election is only necessary in case of a special election held on some other and different day than that fixed by law.

A writ, as your committee understand, is a process issued by some superior authority, commanding that some act be done. So in case of vacancies occurring which could not be filled at a gen-

eral election, then it becomes necessary to have some one empowered to command an election to be held, and fix a time therefor; and this power has been reposed in the Governor of the State. They have, therefore, felt compelled to report and ask the Senate to adopt the following resolution:

*Resolved*, That a vacancy has occurred in the office of Senator in the 31st Senatorial District, since the last session of the Senate, and that David Carskaddon has been duly elected Senator from said District, to fill such vacancy, and is entitled to his seat.

All of which is respectfully submitted.

D. P. STUBBS,  
J. B. POWERS,  
C. PAULK,  
ADDISON OLIVER.

I hereby concur in the 1st and 2d divisions of the foregoing report, but cannot agree with that part which finds David Carskaddon, legally elected to fill the vacancy for the reason mentioned in the following minority report.

LEWIS W. ROSS.

I fully concur in the conclusions arrived at, in the foregoing majority report, but dissent from a portion of the reasoning by which those conclusions are arrived at.

ADDISON OLIVER.

Senator Ross, from the committee on the contested election case from the 31st Senatorial District, submitted the following minority report:

**MINORITY REPORT IN THE CONTESTED ELECTION FROM THE THIRTY-FIRST SENATORIAL DISTRICT.**

I cannot concur in that part of the majority report which finds that Carskaddon was duly and legally elected to fill the vacancy. Art. 3, sec. 12, of the Constitution provides "when vacancies occur in either House, the Governor, or the person exercising the functions of Governor, *shall issue writs of election to fill such vacancy.*"

Art. 3, Sec. 7, provides: "Each House shall choose its own officers, and judge of the qualifications, election, and return of its own members."

The Senate is now to pass upon the qualifications, election and return of Carskaddon. The Constitution is the fundamental law. Art. 3, sec. 12, is mandatory in its terms. No statute can make it more explicit than it is, and without any statute upon the subject of vacancies it would be the duty of the Governor to issue his writ or proclamation in such case, in order to render the election valid.

Sec. 672, Rev. 1860, is referred to by the majority as a statutory construction of Art. 3, Sec. 12, of the Constitution. I cannot bring

myself to the belief that such was the intention of the Legislature, and if it was, I have yet to learn that such construction is of any binding authority in this case. All the adjudicated cases which have come under my notice, seem to be constructions of statute rather than Constitutional law.

The right of election is, I admit, a high prerogative which should not be destroyed by either the omission or caprice of the person exercising the functions of Governor, but when the people have presented in the fundamental law a particular way in which that right is to be exercised, the way thus prescribed, is *the only way*.

I am unable to find any conflict between the provisions of the Constitution and the statute, but granting that there is a conflict, then I reply, that it is far safer to follow the Constitution, and disregard the statute, than to follow the statute and disregard the Constitution.

For these reasons, I am of the opinion that there is a vacancy in the 31st District, and that the question should be referred to the people of that District in the manner prescribed in the Constitution.

LEWIS W. ROSS.

Senator Woolson moved that the reports be laid on the table and made a special order for Wednesday, at 2 o'clock P. M.

The motion prevailed.

On motion of Senator Cutts the House Joint Resolution ratifying the amendment to the Constitution of the United States abolishing slavery, was taken up and read a first and second time.

On motion of Senator Stubbs, the eleventh rule was suspended, and the resolution was read a third time.

The question being shall the Joint Resolution be adopted :

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young  
—40.

The nays were, none.

Absent, and not voting, Senators Cattell, Clark, Clarkson, Hunt, King, Marshman, and McJunkin. The resolution was adopted.

On motion of Senator Brayton, the vote by which the resolution was adopted was reconsidered.

On motion of Senator Leake, the vote by which the resolution was put upon its third reading was reconsidered.

Senator Leake moved to substitute the joint resolution of Senator Stubbs, which was made a special order for last Friday morning, for the House joint resolution.

The motion prevailed.

On motion of Senator Leake, the eleventh rule was suspended, and the resolution was read a third time.

The question being, shall the resolution be adopted?

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

The nays were none.

Absent and not voting, Senators Cattell, Clark, Clarkson, Hart, King, Marshman, and McJunkin.

The resolution was adopted.

Senator Cutts asked leave of absence for Senator Cattell, for the day, on account of business. Granted.

The House Joint Resolution relating to equalizing the bounties of soldiers, was taken up and concurred in.

House File No. 26—a bill for an act providing for compelling witnesses to appear before investigating committees, was taken up and read a first and second time, and referred to the Judiciary Committee.

The House Joint Resolution relating to the hanging of Jeff. Davis was taken up and read a first and second time, and referred to the Committee on Federal Relations.

The House Joint Resolution relative to additional mail facilities was taken up and read a first and second time, and referred to the Committee on Federal Relations.

Senator Meyer offered the following resolution :

*Resolved*, That hereafter until it is otherwise directed, the Senate will hold but one session per day, commencing at 10 A. M. each day.

Senator Leake moved to amend by striking out "10" and substituting "9."

Senator Stiles moved to further amend by adding the words "and continue in session until one o'clock P. M."

The motion did not prevail.

The amendment offered by Senator Leake was adopted.

The question recurring on the original resolution as amended, the yeas and nays were demanded.

The yeas were Senators Bassett, Brayton, Bulis, Hedges, Henderson, Hollman, Knoll, Larimer, Leake, Meyer, Powers, Reed, Richards, Ross, Stiles, Stubbs, Udell, Woolson, Young—19.

The nays were Senators Bridges, Crookham, Cutts, Doud, Farwell, Hart, Hilsinger, Hillyer, Lakin, McMillan, Moore, Oliver, Parvin, Paulk, Patterson, Robertson, Shippen, Smith, Warren and Wharton—20.

Absent and not voting, Senators Cattell, Clark, Clarkson, Hunt, King, Marshman, McJunkin and Sampson.

The resolution was lost.

Senator Udell offered the following resolution :

*Resolved*, That a committee of five be appointed to revise and amend the law regulating Insurance Companies.

The resolution was not adopted.

Senator Bulis offered the following resolution :

*Resolved*, That a committee of three be appointed to take into consideration the proper heating and ventilating the Senate Chamber. Lost.

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

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SENATE CHAMBER, DES MOINES, }  
JANUARY 16, 1866. }

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

The President in the Chair.

Prayer by Rev. Mr. Geiger, of Des Moines.

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

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following concurrent resolution, providing for the appointment of a committee to visit the State Penitentiary at Fort Madison.

#### JOINT RESOLUTION.

*Resolved by the House of Representatives, the Senate Concurring*, That a joint committee, composed of two, on the part of the House, and one on the part of the Senate, be at once appointed to visit the Penitentiary of this State, at as early a day as may be practicable, with instructions to examine and report to this General Assembly, the sanitary condition, police regulations, and discipline of the prison, and what privileges of a religious and literary character are afforded the convicts.

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

3. What farther improvements, if any, are necessary to the safe and humane custody of the convicts; the character, extent, and probable cost of such improvements, and such other matters as may pertain to the public interest in the penitentiary.

I am further directed to inform the Senate that the House has adopted a concurrent resolution relative to the reference of that part of the Governor's Message concerning claims against the United States, which is herewith transmitted.

*Resolved*, If the Senate shall concur, that a joint committee of two on the part of the Senate, and three on the part of the House shall be appointed, to whom shall be referred so much of the Governor's Message as relates to claims against the United States, with instructions to investigate the subject, and report a definite and practicable plan for securing a settlement of said claims with the United States.

In all of which the concurrence of the Honorable Senate is respectfully asked.

CHARLES ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has amended the Senate's resolution relative to the printing of the rules of the two houses, by striking out "500" and inserting "1,000," and by striking out "two" and inserting "three." In which the concurrence of the Senate is respectfully asked.

CHARLES ALDRICH, Chief Clerk.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Brayton, a petition of County Recorders, asking changes in the law relative to the recording of deeds.

Referred to Committee on County and Township Organizations.

By Senator Brayton, a petition of G. Wattson and twenty others, citizens of Delaware County, asking changes in the law relative to the recording of deeds.

Referred to Committee on County and Township Organizations.

#### INTRODUCTION OF BILLS.

By Senator Powers, Senate File No. 10, a bill for an act to award costs against private prosecutors on examinations in criminal cases.

Bill read a first and second time, and referred to the Committee on Judiciary.

By Senator Woolson, Senate File No. 11, a bill for an act disposing of the dockets of additional Justices of the Peace in certain cases.

Bill read a first and second time, and referred to the Committee on Judiciary.

By Senator Hilsinger, Senate File No. 12, a bill for an act to amend Section 103 of "an act for the incorporation of cities and towns," passed March 23, 1858, and took effect July 4, 1858, it being Section 1133 of the Revision of 1860, and to legalize the publication of by-laws and ordinances passed by incorporated towns and cities incorporated under and by virtue of said act, and published by posting up copies thereof in three public places in such incorporated towns and cities, instead of having them pub-

lished in a newspaper as provided by said section, and to legalize all acts done under and by virtue of such by-laws and ordinances.

Bill read a first and second time, and referred to the Committee on Incorporations.

By Senator Wharton, Senate File No. 13, a bill for an act to encourage manufactures in the State of Iowa.

Bill read a first and second time, and referred to the Committee on Manufactures.

By Senator Parvin, Senate File No. 14, a bill for an act to provide for the taxing of dogs and the protection of sheep.

Bill read a first and second time, and referred to the Committee on Agriculture.

By Senator Parvin, Senate File No. 15, a bill for an act to amend Chapter 152 of the acts of the Ninth General Assembly.

Bill read a first and second time and referred to Committee on Charitable Institutions.

By Senator Parvin, Senate File No. 16, a bill for an act to legalize the official acts of S. L. Waide, a notary public.

Bill read a first and second time, and referred to the Committee on Judiciary.

By Senator Ross, Senate File No. 17, a bill for an act to disqualify parties from testifying in certain cases.

Bill read a first and second time, and referred to the Committee on Judiciary.

By Senator Hilsinger, Senate File No. 18, a bill for an act to repeal Section 3986 of the Revision of 1860, in relation to evidence, and substitute another section therefor.

Bill read a first and second time and referred to the Committee on Judiciary :

By Senator Patterson : Senate File No. 19, A bill for Act to repeal Section 2 of Chapter 43 of the acts of the 10th General Assembly, and Section 3 of Chapter 17 of the Acts of the regular session of the 9th General Assembly, relating to the duties of County Treasurers.

Bill read a first and second time and referred to the Committee on County and Township Organizations.

By Senator Robertson : Senate File No. 20, A bill for an Act to amend Section 4324 of the Revision of 1860 in relation to willful trespass.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Myer : Senate File No. 21, A bill for an Act to amend Section 800 of the Revision of 1860, so as to enable the Auditor of State to transmit the funds of County Treasurer's through National banks instead of State banks.

Bill read a first and second time and referred to the Committee on Banks.

By Senator Patterson : Senate File No. 22, A bill for an act to

amend Section 3174 of the Revision of 1860 relating to the issuing of attachments.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Hollman: Senate File No. 23, A bill for an Act to legalize the official acts of Elking Perdew, a Notary Public of Lee county.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Hart: Senate File No. 24, A bill for an Act to amend clause 23 of Section 312 of the Revision of 1860.

Bill read a first and second time and referred to the Committee on Ways and Means.

By Senator Stubbs: Senate File No. 25, A bill for an Act to extend the right of suffrage to colored citizens of the State.

Bill read a first and second time and referred to the Committee on Judiciary.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed a concurrent resolution relative to the improvement of the Mississippi Rapids, which is herewith transmitted, and in which the concurrence of the Honorable Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

WHEREAS, The improvement of the Mississippi Rapids is a work of paramount importance to the interests of the State of Iowa, and

WHEREAS, A Ship Canal from some point on the Mississippi River, and thence to Lake Michigan, is essentially necessary to the welfare of our State, therefore

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators and Representatives in Congress be requested to use all honorable and available means of securing the passage of an act by Congress for the accomplishment of the objects above named, and, at as early a day as practicable.

*Resolved,* That the Secretary of State be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

#### RESOLUTIONS.

Senator Cattell offered the following resolution:

*Resolved by the Senate, the House of Representatives concurring,* That the two Houses will meet in Joint Convention on Friday, the 19th inst., at 11 o'clock, A. M., for the purpose of electing a State Printer, a State Binder, and Trustees of the Agricultural College.

The resolution was not adopted.

Senator Larimer offered the following concurrent resolution, which was referred to the Committee on Federal Relations:

*Resolved, by the Senate of the State of Iowa, the House concurring,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to have the word "white" stricken from the Naturalization Laws of the United States, and that said Laws be made uniform.

## COMMUNICATIONS ON THE PRESIDENT'S TABLE.

A communication was received from the Secretary of the State Agricultural Society, which was, on motion of Senator Paulk, laid on the table and ordered to be printed.

## REPORTS OF COMMITTEES.

Senator Reed, from the Committee on Printing, submitted the following report:

The Committee on Printing beg leave to report that they have had the "bill for an act to provide for the early distribution of the laws" under advisement, and recommend that the fourth section of the same be amended to read as follows: "This act being deemed by the General Assembly of immediate importance, shall be in force from and after its publication in the Daily State Register and Iowa Homestead, published at Des Moines;" and that the bill as so amended, be passed.

J. R. REED,

Chairman Committee on Printing.

Senate File No. 4: A bill for an act to provide for the early distribution of the laws, was taken up.

Senator Knoll moved to amend section 4 by adding the words, "and the Daily Iowa Statesman;" pending the consideration of which, Senator Stubbs moved a reconsideration of the vote by which the report of the committee on the contested election case from the 31st Senatorial District was made a special order for tomorrow at 2 o'clock, P. M.

On motion of Senator Lakin, the Senate adjourned until tomorrow morning at 10 o'clock.

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SENATE CHAMBER, DES MOINES, IOWA, }  
 JANUARY 17, 1866. }

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

The President in the Chair.

Prayer by Rev. Dr. Peet.

The Journal of yesterday was read and approved.

The following communication 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 providing for the appointing of a Committee to visit the Agricultural College and Farm, and make report thereon; also a concurrent resolution praying Congress to declare the Des Moines river not a navigable stream; also a concurrent resolution asking the establishment of a National Bureau of Education.

The above resolutions are herewith transmitted, and the concurrence of the Honorable Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

WHEREAS, By the facilities that are afforded by the D. V. R. R. for travel and transportation, the Des Moines river is no longer used for the purpose of navigation,

*Resolved*, Therefore, by the House of Representatives, the Senate concurring, that our Senators and Representatives in Congress, be requested to use their influence to have the said Des Moines river declared not a navigable stream, to the end that the same may be more cheaply improved as a motive power for machinery.

*Resolved*, That a Committee of two from the House, and one from the Senate, be appointed to go to Story county, and examine the College Farm and Building, and report the condition of the same to the General Assembly, and also report whether, in their judgment, the last appropriation has been judiciously expended, and the amount necessary to complete the College Building, and all other facts that may be of interest to the General Assembly.

*Be it resolved by the House of Representatives of the State of Iowa, the Senate concurring*, That our Senators in Congress be instructed, and our Representatives requested, to favor and urge the establishment of a National Bureau of Education with a view to the collection of statistics and other information on general education, and the dissemination of the same and to the securing of a uniform system of common school education throughout the United States.

#### PETITIONS AND MEMORIALS.

By Senator Parvin: A petition of T. Bacon and one hundred and thirty-nine others, citizens of the State, asking relief from the exorbitant tariffs of railroad companies.

Referred to Committee on Railroads.

By Senator Smith: A memorial of the Board of Supervisors of Clinton county asking a change in the laws relative to the collection of taxes.

Referred to the Committee on County and Township Organizations.

Also, a memorial of the City Council of Clinton asking a change in the laws relative to the assessment of real property.

Referred to the Committee on County and Township Organizations.

By consent, Senator Udell called up the House amendments to the Senate resolution relative to the printing of the Rules of the two Houses; and the House amendments were concurred in.

Senator Cattell moved that the postmaster and assistant postmaster be called in and be sworn into office.

The motion prevailed.

The postmaster and assistant postmaster presented themselves, and the oath of office was administered by the President.

Senator Moore presented a memorial of Wm. L. Fletcher and twenty-five others, citizens of Davis county, asking the passage of a law to organize an independent school district in said county.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Hilsinger: Senate File No. 26, A bill for an Act to make the District and Supreme Judges of the State of Iowa commissioners of legal inquiry, and to define their duties, and to repeal Sections 2675, 2676, 2677 and 2678 of the Revision of 1860.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Powers: Senate File No. 27, A bill for an Act to authorize sheriffs to administer oaths in certain cases.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Sampson: Senate File No. 28, A bill for an Act concerning the removal of partition fences.

Bill read a first and second time and referred to the Committee on Agriculture.

By Senator Hilsinger: Senate File No. 29, a bill for an act to provide where actions may be brought in Justices' Courts, and to repeal Sections 3851, 3852 and 3856 of the Revision of 1860.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Moore: Senate File No. 30, a bill for an act for the relief of D. B. Hillis.

Bill read a first and second time, and referred to the Committee on Claims.

By Senator Reed: Senate File No. 31, a bill for an act to amend Article 3, Chapter 29, of the Revision of 1860.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Oliver: Senate File No. 32, a bill for an act amending Sec. 4220 of the Revision of 1860.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Bulis: Senate File No. 33, A bill for an act to amend Chapter 53 of the Revision of 1860, entitled "Corporations other than those for pecuniary profit."

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Smith: Senate File No. 34, A bill for an act to quiet the title of Eliza Ingwersen and others to certain land.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Smith: Senate File No. 35, A bill for an act to quiet the title of Claus Christian Hoss and his grantees to certain lands in Clinton county.

Bill read a first and second time, and on motion of Senator Hart, referred to the Committee on Schools and School Lands.

By Senator Bulis: Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Luther College of Decorah, Iowa.

Bill read a first and second time and referred to the Committee on Incorporations.

By Senator Hart: Senate File No. 37, A bill for an act to legalize the articles of incorporation of the City of Independence, Buchanan County, Iowa.

Bill read a first and second time and referred to the Committee on Incorporations.

The following message was received from the House:

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

House File No. 42: A bill for an act making appropriation for two Lawson heaters, pipes and registers, furnished and put up in the Capitol building.

C. S. WILSON, Ass't Clerk.

Senator Hilsinger offered the following Joint Resolution, which was referred to the Committee on Federal Relations:

JOINT RESOLUTION ASKING ADDITIONAL MAIL FACILITIES.

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be and are hereby instructed, and our Representatives requested, to use their influence to secure, as soon as practicable, the establishment of the following mail route and mail facilities, to-wit: From Marshalltown, in Marshall county, Iowa, to New Hartford, in Butler county, Iowa, via. Vienna, Wolf Creek Grove, Fifteen Mile Grove, and Grundy Centre.

Senator Cattell offered the following Concurrent Resolution, which was adopted:

*Resolved by the Senate, the House of Representatives concurring,* That the Capitol Post-Office shall be kept open for the reception

and delivery of mail matter, from 8 o'clock, A. M., until 6 o'clock, P. M., on each day of the week except Sabbath, on which day it shall be kept open from 8 until 10 o'clock, A. M., and from 2 until 4 o'clock, P. M.

Senator Stiles offered the following resolution :

*Resolved*, That for the purpose of giving sufficient and necessary time to the special and standing committees to dispose of the work before them, the Senate, after to-day, and until otherwise ordered, hold but one session per day, commencing at 9 o'clock, A. M.

Senator Stubbs moved to amend by striking out "9" and inserting "10." The motion did not prevail.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded.

The yeas were Senators Bassett, Cattell, Hedges, Henderson, Hilsinger, Hollman, King, Lakin, Larimer, Leake, Meyer, Moore, Oliver, Parvin, Powers, Reed, Richards, Robertson, Sampson, Shippen, Stiles, Stubbs, Woolson—23.

The nays were Senators Brayton, Bridges, Bulis, Crookham, Cutts, Doud, Farwell, Hart, Hillyer, Knoll, Marshman, McMillan, Paulk, Patterson, Smith, Warren, Wharton—17.

Absent and not voting, Senators Clark, Clarkson, Hunt, McJunkin, Ross, Udell, and Young.

The resolution was adopted.

Senator Marshman, from the Special Committee on the contested election case from the 5th Senatorial District, submitted the following report :

*To the Honorable Senate of the State of Iowa :*

Your committee appointed to investigate the claims of Hon. C. R. Johnson and Hon. E. E. Edwards to a seat in this body as Senators for the 5th Senatorial District of said State, beg leave to report that they have given the subject a careful investigation and found the following to be the facts in the premises :

At the general election in October, 1861, Hon. W. S. Dungan, residing in Lucas county, was elected Senator for the term of four years from the 12th Senatorial District, composed of the counties of Lucas and Monroe, and took his seat at the next regular session. At said session (being the 9th General Assembly) an Act was passed to apportion the State into Senatorial Districts, approved on the 5th day of March, 1862. By virtue of this Act Monroe county became a new district and was marked No. 13. At the same time Clarke and Wayne were added to the county of Lucas, which constituted the 5th Senatorial District.

At the Extra Session of the Ninth General Assembly, commencing on the 3d day of September, 1862. Hon. W. S. Dungan appeared and took his seat as Senator of the 5th District, by virtue of his election in the 12th District.

In a short time after the adjournment of the Extra Session of the Ninth General Assembly, Hon. W. S. Dungan accepted a

commission in the military service of the United States, and left the State of Iowa, and remained absent from said State for a period of more than 60 days, which vacated his office as Senator of said District. In consequence of said vacancy, his Excellency S. J. Kirkwood, then Governor of the State of Iowa, issued his proclamation, declaring that a vacancy existed in the 5th Senatorial District, caused by the absence of Hon. W. S. Dungan, who was then in the military service of the United States; and ordering at the same time an election to fill said vacancy.

At the general election in October, 1863, pursuant to said proclamation, Hon. Ziba Brown was elected Senator for the 5th Senatorial District, and took his seat in the Tenth General Assembly.

In April, 1864, Senator Brown accepted a commission in the military service of the United States, and left this State, remaining in said service for a period of more than 60 days.

On the 6th day of September, 1864, his Excellency Wm. M. Stone, Governor of the State of Iowa, issued his proclamation, declaring that a vacancy existed in the 5th Senatorial District, caused by the absence of the Hon. Ziba Brown, who was at that time in the military service of the United States, and ordering at the same time the election of a Senator to fill said vacancy.

At the general election following, and pursuant to said Proclamation, the Hon. E. E. Edwards, was duly elected Senator for the said 5th District.

Upon the foregoing facts, Mr. Edwards claims that by the law approved March the 5th, 1862, that Dungan was virtually legislated out of office; that there remained to him only a *personal* right to a seat in the Senate, and that when he voluntarily resigned the office, the right to elect a Senator immediately attached to the District formed by the Counties of Lucas, Wayne, and Clarke, and that the District had the right to elect a Senator for the term of four years, and that the Hon. Ziba Brown was elected, not to fill the vacancy caused by the resignation of Mr. Dungan, but for the term of four years commencing January 1, 1864, and expiring January 1, 1868. Consequently he (Edwards) being elected to fill the vacancy caused by the resignation of Brown, must hold his office until January 1, 1868.

On the other hand it is contended by Mr. Johnson, that Dungan's term of office could not be diminished by three years, either by the act of apportionment of March 5, 1862, or by his voluntary resignation of the office, but that Dungan's term of office continued until January 1, 1866, that Brown was elected to fill the unexpired term of Dungan, that Brown having entered the military service, and Edwards having been elected to fill the vacancy caused by Brown's resignation, could only serve during the remainder of the term for which Dungan was elected, and went out of office, January 1, 1866, and that he, (Johnson,) is here now as the regularly elected successor of Mr. Dungan.

From the foregoing facts and premises it will be seen that but one question presents itself for the consideration of your Committee: Was Senator Brown elected to fill a vacancy, or was he elected to fill the full term of four years? The answer to this question will decide the controversy between the contestants for a seat in this Senate.

By the law approved March 30th, 1858, the counties of Monroe and Lucas constituted the Twelfth Senatorial District, and was represented in the Eighth General Assembly by Hon. Daniel Anderson, who was elected in 1857, and whose term of office expired January 1, 1862, and under the law approved March 30th, 1860, said District was unchanged; and Hon. W. S. Dungan was elected in 1861 as the successor of Hon. Daniel Anderson, and was therefore elected for four years, as he was elected from the same District represented by the Hon. Mr. Anderson, who had served his full term of four years.

Now the question arises, what effect did the law, approved March 5th, 1862, have upon the office filled by Mr. Dungan. By this law Monroe county was detached from Lucas county and constituted a separate District (No. 13), and the counties of Clarke and Wayne were united with Lucas and formed the Fifth Senatorial District. Was this newly formed District, by virtue of this law, entitled to elect a new Senator for four years, or did it by the new arrangement of districts get an old Senator who had three years yet to serve? Your Committee are unanimously of the opinion that it was only entitled to the latter for the reasons following:

Every office of Senator within this State has been under the new Constitution of four years' duration, the Senate never having deemed it necessary for the purpose of equalizing the classes that any Senator should draw a two years' term.

Again: by the law of 1860, the number of Senators was fixed at forty-six (46), and by the act of 1862, the number was again fixed at forty-six. It follows, therefore, that there was no additional office for any one elected in 1863 to fill, and that whoever was elected at that time must have been elected as the successor of some one of the forty-six old Senators, or to fill a vacancy in some one of the forty-six offices. But the contestant, Mr. Edwards, does not claim that Mr. Brown was elected as the successor of some Senator whose term of office had expired, and could not so claim because there was no Senator within that district whose term did so expire.

Mr. Edwards cannot claim that Mr. Brown was elected to an additional office, for there was none created; therefore, Brown *must* have been elected to fill a vacancy—the vacancy caused by the resignation of Dungan, otherwise there would have been one Senator transferred from one class to the other by mere accident.

The office filled by Mr. Dungan belonged to that class elected in 1861 and 1865, and if it is dropped after serving only two years, it

is transferred to the class elected in 1863 and 1867, which would be in direct contravention of the Constitution—Sec. 6, Art. 3—which provides that whenever it is necessary to classify Senators it shall be done by lot. It would be in direct violation of the Constitution—Sec. 5, Art. 3—which provides that “Senators shall be chosen for the term of four years.”

This is the view evidently entertained by the Governor when he issued his proclamation, and by the Legislature in arranging the Senatorial Districts, for there are now just forty-eight Senators—twenty-four of the class elected in 1853, and twenty-four, if we include the Hon. C. R. Johnson, of the class elected in 1865; and it has evidently been so understood and acted upon by the people of the 5th District.

Your committee therefore conclude that Hon. C. R. Johnson is properly elected Senator from the 5th District and that his term of office commenced January 1, 1866, and that he properly commences his term of office at the close of the term for which Mr. Dungan was elected.

All of which is respectfully submitted by your committee.

[Signed,] W. M. MARSHMAN, Chairman.

Senator Udell moved that the report be laid on the table and ordered to be printed. The motion did not prevail.

On motion of Senator Woolson the report was laid upon the table.

Senator Moore called up Senate File No. 4, A bill for an Act to provide for the early distribution of the laws.

The question recurring on the motion to amend Section 4 by adding the words “and the Daily Iowa Statesman,” Senator Knoll modified his motion as follows: To strike out the words “Iowa Homestead” and insert the words “Daily Iowa Statesman.”

Pending the consideration of which, the Senate adjourned until 2 o'clock P. M.

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#### AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

The hour having arrived for the consideration of the special order, the same being the reports of the Committee in the contested election case from the Thirty-First Senatorial District, the same was taken up.

Senator Cutts moved the adoption of the majority report.

On motion of Senator Stubbs, the contestant, Mr. Carskaddon, was invited to a seat on this floor and be allowed to take part in the discussion of the subject under consideration.

Senator Leake called for a division of the question, as follows:

1. Has any vacancy occurred in the office of Senator in said District since the last session of the Senate.

2. If so, whether the claimant has been legally elected to fill such vacancy.

The question being upon the first proposition, the yeas and nays were demanded.

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, and Warren—37.

The nays were Senators Bulis, Henderson, Woolson—3.

Absent and not voting, Senators Clark, Clarkson, Hunt, McJunkin, Udell, Wharton, and Young.

So much of the report as relates to the first proposition was concurred in.

On motion of Senator Woolson, the further consideration of the report was made the especial order for to-morrow morning at 9½ o'clock.

On motion, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
 January 18, 1865. }

Senate convened at 9 o'clock, A. M.

The President in the Chair.

Senator Shippen invoked the Divine blessing.

Journal of yesterday read, corrected and approved.

By consent, Senator Udell, called up the report of the Committee on Mileage.

Senator Cattell moved to amend by striking out "20," mileage reported due to himself.

The motion prevailed.

On motion of Senator Powers, the report was further amended by striking out "406," mileage reported due to Senator Brayton, and inserting "426."

Senator Patterson, by consent, corrected the report as relates to himself, by striking out "710," and inserting "660."

The report, as amended, was, on motion of Senator Parvin, referred to the Committee on Ways and Means.

## PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Parvin: A petition of J. S. Godard, and one hundred and eighty-three others, citizens of Muscatine county, asking that Railroad Companies be compelled to pay taxes.

Referred to Committee on Railroads.

By Senator Hilsinger: A memorial of the Board of Supervisors of Jackson county, asking the General Assembly to memorialize Congress to declare a portion of the Maquoketa river not a navigable stream.

Referred to Committee on Commerce.

## INTRODUCTION OF BILLS.

By Senator Wharton: Senate File No. 38, a bill for an act to encourage the growing of timber in the State of Iowa.

Bill read a first and second time, and referred to Committee on Agriculture.

By Senator Hart: Senate File No. 39, a bill for an act for the relief of Albert H. Reynolds.

Bill read a first and second time, and referred to the Committee on Schools and School Lands.

By Senator Powers: Senate File No. 40, a bill for an act in relation to bridges within the limits of incorporated cities and towns.

Bill read a first and second time, and referred to the Committee on Township and County Organizations.

By Senator Doud: Senate File No. 41, a bill for an act to provide for a full settlement of all rights, claims, and liabilities between the State of Iowa and all parties having claims allowed by the commissioners appointed under the Act of March 3, 1860, and under the Act approved March 28, 1864.

Bill read a first and second time, and on motion of Senator Patterson, laid on the table and ordered to be printed.

The hour for the special order; the further consideration of the report of the Committee on the contested election case from the 31st Senatorial District, having arrived, the same was taken up.

Pending the consideration of which, the following messages were received from the House:

MR. PRESIDENT: I am directed to inform your Honorable body that the House of Representatives has passed a joint resolution asking additional mail facilities between Marshalltown and New Hartford, in which the concurrence of the Senate is asked.

CHARLES ALDRICH, Chief Clerk.

## JOINT RESOLUTION ASKING ADDITIONAL MAIL FACILITIES.

*Be it resolved by the General Assembly of the State of Iowa,*  
That our Senators in Congress be and are hereby instructed, and

our Representatives requested, to use their influence to secure, as soon as practicable, the establishment of the following mail route and mail facilities, to-wit :

From Marshalltown in Marshall county, Iowa, to New Hartford in Butler county, Iowa, *via* Vienna, Wolf Creek Grove, Fifteen Mile Grove and Grundy Center.

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. 4 : A bill for an act to legalize the action of the Board of Directors of the Independent District of the city of Muscatine, in the county of Muscatine and State of Iowa.

I herewith return the joint resolution from the Senate, relative to the payment of certain members of the 37th Iowa Infantry, together with the joint resolution from the Senate ratifying the amendment to the Constitution of the United States forever abolishing slavery, the same having passed the House without amendment.

CHARLES ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has ordered the printing of 3,000 copies of the Governor's Inaugural in English, 2,000 in German, 1,000 in Norwegian, 1,000 in Bohemian, 500 in the Swedish, and 1,000 in the Holland language.

CHARLES ALDRICH, Chief Clerk.

Senator Ross moved to substitute the minority report on the contested election case from the 31st Senatorial District, for the majority report.

On motion of Senator Warren, the further consideration of the report was postponed until to-morrow morning at 9½ o'clock and made a special order for that hour.

By consent, and on motion of Senator Cattell, House File No. 42, A bill for an act making appropriation for two Lawson Heaters, Pipes and Registers furnished and put up in the Capitol Building by Fuller, Warren & Co., was taken up, read a first and second time and referred to the Committee on Claims.

On motion of Senator Warren, the Senate adjourned.

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SENATE CHAMBER, DES MONIES, }  
 JANUARY 19, 1866. }

Senate convened at 9 o'clock A. M. The President in the chair.  
 Prayer by the Rev. Mr. Kelly.

Journal of yesterday read and approved.

## PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Cattell: A petition of C. C. Nourse, and three hundred others, citizens of Polk county, asking an increase of Recorders' fees.

Referred to Committee on Township and County organizations.

By Senator Doud: A petition of Robert Sloan, and thirty others, citizens of Van Buren county, asking an increase of Recorder's fees.

Referred to the Committee on Township and County Organizations.

By consent Senator Moore called up Senate File No. 4, a bill for an act to provide for the early distribution of the laws.

The question being upon the motion to amend Section 4, by striking out the words "Iowa Homestead" and insert the words "Daily Iowa Statesman," the yeas and nays were demanded.

The yeas were Senators Crookham, Doud, Hedges, Hollman, Knoll, Lakin, Paulk, Richards, Stiles and Warren—10.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Farwell, Hart, Hilsinger, Hillyer, King, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Wharton and Woolson—32.

Absent and not voting, Senators Clark, Henderson, Hunt and McJunkin.

The motion was lost.

The question recurring upon the adoption of the report of the committee, it was concurred in.

On motion of Senator Oliver, Section 2 was amended by adding thereto these words: "But each county shall receive at least ten copies."

Senator Moore moved that the bill be read a third time now. The motion prevailed.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, and Woolson—38.

The nays were Senators Hedges, Hollman, and Knoll—3.

Absent and not voting, Senators Clark, Henderson, Hunt, McJunkin, and Patterson.

The bill passed and the title was amended and agreed to.

By consent, Senator Hilsinger called up the House Joint Resolution relative to improvements in the Mississippi river, and a ship canal to Lake Michigan, which was referred to the Committee on Commerce.

By consent, Senator Cattell, from the Committee on Claims, submitted the following report :

The Committee on Claims, to whom was referred House File 42, "A bill for an act making appropriation for two Lawson heaters, pipes, and registers furnished and put up in the Capitol building, by Fuller, Warren & Co., have directed me to report the same back without amendment, and recommend its passage.

CATTELL, Chairman.

By consent, Senator Hilsinger called up Senate File No. 2, a bill for an act to provide for the election of Township Collectors and to define their duties, which was referred to the Committee on Township and County Organizations.

By consent, Senator Crookham called up the joint resolution relative to proposed amendment to the Constitution of the State, which was referred to the Committee on Constitutional Amendments.

By consent, Senator Paulk introduced Senate File No. 42, a bill for an act for the transfer of real estate; to regulate assessment thereof, and facilitate the collection of revenue.

Bill read a first and second time, laid on the table and ordered to be printed.

The hour having arrived for the special order, the consideration of the reports of the Committee on the contested election case from the 31st Senatorial District. The same was taken up.

The question being on the motion to substitute the minority report for the majority report.

Senator Woolson offered the following amendment to the minority report :

*Resolved*, That the office of Senator for the 31st Senatorial District is vacant, and that the Secretary of the Senate be instructed to certify this resolution to the Governor.

The amendment was adopted.

Pending the consideration of the subject, 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 joint resolution providing for the distribution of the reports of the Supreme Court of this State, in which the concurrence of the Senate is respectfully asked.

I am further directed to inform the Senate that the House has ordered printed the usual number of copies of a special message of His Excellency Governor Wm. M. Stone, concerning the draft which was ordered in this State.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the General Assembly of the State of Iowa*, That the Secretary of State be instructed to furnish the members of the present General Assembly, the President, Secretary and Clerks of the Senate, the Clerks of the House of Representatives, and Re-

porters, Post-Masters and Sergeant-at-Arms of both branches of this General Assembly, with a copy of all the report of the Supreme Court of this State now on hand or which shall be published during the present term of office of the members of this General Assembly.

Senator Marshman offered the following resolution :

*Resolved*, That the majority and minority report of the committee relative to the legality of the election of David Carskaddon, be referred to the Attorney General of the State, and that he be and is hereby requested to give the Senate his legal opinion of the questions involved in said reports.

Senator Oliver offered the following as a substitute for the original resolution :

*Resolved*, That the majority and minority reports of the Special Committee in reference to the claim of David Carskaddon to represent the Thirty-first Senatorial District lie on the table, and that the Honorable Judges of the Supreme Court of this State be respectfully requested to communicate in writing, to this Senate, their opinion in reference to the legal points therein raised, if in their opinion, it shall be proper so to do, and that the Honorable President of this Senate communicate this request to the said Judges.

The substitute was not adopted.

The question recurring on the adoption of the original resolution, the yeas and nays were demanded.

The yeas were Senators Clarkson, Hart, Hedges, Knoll, Larimer, Marshman, Oliver, Powers, Reed, Richards, Stiles, Stubbs,—12.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Doud, Farwell, Henderson, Hilsinger, Hillyer, Hollman, King, Lakin, Leake, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Robertson, Ross, Sampson, Shippen, Smith, Udell, Warren, Wharton and Woolson—31.

The resolution was lost.

The question recurring on the motion to substitute the minority report for the majority report, the yeas and nays were demanded.

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Cutts, Doud, Farwell, Henderson, Hilsinger, Hillyer, King, Lakin, Leake, Meyer, Moore, Parvin, Patterson, Robertson, Ross, Sampson, Shippen, Udell, Warren, Wharton and Woolson—26.

The nays were Senators Clarkson, Crookham, Hart, Hedges, Hollman, Knoll, Larimer, Marshman, McMillan, Oliver, Paulk, Powers, Reed, Richards, Smith, Stiles, and Stubbs—17.

The motion prevailed.

The question being on the motion to adopt the report as amended, the yeas and nays were demanded :

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Cutts, Doud, Farwell, Henderson, Hilsinger, Hillyer, King,

Lakin, Leake, Meyer, Moore, Parvin, Patterson, Robertson, Ross, Sampson, Shippen, Udell, Warren, Wharton, Woolson—26.

The nays were Senators Clarkson, Crookham, Hart, Hedges, Hollman, Knoll, Larimer, Marshman, McMillan, Oliver, Paulk, Powers, Reed, Richards, Smith, Stiles, Stubbs—17.

The motion prevailed.

Senator Richards offered the following resolution :

*Resolved, as the judgment of this Senate,* That if a vacancy occur in either House of the General Assembly the issuance of a writ of election by the Governor under Section 12, Act 3, of the Constitution of the State of Iowa, to fill such vacancy, is essential to the validity of such election.

Upon the adoption of the resolution the yeas and nays were demanded.

The yeas were, Senators Bassett, Brayton, Bridges, Cattell, Cutts, Doud, Henderson, Hilsinger, Hillyer, King, Lakin, Leake, Meyer, Moore, Patterson, Robertson, Ross, Shippen, Warren, Wharton, Woolson, and Mr. President—22.

The nays were Senators Bulis, Clarkson, Crookham, Farwell, Hart, Hedges, Hollman, Knoll, Larimer, McMillan, Oliver, Parvin, Paulk, Powers, Reed, Richards, Sampson, Smith, Stiles, Stubbs, Udell—21.

Absent, but not excused, Senator Marshman.

The resolution was adopted.

Senator Patterson offered the following resolution, which was, on motion, laid on the table :

*Resolved,* (As the sense of this Senate,) That no person holding a lucrative office under the United States, or of this State, or any other power, is eligible to be elected to a seat in the General Assembly.

On motion of Senator Brayton, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
January 20, 1866. }

Senate convened at 9 o'clock, A. M.

The President in the Chair.

Prayer by Senator Wharton.

Journal of yesterday read, corrected, and approved.

PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Parvin: A memorial of the Judges of the Supreme Court, in behalf of the "Soldiers' Orphans' Home."

Referred to the Committee on Soldiers' Orphans' Home.

By Senator Parvin: A petition of J. Scott Richman, and seventeen others, members of the legal profession, residing at Muscatine, asking "suitable provision for the organization of a Law Department to the State University."

Referred to Committee on State University.

By Senator Parvin: A petition of A. M. Hase, and twenty-nine others, asking a repeal of sections one and two, chapter 143, of the laws of the 7th General Assembly, legalizing the manufacture and sale of beer and wine.

On motion of Senator Ross, the petition was referred to a special committee of five.

By Senator Ross: A petition of Geo. Greene, and four others, members of the legal profession, residing at Cedar Rapids, asking "suitable provision for the organization of a Law Department to the State University."

Referred to the Committee on State University.

By Senator Larimer: A petition of Jno. W. Thompson, and twenty-three others, members of the legal profession, residing at Davenport, upon the same subject.

Referred to the same Committee.

By Senator Powers: A petition of Bagg & Allen, and eleven others, members of the legal profession, residing at Waterloo, upon the same subject.

Referred to the same Committee.

By Senator Brayton: A petition of Wm. M. Hartshorn, and five others, members of the legal profession, residing in Delaware Co., upon the same subject.

Referred to the same Committee.

By Senator Hart: A petition of J. S. Woodward, and eight others, members of the legal profession, residing at Independence, upon the same subject.

Referred to the same Committee.

By Senator Hilsinger: Two petitions of D. A. Wynkoop, and eighteen others, members of the legal profession, residing in Jackson county, upon the same subject.

Referred to the same Committee.

By Senator Stiles: A petition of Nathan Williams, and sixty others, residents of Wapello county, asking an increase in the allowance of Sheriffs.

Referred to the Committee on Township and County Organizations.

By Senator Oliver: A memorial of the Board of Supervisors of Monona county, asking relief against the depredations of Indians.

On motion, referred to a special committee of five.

## INTRODUCTION OF BILLS AND RESOLUTIONS.

By Senator Bassett: A Joint Resolution asking additional mail facilities.

Resolution read a first and second time, and referred to the Committee on Federal Relations.

By Senator Wharton: Senate File No. 43, a bill for an act to prevent dogs from running at large.

Bill read a first and second time, and referred to the Committee on agriculture.

By Senator Woolson: Senate File No. 44, a bill for an act changing the name of Independent School District Townships.

Bill read a first and second time, and referred to the Committee on schools and school lands.

By Senator Parvin: Senate File No. 45, a bill for an act to repeal Section 2, Chapter 118, of the Laws of the Tenth General Assembly, and a substitute therefor.

Bill read a first and second time, and referred to the Committee on schools and school lands.

By Senator Knoll: Senate File No. 46, A bill for an act to amend Section 2723 of the Revision of 1866.

Bill read a first and second time, and referred to the Committee on Judiciary.

By Senator Hart: Senate File No. 47, A bill for an act to fix the place of management of Railroads in the State of Iowa.

Bill read a first and second time, and referred to the Committee on Railroads.

By Senator Reed: Senate File No. 48, A bill for an act fixing the times of holding Courts in the fifth Judicial District of the State.

Bill read a first and second time, and on motion referred to a special Committee of three from said District.

By consent, Senator Doud called up Senate File No. 41, A bill for an Act to provide for a full settlement of all rights, claims and liabilities between the State of Iowa and all parties having claims allowed by the Commissioners appointed under the Act of March 3, 1860, and under the Act approved March 28, 1864, which was, on motion, referred to the Committee on Claims.

By Senator Powers: Senate File No. 49, A bill for an Act to amend Section 2704 of the Revision of 1860.

Bill read a first and second time and referred to the Committee on Judiciary.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed a Resolution relative to the printing of the report of the Committee appointed to investigate the alleged diversion of the Swamp Land Indemnity Fund,

which is herewith transmitted, and in which the concurrence of the Senate is asked.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the House of Representatives, the Senate concurring,* That the Joint Committee appointed to investigate the alleged diversion of the Swamp Land Indemnity Fund, be and the same is hereby empowered to have the testimony taken before it and such other matter as it may deem proper printed at any time it may deem it proper to do so, and that 1,000 copies be printed for the use of this General Assembly.

On motion of Senator Stubbs, the report of the Committee on the contested election case from the Fifth Senatorial District was taken up.

Pending the consideration of which, Senator Woolson moved that the further consideration of the report be made a special order for Monday morning at 9 o'clock.

The motion prevailed.

By consent, Senator Parvin called up House File No. 4, A bill for an Act to legalize the action of the Board of Directors of the independent district of the city of Muscatine, in the county of Muscatine and State of Iowa.

On motion of Senator Parvin, 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 Bassett, Brayton, Bridges, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—41.

The nays were, none.

Absent but not excused, Senators Bulis and Henderson.

The bill passed and the title was agreed to.

By consent Senator Paulk presented a petition of Richard Urlber and twenty-seven others, citizens of Alamakee county, asking relief for Sandford C. Marsh. Referred to Committee on Schools and School Lands.

By consent Senator Stubbs called up House File No. 42, A bill for an Act making appropriation for two Lawson heaters, pipes and registers, furnished and put up in the capitol building.

On motion of Senator Stubbs the bill was read a third time, and upon the question "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton and Woolson—41.

The nays were Senator Udell—1.

Absent but not excused, Senator Henderson.

The bill passed, and the title was agreed to.

Senator Ross offered the following resolution which was adopted :

*Resolved*, That so much of the Governor's Message as relates to the State University, be referred to the Committee on University and University Lands.

Senator Udell offered the following resolution :

*Resolved*, That the Secretary of State be requested to put up a stove for burning wood near the southwest corner of the Senate Chamber.

The resolution was not adopted.

Senator Ross introduced Senate File No. 50, A bill for an act to establish a Law Department to the State University.

Bill read a first and second time, and referred to the Committee on State University.

Senator Bassett introduced the following resolution :

*Resolved*, That a special committee of five be appointed, to whom shall be referred all matters pertaining to the Des Moines River Lands, and to the sale or other disposition of the Lands enuring to the State under the "Joint Resolution of Congress to quiet titles in the State of Iowa," passed March 3d, 1861, and "an act confirming a land claim in the State of Iowa, and for other purposes," approved July 12, 1862.

The resolution was not adopted.

#### REPORTS OF COMMITTEES.

Senator Stubbs, from the Committee on Federal Relations submitted the following majority report :

The Committee on Federal relations to whom was referred House resolution "to hang Jeff. Davis" have the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that the following be substituted therefor.

(Signed,)

D. P. STUBBS,

For majority of the Committee.

WHEREAS, The laws of the United States require that treason against the United States shall be punished with death, and

WHEREAS, The Constitution requires that the President shall take care that the laws be faithfully executed, and

WHEREAS, Jefferson Davis a prisoner of war, held by authority of the government of the United States is subject to be tried for the crime of high treason. Therefore,

1. *Be it resolved by the General Assembly of the State of Iowa*, That Jefferson Davis is not a proper subject for executive clemency, and that it is the duty of the President of the United States to cause the said Davis to be brought to a fair and impartial but

speedy trial before the proper tribunal, and if found guilty of the crime of treason that he suffer the penalty provided by law.

2. That the Secretary of State be and is hereby requested to forward a certified copy of the foregoing resolution to our delegation in Congress, with the request that they present the same to the President of the United States.

Senator Knoll from the Committee on Federal Relations, submitted the following minority report.

The undersigned a member of the Committee on Federal Relations, to whom was referred House Resolution "to hang Jeff. Davis," cannot agree with the majority, for the reasons following, to-wit :

1st. I regard it is of the first importance that the Federal Government and the several State governments should keep strictly within the limits assigned them by the Federal Constitution and in no way interfere with each other in the discharge of their respective duties. Hence as the prisoner is in the hands of the military authorities of the United States, the Legislature of Iowa have rightfully nothing to do or say in the case.

2d. Whether or not the prisoner Jefferson Davis is guilty or innocent, is or is not a proper subject of clemency, can only be fully, or best known to the Court and Jury or commission that shall try him, and it is, therefore, presumption and injustice in this General Assembly to pronounce judgment or intrude its opinion.

All of which is respectfully submitted.

[Signed]

F. M. KNOLL,

Member of Committee on Federal Relations.

Senator Parvin moved the adoption of the majority report.

Pending the consideration of which the reports were, on motion of Senator Oliver, laid on the table.

Senator Leake, from the Committee on Judiciary, submitted the following :

MR. PRESIDENT: The Judiciary Committee, to which was referred Senate File No. 20, "A bill for an Act amending Section 4324 of the Revision of 1860, in relation to willful trespass," having considered the same, recommends that it be amended as follows: In the fifth line, that the word "Provided" be stricken out and the words "if in any case" be substituted, and in the eighth line after the words "twenty dollars" the word "three" inserted, so that it shall read, "if in any case the value of the property so cut down, carried away, or otherwise taken, shall not exceed the sum of twenty dollars, then the person so offending," &c.

It also recommends that the words at the close of the bill, to-wit: "and the crime shall be triable before a Justice of the Peace or other co-ordinate jurisdiction" be stricken out. Section 11, Article 1 of the constitution of the State provides "that all offenses less than a felony, and in which the punishment does not exceed a

fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace," &c.

The penalty being fixed at "not exceeding one hundred dollars" fine or "not exceeding thirty days' imprisonment," the constitution determines the jurisdiction, and the words recommended to be stricken out are superfluous.

The committee recommends that the bill so amended do pass.

[Signed,]

J. B. LEAKE, Chairman.

The Judiciary Committee to whom was referred the bills herein-after named, have had the same under consideration, and have directed me to report thereon as follows :

1. Senate File No. 27, A bill for an Act to authorize Sheriffs to administer oaths in certain cases. It recommends that the second section, which provides for publication in the Iowa State Register and Iowa Homestead, be stricken out, as it is not thought that the bill is of so immediate importance as to justify the expense of publication. Being so amended, your Committee recommends that the bill be passed.

2. House File No. 26, A bill for an Act providing for compelling witnesses to appear before investigating committees. Your Committee recommends that Section 1 be amended by inserting after the words "General Assembly," in the fourth line, the words "or joint committee of both branches;" so that it will read: "That whenever a committee of either branch of the General Assembly or joint committee of both branches is charged with," &c. So amended, the Committee recommends the passage of the bill.

3. Senate File No. 18, A bill for an Act to repeal Section 3986 of the Revision of 1860, in relation to evidence, and substitute another section therefor. The Committee recommends that the bill be indefinitely postponed.

4. Senate File No. 22, A bill for an Act to amend Section 3174 of the Revision of 1860, relating to the issuing of Attachments. The Committee recommends that the bill be indefinitely postponed, Senator Patterson dissenting.

5. Senate File No. 29, An Act to provide where actions may be brought in Justices' Courts, and to repeal Sections 3851, 3852 and 3856 of the Revision of 1860. The Committee recommends the indefinite postponement of the bill.

6. Senate File No. 31, A bill for an Act to amend Article 3, Chapter 29 of the Revision of 1860. The Committee recommends the indefinite postponement of the bill.

J. B. LEAKE, Chairman.

On motion of Senator Leake, House File No. 16, A bill for an Act providing for compelling witnesses to appear before investigating committees, was taken up.

Senator Leake moved to amend Section 1 by inserting after the words "General Assembly" the words "or joint committee of both branches."

The motion prevailed.

On motion of Senator Leake, the bill was read a third time; the question being "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, King, Knoll, Lakin, Larimer, Leake, McMullan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—40.

The nays were none.

Absent but not excused, Senators Henderson and Hollman.

The bill passed, and the title was agreed to.

Senator Crookham asked leave of absence for Senator Marshman on account of sickness. Granted.

By consent, Senator Stiles called up the House concurrent resolution, relative to printing the testimony taken before the Committee to investigate the alleged diversion of the Swamp Land Indemnity Fund.

The resolution was concurred in.

On motion the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
January 22, 1865. }

Senate convened at 9 o'clock, A. M.

The President in the Chair.

Prayer by Rev. Mr. McCague.

Journal of Saturday read and approved.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Udell: A petition of Martin Davis of Appanoose county, asking for a change in the School Laws.

Referred to Committee on Schools and School Lands.

By Senator Robertson: A petition of John Bird and nine others, members of the legal profession residing at Wapello, asking "suitable provision for the organization of a Law Department to the State University."

Referred to Committee on State University.

By Senator Warren: A petition of Joshua Tracy and ten others, members of the legal profession residing at Burlington, upon the same subject.

Referred to the same Committee.

By Senator Brayton: Seven petitions asking a change in the laws relative to the recording of deeds.

Referred to the Committee on Township and County Organizations.

Also, a petition of the faculty of the Lenox College Institute, relative to the State Geological Survey.

Referred to the Committee on Agriculture.

By Senator Wharton: Sundry claims.

Referred to Committee on Claims.

By Senator Cattell: Claim of Dr. David Beach.

Referred to Committee on Claims.

On motion of Senator Woolson the Governor's message was taken from the table.

That part relating to finance and revenue was referred to the Committee on Ways and Means.

On motion of Senator Bassett, that part relating to claims against the United States, was referred to a special Committee of three.

That part relating to schools, was referred to the Committee on schools and school lands.

That part relating to the Agricultural College, was referred to the Committee on Agriculture.

That part relating to railroads, was referred to the committee on railroads.

That part relating to the State Penitentiary, was referred to the Committee on Ways and Means.

That part relating to the Militia, was referred to the Committee on Military affairs.

That part relating to the Historical Society, was referred to the Committee on schools and school lands.

That part relating to the State Arsenal, was referred to the Committee on Military affairs.

That part relating to Charitable institutions, was referred to the Committee on Charitable Institutions.

That part relating to land grants, was referred to the Committee on public lands.

That part relating to the Judiciary, was referred to the Judiciary Committee.

Senator Clarkson asked leave of absence for Senator Henderson. Leave granted.

Senator Stiles introduced the following joint resolution, which was read a first and second time and laid on the table to be printed.

*Resolved by the General Assembly of the State of Iowa, That the Constitution of this State be, and is hereby proposed to be, amended by the adoption of the following, which shall be known as Article XIII thereof, viz :*

#### ARTICLE XIII.

SEC. 1. Section one of Article two of the Constitution of this

State is hereby so amended as to extend the elective franchise to every male person, whether naturalized or not, and without regard to color, of the age of twenty-one years, who shall have been a resident of this State six months, and of the county in which he claims his vote, sixty days, and who shall have enlisted in any of the military forces of this State, and after such enlistment, shall have been mustered into the military service of the United States during the war of the Great Rebellion, and shall have served therein for a period of one year, and be honorably discharged therefrom: *provided*, no idiot or insane person, or person convicted of an infamous crime, shall be entitled to the privilege of an elector.

SEC. 2. At no election held by the people under the Constitution, or in pursuance of any law of this State, shall any person be deemed a qualified voter, and entitled to the privileges of an elector, who has ever voluntarily been in armed hostility to the United States, or to the lawful authority thereof; or has ever given aid, comfort, countenance, or support to persons engaged in such hostility; or has in any manner adhered to the enemies, foreign or domestic, of the United States; or has ever disloyally held communication with such enemies, or has ever advised or aided any person to enter the service of such enemies, or has ever, except under overpowering compulsion, submitted to the authority, or been in the service of the so-called "Confederate States of America;" or has ever left this State and gone within the lines of the so-called "Confederate States," with the purpose of adhering to said States or armies; or has ever been a member of, or connected with, any order, society, or organization inimical to the Government of the United States or of this State; or who has, by reason of treasonable or disloyal acts or sentiments, been disfranchised by any law of such State where such act or sentiments were committed or expressed; or has ever left, or come into, this State for the purpose of avoiding enrollment for, or draft into, the military service of the United States.

SEC. 3. After the first day of January, one thousand eight hundred and seventy-two, every person who was not a qualified voter prior to that time, shall, in addition to the other qualifications required by Section one of Article second of the new Constitution, be able to read, in order to become a qualified voter, unless his inability to read shall be the result of a physical defection; but after said date no person shall ever be excluded from the privilege of an elector, merely on account of race, color or religion; nor shall the same ever be made a test to the exercise of the elective franchise.

SEC. 4. After the first day of January, one thousand eight hundred and seventy-four, the General Assembly shall have power, if a majority of all the members elected to both houses concur thereon, to suspend or repeal any part of the second section of this Article. On the passage of any Act suspending or repealing said

section, or any part thereof, the votes of both houses shall be taken by yeas and nays and entered on their respective journals.

Sec. 5. The General Assembly shall pass all laws necessary to carry into effect the provisions of this Article.

*Resolved*, That the foregoing proposed amendments be entered on the journals of the two houses, with the yeas and nays taken thereon, to be referred to the 12th General Assembly; and that the Secretary of State be required to publish the same for three months previous to the election of the members of said General Assembly, in one newspaper in each Senatorial district of this State in which there shall be a newspaper printed, and shall lay the proof of such publication before the next General Assembly.

The hour having arrived for the special order; the further consideration of the report of the Committee in the contested election case from the 5th Senatorial District, the same was taken up.

On motion of Senator Sampson the report was amended as follows:

Strike out all of the 8th, 9th, 10th, 11th, 12th, 13th, 14th and 15th lines on the 7th page, after the word "officer" in the 8th line and insert the following: "But the contestant Mr. Edwards could not claim that Mr. Brown was the successor of any Senator whose term of office expired, for there were only 27 Senators, whose terms of office did so expire, and there were 27 Senators, not including Mr. Brown, who were elected in 1863 for the term of four years."

And strike out the words Mr. Edwards in the 16th line and insert the word "and."

Strike out the word "four" in the 17th line, 9th page and insert "seven" and the word "four" in the 18th line, and insert "one," and insert after the figures 1865 in the 20th line these words "leaving the large class the same as it was in 1859, and the smaller class as it has been increased by additional Senators, by the laws enacted since that date."

On motion of Senator Hart, the contestants were invited to take part in the discussion.

Senator Woolson offered the following:

*Resolved*, That that part of the report of the Committee on Credentials, relating to the contested seat of Senator from the 5th Senatorial District, be substituted for the report of the Special Committee now before the Senate.

Pending the consideration of which the following message was received from the House.

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed joint resolutions asking additional mail facilities in Winneshiek and Alamakee Counties, which are herewith transmitted, and in which the concurrence of the Senate is respectfully asked.

CHARLES ALDRICH, Chief Clerk.

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be and are hereby instructed and our Representatives requested, to use their influence to secure the establishment of a tri-weekly mail route from Postville, Alamakee county, to Wankon, in said county, *via* Lybrand and Ludlow.

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be, and are hereby, instructed, and our Representatives requested, to use their influence in procuring the establishment of a tri-weekly mail route between the city of Decora, in the county of Winneshiek and State of Iowa, and the village of Hesper, in the same county.

Senator Udell moved to re-consider the vote by which the resolution of Senator Bassett, relative to the appointment of a special committee of five, to which should be referred all matters pertaining to the Des Moines River Lands, was lost.

The President announced the following special committees :

*On Indian Depredations*—Senators Oliver, Ross, Bassett, Moore, and Hillyer.

*On Liquor Law*—Senators Parvin, Warren, Wharton, Larimer, and Hedges.

*On Senate File No. 48*—A bill for an Act fixing the time of holding Courts in the Fifth Judicial District—Senators Reed, Ross, and Cattell.

*On Claims against the United States*—Senators Warren, Patterson, and Richards.

On motion, the Senate adjourned until 2 o'clock P. M.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

The further consideration of the subject under discussion at the hour of adjournment, the report of the Committee on the contested election case from the Fifth Senatorial District was resumed.

The question recurring upon the adoption of the resolution to substitute that part of the report of the Committee on Credentials relating to the contested seat of the Senator from the Fifth Senatorial District for the report of the Special Committee, the yeas and nays were demanded.

The yeas were Senators Brayton, Bridges, Bulis, Crookham, Cutts, Doud, Hart, Hedges, Hilsinger, Hillyer, King, Lakin, Meyer, Moore, Paulk, Reed, Richards, Robertson, Shippen, Smith, Stiles, Udell, Warren, and Woolson—24.

The nays were Senators Bassett, Cattell, Clarkson, Farwell, Knoll, Larimer, Leake, Marshman, McMillan, Oliver, Parvin, Patterson, Powers, Sampson, and Wharton—15.

Absent but not excused, Senators Hollman, Ross, and Stubbs.

The resolution was adopted.

The report of the Committee, as amended, was adopted.

By consent, Senator Moore introduced the following resolution, which was adopted:

*Resolved*, That there be a Special Committee of three appointed to inquire into the expenditures of the Executive Department, as contemplated by Section 27, Chapter 32, of the Acts of the 10th General Assembly.

E. E. Edwards, Senator from the 5th Senatorial District came forward and the oath was administered by the President.

Senator Paulk called up Senate File No. 42, A bill for an act for the transfer of real estate; to regulate the assessment thereof and facilitate the collection of revenue.

Referred to Committee on Township and County organizations.

INTRODUCTION OF BILLS.

By Senator Udell: Senate File No. 50, A bill for an act supplementary to an act entitled an act to incorporate the town of Centreville, approved January 23, 1857.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Lakin: Senate File No. 51, A bill for an act to provide for the collection of taxes in each township at stated times by Deputy County Treasurers.

Bill read a first and second time and referred to the Committee on Township and County organizations.

On motion of Senator Shippen, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
 JANUARY 23, 1866. }

Senate convened at 9 o'clock, A. M.

The President in the Chair.

Prayer by Senator Wharton.

Journal of yesterday read, corrected, and approved.

PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Richards, a petition of James W. Kimbret and eighty-six others, citizens of Epworth, Dubuque county, asking the repeal of the prohibitory liquor law and the enactment of a license law instead.

Referred to Special Committee on Liquor Law.

INTRODUCTION OF BILLS.

By Senator Knoll: Senate File No. 52, A bill for an Act to authorize the sale of certain lands for taxes.

Bill read a first and second time and referred to the Committee on Ways and Means.

By Senator Bassett: Senate File No. 53, A bill for an Act in relation to Fire and Life Insurance Companies.

Bill read a first and second time and referred to the Committee on Incorporations.

By Senator Clarkson, Senate File No. 54, a bill for an act fixing and equalizing the compensation of future General Assemblies.

Bill read a first and second time and referred to Committee on Ways and Means.

By Senator Hillyer: Joint Resolution relative to a uniform suffrage law:

WHEREAS, All men are by nature free and equal, and governments are instituted for the security, protection and benefit of the people, and

WHEREAS, The people of the United States ordained and established a Constitution for the United States of America, and declared the same to be the supreme law of the land, and

WHEREAS, Some of the States of the Union by their local regulations have deprived a portion of the people of the United States living within the boundaries of said States, of the right of suffrage, and

WHEREAS, The Constitution of the United States, Art. 1, Sec. 6, provides that Congress may alter such regulations, therefore

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure at the earliest possible time, the passage of a uniform suffrage law.

Resolution read a first and second time and referred to the Committee on Federal Relations.

By Senator Crookham: Senate File No. 55, A bill for an act to give the District Court additional powers to enforce the Statutes of Iowa, for the crime of committing nuisances.

Bill read a first and second time and referred to the Committee on Judiciary.

By Senator Crookham: Senate File No. 56, A bill for an act to amend Sec. 879 of the revision of 1860.

Bill read a first and second time, and referred to the Committee on roads.

By Senator Larimer: Senate File No. 57, A bill for an act to amend Section 2548 of the revision of 1860.

Bill read a first and second time, and referred to the Committee on Judiciary.

Senator Udell offered the following resolution :

*Resolved*, That the Secretary of State be directed to place upon the desk of each Senator, a printed copy of report of Adjutant General of this State, for the years 1864 and 1865.

Senator Stiles moved to amend by adding these words, "except the members of the 10th General Assembly."

The amendment was lost.

The question recurring upon the resolution it was not adopted.

REPORTS OF STANDING COMMITTEES.

Senator Patterson from the Committee on Judiciary submitted the following :

Your Judiciary Committee to whom was referred Senate File No. 7, A bill for an act providing dockets for Justice of the Peace, have had the same under consideration, and instruct me to report the same back with the following substitute, and recommend the passage of the substitute.

J. G. PATTERSON,  
Judiciary Committee.

Senator Parvin from the Committee on Federal Relations submitted the following :

The Committee on Federal Relations, to whom was referred Preamble and Joint Resolutions instructing our Senators and Representatives in Congress on the readmission of the Rebellious States, have, by a majority of said Committee, instructed me to report the same back to the Senate, without amendment, and recommend its passage.

J. A. PARVIN,  
L. W. HART,  
J. G. PATTERSON,  
D. P. STUBBS,  
JOHN MEYER.

Senator Knoll gave notice that he would at some future day submit a minority report.

Senator Hilsinger, from the Committee on Commerce submitted the following :

MR. PRESIDENT:—The Committee on Commerce to whom was referred the House Preamble and Resolutions, in relation to the improvement of the Mississippi Rapids and the building of a ship canal from the Mississippi river to Lake Michigan, have examined the same and they have instructed me to report the same, with the following amendment and recommend its adoption, to-wit: Strike out the first preamble to said resolutions, for the reason that it relates to the improvement of the Mississippi Rapids, in reference to

which a memorial and resolutions are now before the Senate more fully expressing the object intended by said preamble.

J. HILSINGER, Chairman.

January 20, 1866.

Also the following :

MR. PRESIDENT:—The Committee on Commerce to whom was referred the memorial and resolutions, instructing our Senators and Representatives in Congress to urge Congress to take such steps and make such useful appropriations as may be necessary for the removal of the Rock Island, or upper and Des Moines, or lower rapids of the Mississippi River, have instructed me to report the same back, and recommend their adoption with the following amendment to the first resolution, to-wit : Add to the end thereof the words "By ship canal or otherwise."

Senator Patterson from the Committee on Township and County organizations submitted the following :

Your Committee on County and Township Organization beg leave to report that they have had under consideration Senate File No. 19, A bill for an act to repeal Section 2, Chapter 43, of the Laws of the 10th General Assembly, and Section 3 of Chapter 17, of the Laws of the regular session of the 9th General Assembly and direct me to report the same back with the following amendments and recommend its passage as amended.

#### AMENDMENTS.

1st. Add to Section one the words "and the following be enacted instead thereof."

2d. Add Section 2 as follows: "The Treasurers of the several counties shall each keep an account showing the amount of taxes received by him in specie, and the amount received by him in paper currency, which shall be examined the same as other accounts of said Treasurers."

J. G. PATTERSON,

Chair. Com. on Tp. and Co. Organizations.

Senator Cutts from the Committee on Incorporations submitted the following :

The Committee on Incorporations to whom was referred Senate File No. 36, "A bill for an act to legalize the articles of Incorporation of the Norwegian Luther College of Decorah, Iowa," have had the same under consideration and direct me to report the same back to the Senate with the following amendment, viz: At the end of Section 2, add the following words, viz: "without expense to the State," and when so amended the Committee recommend that the bill be passed.

M. E. CUTTS, Chairman.

Also the following :

The Committee on Incorporations, to whom was referred Senate

File No. 12, being "A bill for an act to provide for the publication of by-laws and ordinances of incorporated towns, &c.," have had the same under consideration, and direct me to report the same back to the Senate with the following amendments, viz.:

1st. Strike out all of section one, and substitute therefor the following, viz.:

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section No. 1133 of the Revision of 1860, be, and the same is hereby amended by adding thereto the following, viz.: *Provided, however*, That if no such newspaper is published within the limits of the incorporation, then, and in that case, such by-laws and ordinances may be published by posting up three copies thereof in three public places within the limits of the incorporation, two of which shall be the post-office and the Mayor's office of such town or city; and such by laws and ordinances shall take effect and be in force at the expiration of five days after they have been so published.

2d. Strike out the 12th and 13th lines of the second section.

3d. Strike out the title of the bill and substitute therefor the following: "A bill for an Act to amend Section 1133 of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances of certain towns and cities heretofore passed and not published according to law."

Your committee recommend that when the bill shall have been so amended the same be passed.

M. E. CUTTS, Chairman.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following:

The Committee on Enrolled Bills beg leave to report that they have examined Senate File, Blank No., being a Joint Resolution asking Congress to grant bounties to the 37th Regiment, Iowa Volunteers. The same is correctly enrolled.

W. B. LAKIN, Ch'n:  
CHAS. PAULK.

Also, the following:

The Committee on Enrolled Bills beg to report that they have examined Senate File, Blank No., being a Joint Resolution ratifying the amendment to the Constitution of the United States abolishing slavery. The same is correctly enrolled.

W. B. LAKIN, Ch'n.  
CHAS. PAULK.

The following message was received from the House:

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

House File No. 81, A bill for an act making appropriation for

the payment of mileage of members of the Eleventh General Assembly.

Also, Joint Resolutions concerning the establishment of certain mail routes in Mitchell, Cerro Gordo, Chickasaw, and Fayette counties, which are herewith transmitted, and in which the concurrence of the Senate is respectfully asked.

C. S. WILSON, Asst. Chief Clerk.

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be requested, and our Representatives instructed, to use their influence to secure a tri-weekly mail from West Mitchell, in Mitchell county, by way of Plymouth and Mason City to Clear Lake, in Cerro Gordo county.

*Resolved,* That the Secretary of State be required to send a copy hereof to our Senators and Representatives in Congress.

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure a daily mail service from West Union, Fayette county, Iowa, westward *via* Fredericksburg, Williamstown and Bradford, to Nashua, in Chickasaw county, a distance of forty miles.

*Resolved,* That the Secretary of State be instructed to furnish a copy of this resolution to each of our Senators and Representatives in Congress and a copy to the Postmaster General.

#### BILLS READ A SECOND TIME.

Senate File No. 20, A bill for an Act to amend Section 4324 of the Revision of 1860 in relation to willful trespass, with report of committee recommending amendments, was taken up, and, on motion, the report was adopted.

Senator Hilsinger offered the following amendment:

In such trial before the justice, the complainant or the State may introduce in evidence the title, deeds, or other legal evidence, to prove the possession or the right of possession to the land upon which such trespass is committed, in the party injured.

The amendment was lost.

Senator Bassett moved that the bill be engrossed, and be read a third time to-morrow.

The motion prevailed.

Senate File No. 18, A bill for an Act to repeal Section 3986 of the Revision of 1860 in relation to evidence, and substitute another Section therefor—with report of committee recommending the indefinite postponement of the bill—was taken up and the report was adopted.

Senate File No. 22, A bill for an Act to amend Section 3174 of the Revision of 1860, relating to the issuing of attachments—with report of committee recommending the indefinite postponement of the bill—was taken.

Senator Patterson, from the Committee on Judiciary, submitted a minority report, that the bill do pass, and moved to substitute the minority report for the majority report.

The motion did not prevail.

The question recurring upon the adoption of the majority report, it was adopted.

Senate File No. 27, A bill for an Act to authorize sheriffs to administer oaths in certain cases—with report of committee recommending an amendment—was taken up, and the report was adopted.

On motion of Senator Hart, the bill was read a third time; the question being "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, and Woolson—42.

The nays were, none.

Absent but not excused, Senator Ross.

The bill passed and the title was agreed to.

Senator Cattell asked leave to call up the House Joint Resolution relative to the establishment of an Educational Bureau. Leave not granted.

Senate File No. 29, "A bill for an act to provide where actions may be brought in Justices' Courts, and to repeal Sections 3851, 3852, and 3856, of the Revision of 1860," with report of committee recommending the indefinite postponement of the bill, was taken up, and the report was adopted.

Senate File No. 31, "A bill for an act to amend Article 3, Chapter 29, of the Revision of 1860," with report of committee recommending that the bill be indefinitely postponed, was taken up.

The question being upon the adoption of the report, the yeas and nays were demanded:

The yeas were Senators Bridges, Bulis, Clarkson, Crookham, Cutts, Doud, Hart, Hedges, King, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton, Woolson—30.

The nays were Senators Bassett, Cattell, Edwards, Hilsinger, Hillyer, Hollman, Marshman, Moore, Reed, Udell, Warren—11.

Absent, but not excused, Senators Brayton and Farwell.

The report was adopted.

On motion of Senator Leake, the vote by which Senate File No. 20, "A bill for an act amending section 4324 of the Revision of 1860, in relation to willful trespass," was ordered to be engrossed and read a third time to-morrow, was reconsidered.

On motion of Senator Bassett, the bill was amended as follows :  
 "Sec. 2. This act being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in the Daily State Register and Iowa Homestead, newspapers published at Des Moines, Iowa."

Senator Richards moved to amend section one by striking out, in the 8th line, the word "twenty," and insert the word "fifty."

The motion prevailed.

On motion, the bill was ordered to be engrossed, and read a third time to-morrow.

Messages from the House :

The Joint Resolution appointing a Joint Committee to visit the State Penitentiary, was taken up and read a first and second time.

Senator Paulk moved to amend by adding thereto, these words :  
 "And such other matters as they may deem important."

The motion prevailed.

On motion of Senator Cutts, the 11th rule was suspended, the resolution was read a third time, and the question being, "Shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hilyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—40.

The nays were Senators Bridges and Parvin—2.

Absent, but not excused, Senator Woolson.

The resolution passed and the title was agreed to.

The concurrent resolution relative to the appointment of a joint Committee, to whom shall be referred so much of the Governor's message as relates to claims against the United States, was taken up, and on motion, concurred in.

The concurrent resolution relative to the establishment of a National Bureau of Education was taken up, and referred to Committee on Federal Relations.

The concurrent resolution relative to the appointment of a joint Committee to visit the Agricultural College Farm, was taken up and referred to the Committee on Agriculture.

The concurrent resolution relative to declaring the Des Moines river not a navigable stream, was taken up, and was, on motion, referred to the Committee on Commerce.

On motion of Senator Parvin, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
 JANUARY 24, 1866. }

Senate convened at 9 o'clock A. M. The President in the chair.  
 Prayer by Rev. Mr. Childs.

Journal of yesterday read, corrected and approved.

The President announced Senators Moore, Powers and Crookham as special Committee to inquire into expenditures of the Executive Department.

INTRODUCTION OF BILLS.

By Senator Clarkson: Senate File No. 58, A bill for an act to increase the compensation of County Supervisors.

Bill read a first and second time, and referred to Committee on Township and County Organization.

By Senator Bulis: Senate File No. 59, A bill for an act to require owners of threshing machines to guard against accidents.

Bill read a first and second time, and referred to Committee on Agriculture.

Senator Stiles introduced the following:

Joint Resolution to provide for the purchase of eight hundred copies of the "Iowa Colonels and Regiments," for exchange and for other purposes.

*Resolved by the General Assembly of the State of Iowa,* That the Secretary of State be authorized to purchase of A. A. Stewart eight hundred copies of the "Iowa Colonels and Regiments," to be disposed of as follows:

Three hundred copies of the same, to be deposited in the State Library, to be used in exchanging with other States for such books as may be desired, and to be distributed to State Libraries and State institutions of other States.

Two hundred copies to be deposited with the State Historical Society, to be used in exchanging for books of like character in other States.

Three hundred copies to be deposited with the Secretary of State, to be distributed among the different institutions of the State, to State officers and to members of the General Assembly; Provided, that 300 copies of said book be bound in library sheep, and 500 copies of the same in embossed cloth; and provided that those bound in library sheep shall not cost more than \$1.75 each, and those bound in embossed cloth not more than \$1.00 each.

Resolution read a first and second time and referred to Committee on State Library.

By Senator Wharton: Senate File No. 60, A bill for an Act for the suppression of billiard tables.

Bill read a first and second time and referred to Committee on Charitable Institutions.

By Senator Curtis: Senate File No. 61, A bill for an Act to amend Section 763 of the Revision of 1860, and to define the time when taxes shall cease to be a lien upon real property.

Bill read a first and second time, and referred to committee on Ways and Means.

By Senator Udell: Senate File No. 62, A bill for an act to amend Sec. 14, of Chapter 173 of the acts of the 9th General Assembly, in relation to Revenue.

Bill read a first and second time, and referred to Committee on Judiciary.

Senator Bulis offered the following resolution which was adopted.

*Resolved*, That the Secretary of State be directed to furnish each member of the Senate with one printed copy of the reports of the Adjutant General of this State for the years 1864 and 1865.

Senator Udell offered the following resolution which was adopted:

*Resolved*, That the Committee to investigate the expenditure of the contingent fund, be instructed to extend the investigation back to the first appropriation made since the war.

#### REPORTS OF COMMITTEES.

Senator Cattell from the Committee on claims submitted the following:

The Committee on Claims to whom was referred Senate File No. 30, "A bill for an act for the relief of D. B. Hillis, has instructed me to report the same back without amendment, and resumed that it do pass."

J. W. CATTELL, Chairman.

Also the following:

The Committee on Claims, to whom were referred the claims of F. Woodruff, E. W. Attmore and J. K. & W. H. Gilchrist, have instructed me to report said bills back to the Senate and recommend that they be referred to Census Board of the State, with instruction to said Board that said bills, or so much thereof as they may deem just and proper, be paid out of the General Contingent Fund, when appropriation shall have been made for said fund.

Respectfully submitted,

J. W. CATTELL, Chairman.

Senator Crookham from the Committee on Banks submitted the following:

Your Committee to whom Senate File No. 21, was referred, beg leave to report that they have carefully examine said bill and unanimously report in favor of its passage.

J. A. L. CROOKHAM, Chairman.

Senator Patterson from the Committee on Township and County Organization, submitted the following:

Your Committee on Township and County Organization have had under consideration Senate File No. 1, and direct me to report the same back with the following substitute and recommend that the substitute do pass.

J. G. PATTERSON, Chairman.

Senator Hilsinger from the Committee on Township and County Organization, submitted the following:

MR. PRESIDENT:—The Committee on Township and County Organizations, to whom Senate File No. 2, A bill for an act to provide for the election of Township Collectors, and to define their powers and duties, was referred, have had the same under consideration, and they have instructed me to report the same back with the following amendments, and recommend its passage, to-wit:

1. Amend the first Section by inserting the word "at" after the word "that" in first line.

2. Amend the second Section by striking out the word "the" before the word "penal" in second line and insert "A." Strike out the words, "equal to fifty per cent. greater than," in second line and insert the word "double." And add to the end of said Section the words "at their first meeting after the election, and shall be recorded the same as the bonds of county officers."

3. Amend the third Section by inserting the words, "or their Clerk when the Board is not in session," between the words "county" and "shall" in the first line, and the words "or his" at the end of said line.

4. Amend the fifth Section by inserting after the word "appointed" in the third line, the words "embracing the delinquent tax of such township. Amend the fifth line by striking out the word "duplicate," and dropping the "s" from the word "lists." Amend the sixth line by dropping "s" from the word "collectors," and strike out the word "them" and insert "him." Amend first line of Section 6, by dropping the "s" from "lists and collections," and striking out "the said" before "township" and insert "each."

5. Amend Section 7, by striking out the word "the" before the word "examination" in the eighth line.

6. Amend Section 8, by striking out the word "not" in the third line, and inserting the words "otherwise than." Strike out the word "not" in the fourth line, and insert "otherwise than." Add "es" to "tax," and insert "percentage" after the word "which" in the fifth line.

7. Amend Section 9, by inserting the word "to" after the word "duty" in second line. Add "es" to the word "tax" in third line.

8. Amend Section 10, by adding "es," to the word "tax" in the 5th line.

9. Amend Section 11 by inserting after the word "law," in the third line, the words "except as to the taxes collected by the sale of real estate for unpaid taxes on which he shall receive five per cent. instead of the three per cent. now allowed by law, which five per cent. shall be added to the taxes, interest and cost against such real estate, and it shall be sold to pay the same." And add at the end of the Section, the words "except as otherwise provided by this Section."

10. Amend Section 12 by striking out the word "that" in the eighth line, and insert "as," and strike out all the Section after the word "officers" in said eighth line.

All of which is respectfully submitted.

J. HILSINGER,

One of Com. on Tp. and Co. Organization.

JANUARY 24, 1866.

MESSAGES FROM THE HOUSE ON FILE.

Joint resolution relative to additional mail facilities from Marshall, in Marshall county, to New Hartford, in Butler county, was taken up, read a first and second time and referred to the Committee on Federal Relations.

Joint resolution relative to the distribution of the reports of the Supreme Court, was taken up, read a first and second time and referred to the Committee on Judiciary.

Joint resolution relative to additional mail facilities in Alamakee county, was taken up and read a first and second time.

On motion of Senator Paulk, the eleventh rule was suspended and the resolution was read a third time.

Upon the question "Shall the resolution pass?" the yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Kuoll, Lakin, Larimer, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards; Robertson, Ross, Sampson, Shippen, Smith, Stiles, Udell, Wharton, and Woolson—39.

The nays were, none.

Absent but not excused, Senators Leake, Patterson, and Stubbs.

The resolution passed and the title was agreed to.

Senator Stubbs requested leave of absence for Senator Warren, on account of business, which was granted.

Joint resolution relative to additional mail facilities in Winneshek county was taken up, read a first and second time, and referred to Committee on Federal Relations.

Joint resolution relative to additional mail facilities from West Mitchell in Mitchell county, to Cedar Lake in Cerro Gordo county, was taken up, read a first and second time, and referred to the Committee on Federal Relations.

Joint resolution relative to additional mail facilities from West Union in Fayette county, to Nashua in Chickasaw county, was taken up, read a first and second time, and referred to Committee on Federal Relations.

House File No. 81, A bill for an Act making appropriation for the payment of mileage of members of the Eleventh General Assembly, was taken up and read a first and second time.

On motion of Senator Udell the eleventh rule was suspended, the bill was read a third time, and upon the question "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton, Woolson—41.

The nays were none.

Absent but not excused, Senator Patterson.

The bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT:—I herewith return Senate File No. 4, A bill for an act to provide for the early distribution of certain laws, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Meyer from the Committee on Engrossed bills submitted the following report:

The Committee on Engrossed bills have had Senate File No. 20 under consideration and find the same correctly engrossed.

JOHN MEYER, Chair. of Com.

Senator Udell from the Committee on Ways and Means to whom was referred the report of the Committee on mileage reported that the House Committee on Ways and Means had reported a bill in accordance with the report.

Senator Leake from the Committee on Judiciary obtained leave to submit the following report.

The Judiciary Committee have had under consideration Senate File No. 11, "A bill for an act disposing of the dockets of Justices of the Peace in certain cases," and directed me to report the same back with amendments, and recommend the passage of the same with such amendments, viz:

1. Strike out of the title of the bill all after the word "act" and insert in lieu thereof the following, "in relation to additional Justices of the Peace and their dockets."

2. That section one of the bill, after the enacting clause be the following: "That in all cases where, under the provision of section 477 of the Revision of 1860, additional Justices of the Peace, have been, or shall hereafter be elected by order of the township Trustees of any township, the same number of Justices shall there-

after continue to be elected until otherwise ordered by the Trustees thereof.

3. That the first Section of said bill be made the second Section, adding between the words, "with" in the 7th written line, the word "said" and strike out after the figures 477, in said 7th line, the words and figures "of the Revision of 1860," and

4. That the Sections numbered 2, 3, and 4, be numbered 3, 4, and 5.

By order of the Judiciary Committee.

H. C. HENDERSON.

#### BILLS ON THIRD READING.

Senate File No. 20, A bill for an act, amending Sec. 4324 of the Revision of 1860, in relation to willful trespass was taken up and read a third time; the question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton, Woolson—40.

The nays were none.

Absent, but not excused, Senators Bridges and Patterson.

The bill passed, and the title was agreed to.

#### BILLS READ A SECOND TIME.

Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Luther College, of Decorah, Iowa, with report of committee recommending an amendment, was taken up, and the report of the committee was adopted.

The bill was read a third time; the question being, "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Moore, Oliver, Parvin, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton, Woolson—39.

The nays were none.

Absent but not excused, Senators Meyer, Paulk and Patterson.

The bill passed and the title was agreed to.

The preamble and joint resolutions, relative to the re-admission of the Rebellious States, with a majority report of the Committee recommending their adoption, was taken up and on motion of Senator Parvin was made a special order for Wednesday, January 31st, at 10 o'clock, A. M.

The memorial in relation to the removal of obstructions to navigation in the Mississippi river, with report of Committee recommending an amendment, was taken up and on motion of Senator Ross, was made a special order for Thursday, February 1st, at 10 o'clock, P. M.

The House Joint resolution relative to the improvements in the Mississippi river and a ship canal to Lake Michigan, with report of Committee recommending amendments was taken up and on motion of Senator Richards, was made a special order for Thursday, February 1st, at 10 o'clock, 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 concurred in the Senate amendments to the Joint Resolution of the House in reference to appointing a Committee to visit the Penitentiary.

I also return herewith Senate File No. 27, the same having passed the House without amendment.

I am further directed to inform your Honorable Body that the House of Representatives has ordered printed the usual number of copies of a Special Message of His Excellency, Gov. Wm. M. Stone, relative to the draft in this State.

Also, the usual number of copies of the report of Chief Justice Wright, upon the expenditures of the contingent fund of the Supreme Court.

Also, 1,000 copies of the opinion of Attorney General Bissell relative to the power of the General Assembly to regulate the tariffs of railroad and express companies.

C. S. WILSON, 1st Asst. Clerk, H. R.

Senate File No. 12, A bill for an Act to provide for the publication of by-laws and ordinances of incorporated towns and cities and to legalize the same, and Acts done under them, with report of committee recommending amendments, was taken up.

The first and second amendments recommended by the committee were concurred in.

Senator Hulsinger moved to amend the third amendment recommended by the committee, by inserting after the word "ordinances" and before the words "of certain towns" these words: "And acts done under and by virtue of such ordinances."

The motion did not prevail.

The question recurring upon the adoption of the third amendment recommended by the committee, it was concurred in.

On motion of Senator Woolson the bill was ordered to be engrossed and read a third time to-morrow.

Senate File No. 19, A bill for an Act to repeal Section 2 of Chapter 43, of the Acts of the 10th General Assembly, and Section 3 of Chapter 17 of the Acts of the Regular Session of the 9th General Assembly, relating to the duties of County Treasurers, with

report of committee recommending amendments, was taken up and the report of the committee was adopted.

Senator Oliver moved that the bill be engrossed for a third reading.

The motion prevailed.

Senate File No. 7, A bill for an Act providing dockets for Justices of the Peace, with report of committee recommending the adoption of a substitute submitted therewith, was taken up and on motion of Senator Woolson recommitted to Committee on Judiciary.

On motion of Senator Patterson the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
JANUARY 25, 1866. }

Senate convened at 9 o'clock A. M.

President in the chair. Prayer by Rev. Mr. McCague.

Journal of yesterday read and approved.

Senator Cutts moved to reconsider the vote by which House File No. 81, A bill for an act making appropriation for the payment of mileage of members of the Eleventh General Assembly, was passed.

The motion prevailed.

On motion of Senator Cutts, the vote by which the bill was ordered to a third reading, was also reconsidered, and the Secretary was instructed to request of the House, the return of the bill.

Senator Robertson asked leave of absence for Senator Woolson. Leave granted.

Senator Bassett asked and obtained leave of absence for Senator Oliver.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Udell: A petition of E. O. Smith and one hundred and fifty others, citizens of Appanoose county; also a memorial of the Board of Supervisors of Appanoose county, asking relief for Salmon Howard.

Referred to Committee on Military Affairs.

Also, a memorial of the Board of Supervisors of Appanoose county, asking a repeal of the Supervisor System, and the substitution therefor of the Three Commissioner System.

Referred to the Committee on Township and County Organizations.

By Senator Hunt: A petition of Alvah Rogers and ten others, asking additional mail facilities in Clayton county.

Referred to the Committee on Federal Relations.

INTRODUCTION OF BILLS.

By Senator Hart: Senate File No. 63, A bill for an act to amend Chapter fifty-one of the Revision of 1860, in relation to the incorporation of cities and towns.

Bills read a first and second time and referred to Committee on Incorporations.

By Senator Parvin: Senate File No. 64, A bill for an act to amend Section 2, Chapter 54 of the Laws of the Tenth General Assembly.

Bill read a first and second time and referred to Committee on Charitable Institutions.

By Senator Shippen: Senate File No. 65, A bill for an act to amend Section 18, Chapter 102 of acts of the 9th General Assembly in relation to estrays.

Bill read a first and second time and referred to Committee on Agriculture.

By Senator Clarkson: Senate File No. 66, A bill for an act to amend Section 2, Chapter 102, of the Acts of the Tenth General Assembly, and to provide for the compensation of Directors of Common Schools.

Bill read a first and second time and referred to the Committee on Schools and School Lands.

By Senator Hillyer: Senate File No. 67, A bill for an act to amend Section 303 of the Revision of 1860.

Bill read a first and second time and referred to the Committee on Township and County Organizations.

By Senator Hunt: Senate File No. 68, A bill for an act for the protection of sheep.

Bill read a first and second time and referred to the Committee on Agriculture.

By Senator Doud, Senate File No. 69, A bill for an act to amend Chapter 102 of the acts of the Tenth General Assembly, approved March 28, 1864.

Bill read a first and second time and referred to the Committee on Schools and School Lands.

House File No. 81, A bill for an act making appropriation for the payment of mileage of members of the Eleventh General Assembly, was, on motion of Senator Leake, taken up.

Senator Lakin moved to amend Section 2, by striking out the words "including the Chief Clerk." Also, to amend Section 4, by striking out the words "and the Chief Clerk."

The motion prevailed.

On motion of Senator Cutts, the bill was referred to the Committee on Ways and Means.

## REPORTS OF COMMITTEES.

Senator Leake, from the Committee on Judiciary, submitted the following :

*To the Senate of Iowa :* The Judiciary Committee, to which was referred the bills hereinafter named, have considered the same, and directed me to report them with recommendations as follows :

1st. Senate File No. 7, A bill for an Act providing dockets for Justices of the Peace.

The committee report a substitute and recommend that the substitute do pass.

2d. Senate File No. 10, costs on examinations: An Act to award costs against private prosecutors, on examinations in criminal cases.

The committee report a substitute and recommend that the substitute do pass.

3d. Senate File No. 49, A bill for an act to amend Section 2704 of the Revision of 1860.

The Committee recommend that the bill be indefinitely postponed.

4th. Senate File No. 50, A bill for an act supplementary to an act entitled an act to incorporate the town of Centreville, approved January 23, 1857.

The Supreme Court in *ex parte Pritz*, 30, page ix, Iowa Reports, decides that the "Constitution, Article 3, Section 30, prohibits the enactment of special laws, either for the incorporation of towns and cities, or for the amendment of acts of incorporation in existence before the adoption of the Constitution."

Under that decision this act would be clearly void if passed.

The Committee therefore recommends that it be indefinitely postponed.

5th. The Committee has instructed me to report the accompanying "bill for an act fixing the salaries of Judges of the District Courts of the State," and to recommend its passage.

All of which is respectfully submitted.

J. B. LEAKE, Chairman.

Senator Ross: From Committee upon State University submitted the following :

The Committee upon State University, to whom was referred Senate File No. 70, A bill for an act to establish a Law Department to the State University, " have had the same under consideration, and have instructed me to report the following as a substitute therefor, and recommend its adoption.

ROSS for the Committee.

Senator Shippen moved that the report be adopted, and that the Substitute bill be laid on the table and be printed.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform the Senate that the House has concurred in the Senate's amendment to the resolution of the House in reference to the appointment of a joint committee to visit the State Penitentiary, and that Messrs. Brown, of Winneshieik, and Walden, have been appointed as such committee on the part of the House.

I am further directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 16—A bill for an Act providing for compelling witnesses to appear before Investigating Committees.

I am also directed to inform the Senate that the House has passed the following bills, in which the concurrence of the Senate is asked:

House File No. 26, A bill for an Act to amend Section 800 of the Revision of 1860.

House substitute for House File No. 29, A bill for an Act to protect the earnings of married women.

CHAS. ALDRICH, Chief Clerk.

The Committee on Engrossed Bills submitted the following report:

The Committee on Engrossed Bills have had under consideration Senate File No. 12, and they have found the same correctly engrossed.

JOHN MEYER, Chairman of Com.

#### BILLS READ A SECOND TIME.

Senate File No. 1, A bill for an Act to authorize the Supervisors to use "the Relief Fund" as other county funds, with report of committee recommending the adoption of a substitute therewith submitted.

Senator Bassett moved to amend Section 1 of the substitute bill, by adding after the words "Relief Fund" and before the word "Provided" the following words, viz.: "Provided, that the Board of Supervisors may elect to which fund the transfer shall be made, and in case the warrants on the fund to which such transfer is made, are at a discount, the Board of Supervisors shall designate the rate, at which the Treasurer may reclaim the outstanding warrants on such fund out of the relief fund, which rate shall not exceed the market value of such warrants.

On motion of Senator Bassett the bill was laid on the table and made a special order for to morrow morning at 10 o'clock.

Senator Shippen moved to reconsider the vote by which substitute for Senate File No. 70, A bill for an Act to establish a Law Department to the State University, was laid on the table and ordered printed.

The motion did not prevail.

Senate File No. 2, A bill for an Act to provide for the election

of Township Collectors, and to define their powers and duties, with report of committee recommending amendments, was taken up.

The 1st, 2d, 4th, 5th, 6th, 7th, 8th, and 10th amendments recommended by the committee were concurred in.

All of the third amendment recommended by the committee was concurred in except to add the words "or his" at the end of the first line of Section 3.

The ninth amendment recommended by the committee was not concurred in.

On motion Section 5 was further amended as follows, viz.: by striking out the word "duplicate" in the 11th and 14th lines.

Senator Ross moved to amend Section 1 by adding after the figures 1866 in the second line, the following words, viz.: "In counties having 10,000 inhabitants."

On motion of Senator Hillyer the further consideration of the bill was made a special order for to-morrow morning at 11 o'clock.

On motion of Senator Powers the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
January 26, 1866. }

Senate convened at 9 o'clock A. M.

The President in the Chair.

Prayer by Senator Wharton.

Journal of yesterday read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed a concurrent resolution providing for the appointment of a joint committee to visit the State University and the Deaf and Dumb Asylum.

I am further directed to inform the Senate that the House has passed joint resolutions asking for additional mail facilities in Lucas, Decatur and Clarke counties.

These several resolutions are herewith transmitted, and the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

WHEREAS, There is a daily stage route from Chariton, Lucas county, Iowa, via Garden Grove, Iowa, to Leon, Decatur county, Iowa; therefore,

1. *Be it resolved by the General Assembly of the State of Iowa,* That our Senators be instructed and our Representatives in Congress be requested to use their influence to establish a daily mail

route from Chariton, Lucas county, Iowa, *via* Garden Grove, Iowa, to Leon, Decatur county, Iowa, a distance of thirty-five miles.

2. That a copy of this resolution be forwarded to each of our Senators and Representatives in Congress.

*Resolved by the General Assembly of the State of Iowa,* That our Senators and Representatives in Congress are hereby requested to use their influence to procure the passage of a law for increased mail facilities, as follows: A tri-weekly route from Oceola, the county-seat of Clarke county, by the way of Lasalle, to Hopeville, in said county.

And that each member of Congress from this State be furnished with a copy of the above resolution.

*Resolved by the House, the Senate concurring,* That a Joint Committee of two members of the House and one of the Senate, be appointed to visit the State University, located at Iowa City, to inquire into and report upon the affairs of the University, and upon the condition of the buildings and grounds of the University, and upon the character and progress of the new building designed for laboratory and chapel.

*Resolved,* That said committee enquire into the condition and wants of Deaf and Dumb Asylum, located at Iowa City, and report the facts to this General Assembly.

#### INTRODUCTION OF BILLS.

By Senator McMillan: Senate File No. 71, A bill for an act to define the manner in which the delinquent tax list shall be published.

Bill read a first and second time, and referred to Committee on Township and County Organizations.

By Senator Marshman: Senate File No. 72, A bill for an act to provide for the distribution of the Revision of 1860, to Justices of the Peace.

Bill read a first and second time, and referred to the Committee on Judiciary.

By Senator Clarkson: Senate File No. 73, A bill for an act to provide for filling vacancies in Boards of County Supervisors.

Bill read a first and second time, and referred to Committee on Township and County Organizations.

By Senator McJunkin: Senate File No. 74, A bill for an act providing for the collection of costs in criminal cases.

Bill read a first and second time, and referred to Committee on Judiciary.

By Senator Hart: Senate File No. 75: A bill for an act to amend Section 377 of Revision of 1860, relating to official bond of County Treasurer.

Bill read a first and second time, and referred to Committee on Ways and Means.

By Senator Lakin: Senator File No. 76, A bill for an act to repeal part of Section 262, Chapter 22, Revision of 1860.

Bill read a first and second time, and referred to the Committee on Judiciary.

Senator McMillan introduced the following—a Joint Resolution complimentary to Iowa Volunteers:

*Resolved by the Senate and House of Representatives of the General Assembly of the State of Iowa, that, WHEREAS, On the 9th day of April, 1865, the 8th Regiment Iowa Veteran Volunteer Infantry, in a charge on Fort Spanish, one of the defenses of Mobile, so far distinguished itself as to attract the attention of the War Department, and testified by a brevet promotion of one grade to each officer for meritorious conduct, who participated in said charge, therefore,*

*Resolved, That we acknowledge with pride this addition to the already rich laurels of our State, and therefore, hereby tender our grateful acknowledgments and admiration for the skill and bravery displayed by officers and men of said Regiment on the occasion referred to.*

Resolution read a first and second time and referred to Committee on Military Affairs.

By Senator McJunkin: Senate File No. 77, A bill for an act to amend Section 3 of Chapter 173 of the Acts of the Ninth General Assembly, and to fix the compensation of assessors.

Bill read a first and second time and referred to Committee on Township and County Organizations.

By Senator Meyer: Senate File No. 78, A bill for an act amending Section 7 of Chapter 172 of the Acts of the Ninth General Assembly, relating to school district township meetings.

Bill read a first and second time and referred to the Committee on Township and County Organizations.

#### RESOLUTIONS.

Senator Lakin offered the following resolution, which was on motion, referred to a special Committee consisting of Senators Paulk, Lakin and Cattell.

*Resolved, That Joint rule No. 5 be stricken out, and that the following be substituted therefor:*

When bills are enrolled, they shall be examined by a Committee of two from the Senate, if they originated in the Senate, and by a Committee of two from the House of Representatives, if they originated in the House of Representatives. These standing Committees shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, correct any error therein, and make report forthwith to their respective Houses.

By consent, Senator Patterson introduced Senate File No. 79.

A bill for an act extending the jurisdiction of County Courts in civil and criminal causes, and for other purposes.

Bill read a first and second time and referred to the Committee on Judiciary.

By consent, Senator Bassett presented a petition of R. W. Dickey and one hundred and fifty-one others, residents along the line of the Dubuque & Sioux City Railroad asking that measures be taken to secure the early completion of said road.

Referred to Committee on Railroads.

Also a petition of Woolsey Willis and one hundred and fifty-one others, residents along the line of the Dubuque & Sioux City Railroad, asking that measures be taken to prevent said railroad company from securing an extension of the time in the limitations of their land grants.

Referred to Committee on Railroads.

By consent, Senator Powers presented a petition of John Palmer and eighty-five others, citizens of Butler county, asking that cattle and horses be restrained from running at large.

Referred to Committee on Agriculture.

Senator Stubbs offered the following resolution which was adopted :

*Resolved*, That the Committee on Military affairs, be and are hereby instructed to enquire into the propriety of instructing the Adjutant-General of the State to collect and deposit in some suitable and secure place, the arms and accoutrements belonging to the State, and now distributed in the border and other counties of the State, said committee to report by bill or otherwise.

Senator Paulk offered the following, which was laid over under the rule :

WHEREAS, By an act of the Tenth General Assembly, (Chapter 94), entitled "an act to provide for the collection of money due to the permanent School Fund of the State of Iowa, for the purchase of the Capitol building and for the release of certain school fund securities." The Census Board, together with the Attorney General of the State were constituted a board of Commissioners for the purpose of carrying out the provisions of said act as therein set forth. Therefore,

*Resolved*, That the said Commissioners are requested to fully inform the Senate at the earliest practicable period, of all their proceedings under said act, and also as to the *present* condition of the several matters upon which they were authorized or required to act, according to the provisions of said Chapter 94.

The President announced Senator Stiles, as Committee on part of the Senate, to visit the State Penitentiary.

Senator Crookham offered the following resolution : Be it

*Resolved*, That the Senate and House of Representatives concurring do adjourn on the 1st day of March, 1866, without day.

*Resolved*, That there be no new bills introduced in the Senate.

after 15th of February, 1866, unless, by consent of two-thirds of the members of the Senate present.

The Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills, report that they have examined Senate File No. 27, and find the same correctly enrolled.

W. B. LAKIN, Chairman  
CHAS. PAULK.

The Committee on Enrolled Bills, also report that they having examined Senate File No. 4, and find the same correctly enrolled.

W. B. LAKIN, Chairman.  
CHAS. PAULK.

The hour for the special order having arrived, Senate File No. 1, A bill for an act authorizing the Boards of Supervisors to use the "Relief Fund" as other funds of the county, was taken up.

Senator Bassett withdrew his amendment and offered a substitute for the bill, which was, on motion, adopted.

On motion of Senator Hart, the vote by which the substitute was adopted, was reconsidered.

Senator Richards moved to amend Section 1, of the substitute by striking out all after the words "Relief Fund" in the tenth line and substitute the following words: "And in case the warrants on the fund to which such transfer is made are at a discount, the Board of Supervisors shall designate the rate at which the Treasurer may redeem the outstanding warrants on such fund out of the relief fund, which rate shall not exceed the market value of such warrants."

The motion was lost.

Senator Sampson moved to amend the substitute as follows:

Should the amount of the relief fund on hand in any county, added to the amount likely to be realized from the tax levied in favor of that fund, be insufficient to redeem all warrants and to pay the indebtedness against said fund, outstanding at the date of the taking effect of this act, and such as may be issued by virtue hereof, then the Board of Supervisors may in the year 1866, levy such tax for the benefit of said fund as will be sufficient to redeem all of said warrants, and to relieve, if necessary, the families of volunteers, still in the service, such tax not to exceed one mill on the dollar.

The motion prevailed.

Senator Edwards moved to amend the amendment, by adding after the word "service" and before the words "such tax" the following words, viz: "and the families of such soldiers as were killed or died in the service, or have died of disease contracted while in the service, who may require relief."

On motion of Senator Hunt, the bill was re-committed to the Committee on Township and County Organizations.

On motion of Senator Hilsinger, the special order for eleven

o'clock: Senate File No. 2, A bill for an act to provide for the election of Township Collectors, and to define their powers and duties, was taken up and made a special order for to-morrow morning at 10 o'clock.

By consent, Senator Bassett presented a "Memorial of the Iowa Agricultural College and Farm," which was ordered to be printed.

Senator Bassett offered the following resolution:

*Resolved*, That the Governor be requested to inform the Senate whether the Dubuque & Sioux City Railroad Company have complied with the provisions of Chapter 153 of the Acts of the Ninth General Assembly by executing deeds of release to the State of Iowa of all lands within the limits of the grant to such Company, and sold by the State prior to the 7th day of May, 1854; and whether any certificate of the completion of an additional section of such road has been issued to the Company since the passage of the above named Act without such release; and, if so, what, if any, guarantees have been given for the release of such lands.

The resolution was laid over under the rule.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined House File No. 16—a joint resolution to appoint a Committee to visit the Penitentiary—and find the same correctly enrolled.

W. B. LAKIN, Chairman,  
CHARLES PAULK.

Senator Stubbs, from the Committee on Federal Relations, obtained leave to submit the following reports:

The Committee on Federal Relations, to whom was referred petition of citizens of Clayton county, Iowa, praying that our delegation in Congress be memorialized on the subject of the establishment of a daily mail route between McGregor and Strawberry Point in said county, have had the same under consideration, and have instructed me to report the same back with the recommendation that the resolution embodied in the petition be adopted.

D. P. STUBBS,

Chairman *pro tem.* on Federal Relations.

The Committee on Federal Relations, to whom was referred House Resolutions as follows, viz.: Resolutions instructing our Senators and requesting our Representatives in Congress to use their influence to secure the establishment of the following mail routes in Iowa, to-wit: "From Marshalltown, in Marsnall county, to New Hartford, in Butler county, *via* Vienna, Wolf Creek Grove, Fifteen-Mile Grove and Grundy Centre," and to "secure a tri-weekly mail from West Mitchell, in Mitchell county, *via* Plymouth and Mason City to Clear Lake, in Cerro Gordo county," and a daily mail service from West Union, Fayette county, westward *via* Fredericksburg, Williamstown and Bradford, to Nashua, Chickasaw county;" also a tri-weekly mail route between the city of Decorah

and the village of Hesper, in Winneshiek county"—have had the same under consideration, and have instructed me to report the same back to the Senate without amendment and recommend their passage.

D. P. STUBBS,

Chairman *pro tem.* of Com. on Fed. Relations.

On motion of Senator Brayton, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, )  
January 27, 1865. }

Senate convened at 9 o'clock, A. M., and was called to order by the President.

Prayer by Rev. Mr. Winans.

The Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature House File No. 16, "A bill for an act providing for compelling witnesses to appear before investigating committees," the same having been signed by the Speaker.

I also return herewith Senate File No. 4, A bill for an act to provide for the early distribution of certain laws.

And Senate File No. 27, A bill for an act to authorize Sheriffs to administer oaths in certain cases, the same having been signed by the Speaker of the House.

JOS. LYMAN, Enrolling Clerk.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Patterson: The memorial of the Board of Supervisors of Cerro Gordo county, asking the extension of the jurisdiction of county judges, which was referred to the Committee on Judiciary.

#### INTRODUCTION OF BILLS.

By Senator Reed: Senate File No. 80, A bill for an act empowering Clerks of the District Courts to issue execution for the collection of costs.

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

By Senator Hillyer: Senate File No. 81, A bill for an act to amend Section 764 of the Revision of 1860.

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

By Senator Edwards: Senate File No. 82, A bill for an act to amend Section 1843 of the Revision of 1860.

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

Senator Paulk introduced the following concurrent resolution, which was adopted:

*Resolved by the General Assembly of the State of Iowa, the House concurring,* That all public documents (including printed reports of Committees) published by either branch of the General Assembly, be placed in the hands of the Secretary of State by the State Printer, or Binder, and that he retain in his own hands, 300 copies of each, published in the English language, and shall furnish to each member of the Eleventh General Assembly one bound copy of the same, including also, the reports and documents mentioned in Chapter 114 of the Acts of the Tenth General Assembly, and that the Secretary of State dispose of the balance of said bound volumes as provided for in said Chapter 114.

#### REPORTS OF COMMITTEES.

Senator Udell, from the Committee on Ways and Means, submitted the following:

The Committee on Ways and Means have instructed me to report back House File No. 81, making appropriation for mileage for the General Assembly, with the following amendment to come in at the end of Section 4:

*Provided,* That no person shall receive mileage by virtue of this act, except as provided by Sections 2 and 3 of said act.

With this amendment recommend its passage.

UDELL.

Senator Clarkson from the Committee on Agriculture submitted the following:

The Committee on Agriculture, to whom was referred the House resolution to appoint a Committee to visit College Farm and buildings, have directed me to report, with a recommendation that said resolution be adopted.

C. F. CLARKSON, Chairman.

Senator Stiles, from the Committee on Schools and School Lands, submitted the following:

Committee on Schools and School Lands, have had Senate File No. 44 under consideration, and have instructed me to report the same back and recommend its passage.

E. H. STILES, for Committee.

The Committee on Schools and School Land, have had under consideration Senate File No. 45, and have instructed me to report the same back with the following amendment: Strike out all be-

tween the word "shall," in the second line of the second section, and the word "ascertain" in the fourth line, and insert the following: "At each of their regular meetings in each year," and with this amendment, recommend that the bill pass.

E. H. STILES, for Committee.

The Committee on Schools, and School Lands, have had Senate File No. 66 under consideration, and have instructed me to report same back and recommend that it do not pass.

STILES, for Committee.

Senator Cattell from the Committee on Claims, submitted the following:

The Committee on Claims, to whom was referred the claims of W. M. Smith and Geo. H. Carry, for the return of one Ham Baxter from the State of Wisconsin, as a fugitive from justice, have considered said claims, and instructed me to report the same back to the Senate, and recommend that they be referred to the Executive of the State, and the Census Board, as the law provides that expenses accruing in the arrest of fugitives from justice, shall be paid out of the General Contingent Fund, when in the opinion of said Executive and Census Board, it is just and proper that said expenses shall be paid by the State, but your Committee are of opinion that in these specific cases the expenses should be paid by either the county where the crime was committed, or the party seeking the arrest.

Respectfully submitted.

J. W. CATTELL, Chairman.

Senator Hart for the Committee on Manufactures, submitted the following:

Your Committee to whom was referred the memorial of the Board of Supervisors of Cedar county, report that they have had the same under consideration so far as the same refers to manufactures, and report the same back, and ask that it be referred to the Committee on Agriculture for further consideration on subjects relating to that department.

By order of the Committee.

L. W. HART, Chairman.

On motion of Senator Wharton, the report of the Committee was adopted, and the memorial was referred as therein recommended.

Senator Reed from special Committee submitted the following:

Your special Committee to whom Senate File 48 was referred report that they have considered the same and recommend that it be amended as follows, by inserting in the 37th line of the 1st section after the word "the" the words "fifth Monday after the fourth Monday of March and," and by inserting the word "and" after the word Carroll in the eighth line of Section 4, and by striking out the word "and" after the word Audubon in the eighth

line and the word "Cass" in the ninth line of said section, and that the bill as so amended be passed.

J. R. REED.

L. W. ROSS.

J. W. CATTELL.

By consent, Senate File No. 48, A bill for an act fixing the time of holding Courts in the Fifth Judicial District, with report of the Committee recommending amendments was taken up and the report of the Committee was adopted, no further amendments being offered.

Ordered that the bill be engrossed and read a third time.

Senator Paulk from select committee submitted the following :

Report of select Committee on amendment of the 5th joint rule.

The select Committee to whom was referred the resolution to amend the 5th of the joint rules, report, that they recommend that said resolution be amended by prefixing thereto the words "resolved by the Senate, the House of Representatives concurring," and that with such amendment they recommend its passage.

C. PAULK, Chairman.

By consent and on motion of Senator Paulk the resolution to strike out the 5th joint rule and substitute another with report of committee recommending an amendment, was taken up and the report was adopted.

The resolution having been read a third time and the question being "Shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton—42.

The nays were, none.

Absent but not excused, Senator Udell.

The resolution passed and the title was agreed to.

BILLS ON THIRD READING.

Senate File No. 12, A bill for an act to amend Section 1133 of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances of certain towns and cities heretofore passed and not published according to law, was taken up, read a third time and the question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillen, Meyer, Moore,

Paulk, Patterson, Powers, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton, Young—37.

The nays were Parvin, Richards, Ross—3.

Absent but not excused Senators Hedges and Reed.

The bill passed and the title was agreed to.

MESSAGES FROM THE HOUSE ON FILE.

The House concurrent resolution relative to appointing a Joint Committee of two on the part of the House, and one on the part of the Senate, to visit the State University and the Deaf and Dumb Asylum, was taken up, and, on motion of Senator Stubbs, was concurred in.

The President announced Senator McJunkin as such committee on the part of the Senate.

The House Joint Resolution relative to additional mail facilities in Clarke county, was taken up.

Ordered referred to Committee on Federal Relations.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have had under consideration Senate File No. 19, and have found the same correctly engrossed.

JOHN MEYER, Chairman.

The following message was received from the House:

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

House File No. 30, A bill for an act extending the powers of the Auditor of State.

CHAS. ALDRICH, Chief Clerk.

The hour for the special order having arrived, Senate File No. 2, "A bill for an Act to provide for the election of township collectors, and to define their powers and duties," was taken up and further considered.

The question recurring upon the adoption of the amendment offered by Senator Ross, the yeas and nays were demanded and were as follows:

The yeas were Senators Bassett, Bulis, Edwards, Hart, Parvin, and Ross—6.

The nays were Senators Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Dond, Farwell, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, and Wharton—35.

Absent but not excused, Senators Cutts, Henderson and Hedges.

The amendment was not adopted.

On motion of Senator Farwell, Section 6 was amended as follows :

Insert after the word "Treasurer," in the third line, the following words :

"And each Township Collector shall give notice by publishing in a newspaper, or by posting three written notices in public places in the township, that he will be present at some public place designated, in the township, and named in the notice, for the purpose of receiving taxes, specifying the day or days in the week from that time until the first day of March following ; and persons who fail to pay their tax within the time specified, shall pay two per cent additional tax, to be collected otherwise than by distress and sale."

Senator Stubbs moved to amend Section 1, by adding in the first line, after the word "State," the following words: "Except in the township where the county seat is located."

The motion did not prevail.

Senator Hilsinger moved that the bill be engrossed and read a third time.

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

The yeas were Senators Brayton, Bridges, Cattell, Clark, Clarkson, Cutts, Farwell, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk, Patterson, Powers, Shippen, Smith, Stiles, Whar-ton—27.

The nays were Senators Bassett, Bulis, Crookham, Doud, Edwards, Hart, Lakin, Parvin, Reed, Richards, Robertson, Ross, Sampson, Stubbs, Udell—15.

Absent without excuse, Senator Hedges.

The motion prevailed and ordered that the bill be engrossed and read a third time.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills report that they have this day delivered to the Governor for his approval House File No. 16 and Senate Files No. 27 and 4.

W. B. LAKIN, Chairman.

By consent and on motion of Senator Bassett the resolution of inquiry requesting the Governor to inform the Senate "whether the Dubuque and Sioux City Railroad Company have complied with the provisions of Chapter 153 of the Acts of the 9th General Assembly," was taken up and adopted.

By consent and on motion of Senator Paulk, the resolution of inquiry requesting the Commissioners appointed under and by virtue of Chapter 94 of the Acts of the Tenth General Assembly, to inform the Senate of their proceedings under said Act, was taken up and adopted.

By consent and on motion of Senator Hunt, the joint resolution relative to additional mail facilities in Clayton county was taken up and read a third time.

The question being "Shall the resolution pass?" the yeas and nays were as follows:

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, and Wharton—41.

The nays were, none.

Absent without excuse, Senators Hedges and Ross.

The resolution passed.

On motion of Senator Hunt, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
January 29, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Wetmore.

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. 14, A bill for an Act to provide for the printing and distribution of the Governor's Biennial Message.

House File No. 3, A bill for an Act amendatory to an Act entitled an Act fixing the times for holding Courts in the Sixth Judicial District, approved April 13, 1862.

Also that the House has passed sundry joint resolutions asking for additional mail facilities, which are herewith transmitted, and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

#### JOINT RESOLUTIONS.

*Be it Resolved by the General Assembly of the State of Iowa,* That our members in Congress be requested to use their influence to procure a tri-weekly mail from the city of Burlington *via* Toolsboro to Port Louisa, in Louisa county.

*Be it Resolved by the General Assembly of the State of Iowa,*

That our Senators be, and are hereby instructed, and our Representatives in Congress requested to use their influence to secure at their earliest possible time, the establishment of the following mail route, to-wit :

A tri-weekly from Newbery, in Mitchell county, Iowa, to Northwood, county-seat of Worth county, *via* Hartland to Bristol, Worth county, Iowa.

Also, a weekly mail from Northwood, county-seat of Worth county, on the most practicable route to Mason City, Cerro Gordo county.

Also, a semi-weekly mail from Northwood, Worth county, *via* Gordonville P. O. and Shell Rock P. O., to Albert Lea, Minnesota. And be it further

*Resolved*, That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

## JOINT RESOLUTION.

*Be it resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be and are hereby instructed, and our Representatives requested to use their influence to secure at their earliest possible time the establishment of semi-weekly mail and mail facilities from Fort Dodge *via* Dakota, Marcosta, Fern Valley and Emmetsburg, on the east side of the Des Moines river, to Estherville in the county of Emmett.

*And be it further resolved*, That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress and to the Postmaster-General of the United States.

By consent and on motion of Senator Udell, House File No. 81, A bill for an Act making appropriation for the payment of mileage of members of the Eleventh General Assembly, with report of committee recommending amendments, was taken up and the report was adopted.

On motion of Senator Leake the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Parvyn, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton—41.

The nays were none.

Absent without excuse, Senators Clark and Patterson.

The bill passed and the title was agreed to.

## PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Smith: A petition of N. Boardman, and one hundred others, citizens of Clinton Co., asking legislation to prevent officials from using intoxicating liquors, which was referred to the Committee on Liquor Law.

By Senator Cattell, The petition of the Western Bank of Missouri, asking payment of a claim of \$1,000, which was referred to the Committee on Claims.

By Senator Paulk, The petition of Geo. W. Carver of Alama-kee County, asking relief against the acts of the State Agent appointed to select the lands of the 500,000 acres, granted to the State for School purposes, which was referred to the Committee on Schools and School Lands.

By Senator Ross: The memorial of the Faculty and Board of Trustees of the State University, and of the committee appointed by said Board of Trustees relative to the establishment of a Law Department to the State University, which was referred to the Committee on University.

By Senator Ross: Five petitions asking the establishment of a Law Department to the State University, which were referred to the Committee on State University.

## INTRODUCTION OF BILLS.

By Senator Brayton: Senate File No. 83, "A bill for an act to provide for increasing the State Library, and to levy and collect taxes for that purpose."

Bill read the first and second times, and referred to the Committee on State Library.

By Senator Clarkson: Senate File No. 84, "A bill for an act to increase the compensation of road supervisors."

Bill read the first and second times, and referred to the Committee on Township and County Organizations.

By Senator Leake: Senate File No. 85, "A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244 of the Revision of 1860."

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

Also, Senate File No. 86, "A bill for an act to enable aliens to acquire, control, and dispose of property as citizens."

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

By Senator McJunkin: Senate File No. 87, "A bill for an act to amend Section 1 of Chapter 128, of the Acts of the 10th General Assembly."

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

Also Senate File No. 88, A bill for an act providing for the issuing of an execution for costs.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Stiles : Senate File No. 89, a bill for an act to amend Section two of Chapter 26 of the acts of the 9th General Assembly.

Bill read the first and second times and referred to the Judiciary Committee.

Also Senate File No. 90, A bill for an act to repeal Section 840 of the Revision, and to substitute a new section therefor.

Bill read the first and second times, and referred to the Committee on Roads.

By Senator Edwards, the following Joint Resolution asking for a Daily Mail Route from Des Moines Iowa, via Indianola, Chariton and Corydon, to Lineville, Mo.

*Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their influence to establish a Daily Mail Route from Des Moines, Iowa, via Indianola, in Warren County, Chariton, in Lucas County, Corydon in Wayne county, to terminate at Lineville, on the State Line, between the State of Iowa and Missouri, and to intersect with a Daily Mail Route from said Lineville to Chillicothe, on the Hannibal and St. Joseph R. R., in the State of Missouri.*

That a copy of this Resolution be sent to each of our Senators and Representatives in Congress.

Resolution read the first and second times.

On motion of Senator Edwards, the eleventh rule was suspended, and the resolution read a third time, the question being, "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, and Wharton—41.

The nays were, none.

Absent without excuse, Senator Clarkson.

The resolution passed and the title was agreed to.

Senator Moore introduced the following :

#### MEMORIAL FOR A GRANT OF LANDS.

MEMORIAL and JOINT RESOLUTION asking Congress for a grant of lands to aid in the construction of the Iowa & Missouri State Line Railroad :

*To the Senate and House of Representatives of the United States of America, in Congress assembled :*

Your memorialists, the General Assembly of the State of Iowa, would respectfully represent that, by an Act of Congress approved May 15th, 1856, in answer to a memorial of the General Assembly, a munificent grant of land was appropriated by the General Government to aid in the construction of the several lines of railroads designated in said act. The aid thus given by the General Government has had a most happy and salutary effect upon the prosperity of the State, by stimulating industry and rewarding labor and capital by affording transportation for the surplus products, and facilities for travel along the several lines, as far as completed.

Your memorialists would further represent that the southern tier of counties, embracing the counties of Lee, Van Buren, Davis, Appanoose, Wayne, Decatur, Ringgold, Taylor, Page and Fremont, have a population of nearly one hundred thousand persons, the greater number of whom have no natural outlet, or railroad facilities for the transportation of their surplus products to market. The distance to the Hannibal & St. Joseph Railroad on the south, and the Burlington & Missouri River Railroad (not yet completed) on the north, precludes the possibility of those roads supplying the means of transportation necessary to the growth and prosperity of that part of the State.

Your memorialists would further represent that there is now in course of construction a railroad commencing at Farmington, Van Buren county, and running thence westward through the southern tier of counties to the Missouri river, a distance of two hundred and fifty (250) miles, known as the Iowa & Missouri State Line Railroad." The Company have manifested a commendable zeal in the prosecution of the work and are strenuously endeavoring to complete the first forty miles by the first day of January, 1867, but the liabilities of those counties along the border, through which the road passes, to be overrun during the continuance of the Rebellion by marauding bands and guerrillas, rendering the lives and property of the inhabitants insecure, and paralyzing, to a great extent, the industrial pursuits, retarding emigration and the productive increase of wealth and prosperity of the inhabitants, thereby rendering them unable to contribute sufficient material aid to insure the early completion of said railroad; and, believing it to be true policy in the General Government to foster and encourage by grants of lands, under proper restrictions, the construction of railroad lines, connecting and binding together the several States by a common interest in the facilities for travel and transportation; and believing that a liberal grant of lands, properly restricted in their applications, to aid in the construction of said railroad would be

eminently just and warranted by precedent, in the Act of Congress to which we have referred: Therefore,

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives be requested to use their influence to procure a liberal grant of lands to aid in the construction of the "Iowa and Missouri State Line Railroad" embracing such privileges and restrictions as they may deem proper to prevent any diversion of said grant from the object contemplated in this memorial and joint resolution.

*Resolved,* That a copy of this memorial and resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

Referred to Committee on Railroads.

#### RESOLUTIONS.

Senator Hollman offered the following:

*Resolved,* That the Governor be requested to report to the Senate at his earliest convenience a full and complete statement, with vouchers therefor of the expenditures of the extraordinary expenses as contemplated by Chapter thirty-two, Section twenty-seven of the laws of the Tenth General Assembly.

Senator Powers moved to amend by adding thereto the following:

And that all further proceedings on the part of the Committee appointed to examine into said fund be stayed until further directed by the Senate.

The question being upon the motion to amend, the yeas and nays were demanded.

The yeas were Senators Bassett, Brayton, Cattell, Clark, Crookham, Cutts, Doud, Hart, Heddes, Hollman, Hunt, Knoll, Leake, McJunkin, Moore, Paulk, Powers, Reed, Richards, Robertson, Ross, Shippen, Stiles, Stubbs, Udell—25.

The nays were Senators Bridges, Bulis, Clarkson, Farwell, Hilsinger, Hillyer, King, Lakin, Larimer, Marshman, McMillan, Meyer, Parvin, Patterson, Smith, Udell, Wharton—17.

Absent without excuse, Senators Edwards, Henderson and Sampson.

The amendment was adopted.

Senator Ross moved that the vote just taken be reconsidered.

Senator Cattell moved that the whole matter be laid upon the table. Upon this question the yeas and nays were demanded.

The yeas were Senators Bassett, Brayton, Cattell, Crookham, Doud, McJunkin, Meyer, Patterson, Reed, Stiles, Udell, Wharton—12.

The nays were Senators Bridges, Bulis, Clark, Clarkson, Cutts, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan,

Moore, Parvin, Paulk, Powers, Richards, Robertson, Ross, Shippen, Smith, Stubbs—30.

Absent without excuse, Senators Henderson and Sampson.

The motion did not prevail.

Senator Hart moved that the whole subject be indefinitely postponed.

Upon this question the yeas and nays were demanded.

The yeas were Senators Brayton, Cattell, Hart, King, McJunkin, Meyer, Patterson, Reed, Udell, Wharton—10.

The nays were Senators Bassett, Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Moore, Parvin, Paulk, Powers, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs—34.

The motion was lost.

Senator Edwards moved the previous question, which was seconded, and the main question, the motion to reconsider the vote by which the amendment was adopted, was ordered and put.

The yeas and nays were demanded, and

The yeas were Senators Bridges, Bulis, Clark, Clarkson, Edwards, Farwell, Henderson, Hilsinger, Hillyer, King, Lakin, Larimer, Marshman, McMillan, Meyer, Parvin, Paulk, Patterson, Ross, Sampson, Smith, Stubbs, Wharton—22.

The nays were Senators Bassett, Brayton, Cattell, Crookham, Cutts, Doud, Hart, Hedges, Hollman, Hunt, Knoll, Leake, McJunkin, Moore, Powers, Reed, Richards, Robertson, Shippen, Stiles, Udell—21.

So the motion to reconsider was agreed to.

Senator Farwell moved to adjourn. Lost.

The question recurring upon the amendment offered by Senator Powers, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Cattell, Crookham, Cutts, Doud, Hart, Hedges, Hollman, Hunt, Knoll, Leake, Marshman, McJunkin, Moore, Powers, Reed, Richards, Shippen, Stiles, Udell—21.

The nays were Senators Bridges, Bulis, Clark, Clarkson, Edwards, Farwell, Henderson, Hilsinger, Hillyer, King, Lakin, Larimer, McMillan, Meyer, Parvin, Paulk, Patterson, Robertson, Ross, Sampson, Smith, Stubbs, Wharton—23.

So the amendment was lost.

The question being upon the adoption of the original resolution, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Richards, Robertson, Ross, Sampson, Smith, Stiles, Stubbs, Udell, Wharton—40.

The nays were Senators McJunkin, Meyer, Patterson, Reed and Shippen—5.

The resolution was adopted.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House of Representatives has passed concurrent resolutions providing for the appointment of a Committee to visit the Insane Asylum; and for the printing upon parchment of the Joint Resolution ratifying the amendment to the U. S. Constitution abolishing slavery.

Also, a Joint Resolution asking that the Turkey river be declared *not a navigable stream*.

These resolutions are herewith transmitted, and the concurrence of the Senate is respectfully asked.

I also return herewith, a Joint Resolution from the Senate, relative to the binding and distribution of certain public documents, the same having passed the House with the following amendment: Strike out the words "the House concurring," in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law declaring the river known as the Turkey river in the State of Iowa, to be *not a navigable stream*, from a point near Eldorado in Fayette county, up to which the said river is now navigable, as per United States survey, down to the point of its confluence with the waters of the Volga river, and that the Secretary of State be directed to forward to each of our Senators and Representatives at Washington a certified copy of this resolution.

*Resolved by the House of Representatives, the Senate concurring,* That there be a Committee of two members appointed upon the part of the House, and one member on the part of the Senate, to visit the Insane Asylum at Mt. Pleasant, Iowa, and examine into its condition and wants, and report by — day of February next.

*Resolved,* The "Senate concurring," that the Secretary of State be authorized to have printed on parchment, two hundred copies of the "Joint Resolution" ratifying the amendment to the United States Constitution, abolishing slavery, to which shall be attached the names of the General Assembly, showing the vote of each member, and to furnish to each member and officer of the same, a copy of said resolution, and also to each State officer, and to have framed and put up, one in the State Library, and one in the Library of the State Historical Society; *Provided,* That the entire cost shall not exceed one dollar per copy.

By consent and on motion of Senator Patterson, House File No. 26, A bill for an act to amend Section 800 of the Revision of 1860,

was taken up and read a first and second time; the eleventh rule was suspended and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton—43.

The nays were none.

Absent but not excused, Senator Henderson.

The bill passed and the title was agreed to.

On motion of Senator Bulis the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, IOWA, {  
JANUARY 30, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Dr. Peet.

The Journal of yesterday was read and approved.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Parvin: The petition of John Nicola, and one hundred others, citizens of this State, asking repeal of laws legalizing the manufacture and sale of Beer and Wine, which was referred to Committee on Liquor Law.

By Senator Hillyer: A petition, asking the establishment of a Law Department to the State University, which was referred to the Committee on State University.

By Senator Wharton: A petition upon the same subject, which was referred to the same Committee.

By Senator Udell: A petition upon the same subject, which was referred to the same Committee.

By Senator Bridges: A petition upon the same subject, which was referred to the same Committee.

By Senator Richards: A petition upon the same subject, which was referred to the same Committee.

By Senator McMillan: A petition upon the same subject, which was referred to the same Committee.

By Senator Shippen: A petition upon the same subject, which was referred to the same Committee.

By Senator Edwards: A petition upon the same subject, which was referred to the same Committee.

By Senator Smith: A petition upon the same subject, which was referred to the same Committee.

By Senator Patterson: A petition upon the same subject, which was referred to the same Committee.

By Senator Doud: A petition upon the same subject, which was referred to the same Committee.

By Senator Hollman: A petition upon the same subject, which was referred to the same Committee.

By Senator Clark: A petition upon the same subject, which was referred to the same Committee.

INTRODUCTION OF BILLS.

By Senator Marshman: Senate File No. 91, A bill for an Act for the election of County Administrators.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Hunt: Senate File No. 92, A bill for an Act to amend Chapter 208 of the Revision of 1860.

Bill read the first and second times and referred to the Committee on Judiciary.

RESOLUTIONS.

Senator McJunkin introduced the following:

*Resolved by the Senate,* That the Judiciary Committee be instructed to inquire as to the expediency of changing the time for which clerks of the District Courts are elected, from two to four years, and report to the Senate by bill or otherwise.

The resolution was not adopted.

Senator Lakin introduced the following:

*Resolved by the Senate and House of Representatives of the State of Iowa,* That our Senators and Representatives in Congress be requested to use their influence to obtain the establishment of a daily mail route from Independence, Buchanan county, Iowa, to Fayette, in the adjoining county of Fayette.

*Resolved,* That a copy of this resolution be forwarded to each of our Senators and Representatives in Congress.

Resolution read the first and second times.

On motion of Senator Lakin the eleventh rule was suspended and the resolution was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Marshman, McJunkin, McMillan, Meyer,

Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton—42.

The nays were none.

Absent without excuse, Senators Leake and Moore.

So the resolution passed.

#### REPORTS OF COMMITTEES.

Senator Meyer from the Committee on Engrossed bills, submitted the following :

MR. PRESIDENT:—The Committee on Engrossed bills have had under consideration Senate File No. 2, and they have found the same correctly engrossed.

JOHN MEYER, Chairman.

Ordered that the report pass on file.

Also the following :

MR. PRESIDENT:—The Committee on Engrossed bills have had under consideration Senate File No. 48, and they have found the same correctly engrossed.

JOHN MEYER, Chairman.

Ordered that the report pass on file.

Senator Leake from the Committee on Judiciary submitted the following :

*To the Senate of Iowa* :—The Judiciary Committee to which was referred the bills hereinafter named, have had the same under consideration, and have directed me to report thereon as follows, to-wit :

1. The joint resolution relative to distribution of Supreme Court reports.

The Committee recommends that in the 4th line for the words, "the President," be substituted the words, "and the President of the Senate," and that the words following, viz : Secretary and Clerk of the Senate, the Clerk of the House of Representatives and Reporters, Postmasters and Sergeant-at-Arms of both branches of the General Assembly, be stricken out.

So amended, the Committee recommends that the resolution do pass.

2. Senate File No. 46, An act to amend Section 2723 of the Revision of 1860.

The Committee recommends that the bill be indefinitely postponed.

3. Senate File No. 55, A bill for an act to give the District Courts additional power to enforce the Statutes of Iowa for the crimes of committing nuisances.

The Committee recommends the indefinite postponement of the bill.

4. Senate File No. 57, A bill for an act to amend Section 2548 of the Revision of 1860.

The committee recommends that the bill be indefinitely postponed.

5. Senate File No. 76, A bill for an act to repeal part of Section 262, Chapter 22, Revision of 1860.

The committee directs me to report a substitute, and to recommend its passage.

6. A bill for an act to amend Section 1843 of Chapter 78, of the Revision of 1860, and to prevent the certifying of acknowledgments in blank.

The committee recommends that it be indefinitely postponed.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

Senator Knoll, from the Committee on Federal Relations, submitted the following minority report, which was, on motion, ordered to lie upon the table and be printed:

#### MINORITY REPORT.

The undersigned, a minority of the Committee on Federal Relations, to whom was referred "Preamble and Resolution instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States," dissents from the report of the majority, both in premises and conclusions in this, to-wit:

That the so-called Confederate States never did secede from the American or Federal Union, as all acts or pretended acts of secession, were null and void from the beginning, and so could have had no effect upon the legal status or rights of those States; hence there was not, and could not have been, any forfeiture of rights as States—any other hypothesis would make the Federal Government in the recent struggle the wrong-doer; the bloody criminal; the cruel tyrant; and would be at war with every Republican platform, and with the professions and sayings of all the most eminent Republican leaders; and would be a cruel mocking to those brave men who volunteered with the aim that they were to *deliver not enslave* the Southern States—that they were to carry the flag and assert the authority of the Constitution over the whole land, and this done their mission was ended, and all, North and South, would then enjoy alike the blessings of a common government. On any other hypothesis there could be no arrest, trial, or punishment for treason.

The attempted sophistry of State suicide does not help the case, indeed it defeats and swallows itself. By that sophistry, acts of secession are declared null and void, powerless to take a State from Federal jurisdiction; dead things; yet those same acts are held to be of such power and effect that they may *kill the State*

and transform a community of free people into abject serfs. A sophistry so dangerous is only fit to be reckoned the twin brother of secession—the one would destroy the Union by fatal amputation; the other by paralysis.

This sophistry, at once so absurd and destructive, is also grossly unjust to the minority in the South, who never believed in or supported secession; to the minors who are in no wise responsible for the mistakes or crimes of their fathers; is at war with our fundamental maxims of government, such as reserved rights of the States; local administration and self-control; public opinion, and not the sword, as a proper instrument for the correction of evils and the preservation of order; the superiority of the civil to the military power, of intelligent consent to bayonets.

We have a right to demand complete submission to the rightful authority of the Federal Constitution, and this granted, the Southern States are as the Northern States, the Southern people as the Northern people, in all their rights, privileges, and duties.

From all this, we necessarily deduce the conclusion that there is no forfeiture of rights as States, that we have no right to force upon any State or people negro suffrage, or in any other way to dictate the laws or policy of such State, so long as there is no encroachment upon the authority of the Federal Constitution.

But granting all that is claimed as to the forfeiture of the rights of the so-called Confederate States, and admit our right to legislate for them, the undersigned still dissents from the report of the majority as to the policy and wisdom of enforcing negro suffrage in the South, or attempting to make it a condition of restoration.

Intelligence, virtue, self-reliance and self-control are essential characteristics of a free people—Republican Government cannot exist without them. The best elements of society, not the worst, should hold and direct its political power. In the opinion of our best thinkers we have already extended the elective franchise to the extreme limit of wisdom and safety.

It becomes us therefore to move cautiously, to make haste slowly, a false step may lose all we have gained heretofore.

The census report shows that the lowest and most vicious element among us is the negro population, lowest in race, lowest in virtue, in culture and habits of self-control. To give such a population the control of the State would be dangerous if not destructive. A revolution has suddenly emancipated the black; we should first assure ourselves that he does not abuse that freedom before we invest him with a high political power. All men are not fit for self-government, and history attests that the failure of republican government has been far more frequent than its success, even among the most enlightened of the best race—and not an instance can be given of the successful maintenance of republican institutions by negroes—nay, more—not a single prosperous civilized

State of any form of government, in any age, can be named, in which the ruling element was negro.

Even more, in no case have the mixed or yellow race even built up a free, prosperous and enlightened State. Mexico is but the type and example of the failure of such attempts. Surely in the face of such facts, we should hesitate long before we try an experiment so often resulting in failure and never in success. Again it is manifestly unjust to demand of the South what the North is itself unwilling to grant, and this injustice is increased a hundred fold when we consider the great disparity of numbers of the blacks in the two sections and the greater disparity of preparation for assuming the robes of the elector.

If where the blacks are few and comparatively well disciplined in self control we refuse the ballot, how can we wisely or justly force it upon sections where the blacks are numerous, in some instances exceeding the whites in number, and are wholly unprepared for it?

Again we have the testimony of Generals Sherman and Grant, and many others, less distinguished, that this measure, forced upon the South at this time, will produce a war of races in which one or the other must be exterminated.

Are we prepared for the horrors of a war of races? Must the bloody pages of San Domingo and Jamaica be repeated in our own history, made ten fold more bloody and terrible by the wider field of conflict?

The sad fruit of negro enfranchisement in Jamaica is calculated to open the eyes of all who love their country, to the folly and madness of inviting African rule.

The negro is here, and a revolution has made him free, and that freedom is assured by the fundamental law. We would protect him from wrong and encourage him in the way of industry and virtue. He is the ward of the government, and it cannot desert him. But in return, that ward must labor, willing or unwilling; his own welfare, and the welfare of the State, demand that he be no idler.

If laws peculiar to the negro be necessary to insure his industry and self-support, those laws must be enacted. While, therefore, the serious and well founded doubts of the negro's capacity for self-government remain, indeed, until those doubts are fully solved by years of peaceful living and willing toil, wisdom demands that he be excluded from any participation in the sovereign power of the State.

Respectfully submitted,

F. M. KNOLL.

On motion of Senator Cutts, the resolution relative to the re-admission of the rebellious States, together with the majority report of the Committee on Federal Relations, was ordered to be printed.

Senator Hollman, from the Committee on Charitable Institutions, submitted the following:

The Committee on Charitable Institutions, to whom was referred Senate File No. 60, have had the same under consideration, and upon examination, find there is no necessity for a change in the statute, and instruct me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

JOSEPH HOLLMAN, Chairman.

Ordered that the report pass on file.

Senator Ross, from the Committee on State University, submitted the following:

The Committee upon University, have had Senate File No. 3, "A bill for an act, granting to the Iowa State University certain property in Iowa City," under consideration, and have directed me to report the same back without amendment, and recommend its passage.

ROSS, for Committee.

Ordered that the report pass on file.

Senator Hilsinger from the Committee on Commerce submitted the following:

MR. PRESIDENT: The Committee on Commerce, to whom was referred House Resolution, instructing our Senators and Representatives in Congress to use their influence to have the Des Moines river declared not navigable, have had the same under consideration, and they have instructed me to report the same back without amendment, and recommend its passage.

J. HILSINGER, Chairman.

JANUARY 26, 1866.

Ordered that the report pass on file.

Senator Patterson, from the Committee on Township and County Organizations, submitted the following:

Your Committee on Township and County Organizations, to whom was referred Senate File No. 58, "A bill for an Act to increase the compensation of County Supervisors," have had the same under consideration, and direct me to report the same back with the recommendation that it do not pass.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

Also, the following:

Your Committee on Township and County Organizations have had under consideration Senate File No. 71, "A bill for an Act to define the manner in which the delinquent tax-list shall be published," and direct me to report the same back with the opinion of the Committee that no further legislation is necessary on that subject.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

Also, the following:

Your Committee on Township and County Organizations have

had under consideration Senate File No. 77, "A bill for an Act to amend Section 3 of Chapter 173 of the Acts of the Ninth General Assembly, and to fix the compensation of Assessors," and direct me to report the same back with a recommendation that it be indefinitely postponed.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

Also, the following:

Your Committee on Township and County Organizations have had under consideration Senate File No. 78, "A bill for an Act amending Section 7 of Chapter 172 of the Acts of the Ninth General Assembly relating to School District Township meetings," and direct me to report the same back with the following amendments,

After the word "the" in the eighth line of the proposed proviso strike out the words "township, city, village and town," and insert the words "township district," "independent district;" and, after the word "sub-district," in the second line from the bottom, insert the words "in which he offers to vote."

And, so amended, recommends that it pass.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

Senator Brayton, from the Committee on State Library, submitted the following:

MR. PRESIDENT:—The Committee on Library, to whom was referred the joint resolution to provide for the purchase of eight hundred copies of the "Iowa Colonels and Regiments" for exchange and for other purposes, have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

J. M. BRAYTON, Ch'n.

#### SUBSTITUTE.

Joint Resolution to provide for the purchase of three hundred copies of the History of Iowa Colonels and Regiments, for exchange and for other purposes.

*Resolved by the General Assembly of the State of Iowa,* That the Secretary of State be authorized to purchase of A. A. Stewart three hundred copies of his "History of the Iowa Colonels and Regiments," to be disposed of as follows:

Two hundred copies of the same to be deposited in the State Library, to be used in exchange for such other books as may be desired for said Library.

One hundred copies of the same to be deposited with the State Historical Society, to be used in exchange for other books for said Society. *Provided,* That said copies shall not cost more than four dollars per volume.

By consent, Senator Stiles moved the adoption of the report.

Senator Bassett moved to amend by adding the following :

2. That the Secretary of State be instructed to purchase of L. D. Ingersoll, three hundred copies of "Iowa and the Rebellion," to be disposed of as follows :

Two hundred copies of the same to be deposited in the State Library, to be used in exchange for such other books as may be desired for such Library.

One hundred copies to be deposited in the State Historical Society, to be used in exchange for other books for said Society.

*Provided,* That the said copies shall not cost more than three dollars per volume.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Edwards, Hart, Hillyer, Hunt, Leake, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shipper, Stiles, Wharton—21.

The nays were Senators Clark, Clarkson, Doud, Farwell, Hedges, Henderson, Hilsinger, Hollman, King, Knoll, Lakin, Larimer, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk, Powers, Richards, Smith, Stubbs, Udell—23.

So the amendment was not adopted.

The question recurring upon the adoption of the report of the Committee.

The yeas and nays were demanded, and

The yeas were Senators Brayton, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hollman, Hunt, Leake, McJunkin, Paulk, Powers, Reed, Ross, Sampson, Smith, Stiles, Stubbs, Udell—23.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clarkson, Henderson, Hillyer, King, Knoll, Lakin, Larimer, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Richards, Robertson, Shippen, Wharton—21.

So the report was adopted.

Senator Ross moved that the Senate do now adjourn until two o'clock this afternoon. Lost.

On motion of Senator Ross, the substitute was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Brayton, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hollman, Hunt, Leake, McJunkin, Paulk, Powers, Reed, Ross, Sampson, Smith, Stiles, Stubbs, Udell—22.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clarkson, Hedges, Henderson, Hillyer, King, Knoll, Lakin, Larimer, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Richards, Robertson, Shippen, Wharton—22.

So the resolution not having received a constitutional majority, was lost.

Senator Ross moved that when the Senate adjourns, it be to meet at 2 o'clock this afternoon.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Cattell, Crookham, Cutts, Doud, Farwell, Hart, Hilsinger, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Moore, Parvin, Paulk, Reed, Robertson, Ross, Smith, Wharton—25.

The nays were Senators Bassett, Bulis, Clark, Clarkson, Edwards, Henderson, Hillyer, Hollman, McJunkin, Meyer, Patterson, Powers, Richards, Sampson, Shippen, Stiles, Stubbs, Udell—18.

So the motion prevailed.

On motion of Senator Cutts, the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate met pursuant to adjournment.

BILLS ON THIRD READING.

Senate File No. 2, "A bill for an Act to provide for the election of Township Collectors, and to define their power and duties," was read a third time.

The question being "Shall the bill pass?" the yeas and nays were as follows:

The yeas were Senators Brayton, Bridges, Cattell, Farwell, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Marshman, McJunkin, McMillan, Moore, Paulk, Powers, Reed, Smith, and Wharton—20.

The nays were Senators Bassett, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Hedges, Hilsinger, Lakin, Leake, Meyer, Parvin, Robertson, Ross, Sampson, Shippen, and Udell—20.

Absent without excuse, Senators Richards and Stiles.

So the bill, not having received a constitutional majority, was lost.

Senator Clarkson asked and obtained leave of absence for Senator Patterson.

Senator McJunkin asked leave of absence for Senator Stubbs. Leave granted.

Senate File No. 19, "A bill for an Act to repeal Sec. 2, Chapter 43 of laws of the Tenth General Assembly, and Section 3, Chap. 17 of the laws of the regular session of the Ninth General Assembly," was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell,

Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Udell, and Wharton—37.

The nays were, Senator Henderson.

Absent without excuse, Senators Clark, Richards, Smith, and Stiles.

The bill passed and the title was agreed to.

Senate File No. 48, A bill for an Act fixing the times of holding courts in the Fifth Judicial District, was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Udell, Wharton—38.

The nays were Senator Richards—1.

Absent without excuse, Senators Henderson, Hunt, and Stiles.

The bill passed and the title was agreed to.

#### MESSAGES FROM THE HOUSE ON FILE.

Joint resolution relative to additional mail facilities from Chariton, in Lucas county, to Leon in Decatur county, was read a first and second time.

On motion of Senator Edwards, the eleventh rule was suspended and the resolution was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Udell, Wharton—41.

The nays were none.

Absent without excuse, Senator Stiles.

So the resolution passed and the title was agreed to.

House substitute for House File No. 29, A bill for an Act to protect the earnings of married women, was read a first and second time and referred to the Committee on Judiciary.

House substitute for House File No. 3, A bill for an Act amendatory to an Act entitled an Act fixing the times for holding Court in the Sixth Judicial District, approved April 3, 1862, was read the first and second times and referred to a committee consisting of the member from said district.

House File No. 14, A bill for an Act to provide for the printing

and distribution of the Governor's biennial message, was read a first and second time and referred to the Committee on Printing.

House File No. 30, A bill for an Act extending the power of the Auditor of State, was read the first and second times and referred to the Committee on Ways and Means.

Joint resolution relative to additional mail facilities in Louisa county, was read the first and second times, and referred to the Committee on Federal Relations.

Joint resolution relative to additional mail facilities in Mitchell, Worth, and Cerro Gordo counties, was read the first and second times, and referred to the Committee on Federal Relations.

Joint resolution relative to additional mail facilities from Fort Dodge, in Webster county, to Estherville, in the county of Emmett, was read the first and second times, and referred to the Committee on Federal Relations.

Concurrent resolution relative to the appointment of a joint committee of one member on the part of the Senate and two on the part of the House, to visit the Insane Asylum, was read and concurred in.

Concurrent resolution relative to having printed on parchment two hundred copies of the resolution ratifying the amendment to the United States Constitution abolishing slavery, was read, and referred to the Committee on Ways and Means.

Joint resolution relative to declaring the Turkey River not a navigable stream, was read the first and second time.

On motion of Senator Cutts, the eleventh rule was suspended, and the resolution was read a third time.

The question being, "Shall the resolution pass?"

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Wharton—39.

The nays were none.

Absent but not excused, Senators Larimer, Stiles, and Udell.

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

House amendment to Senate resolution relative to binding certain public documents and distributing the same, was read.

The question being, "Shall the Senate concur?"

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Wharton—41.

The nays were none.

Absent without excuse, Senators Stiles and Udell.  
So the Senate concurred.

REPORTS OF COMMITTEES ON FILE.

The report of Committee on Federal Relations in relation to resolutions asking additional mail facilities, was read, and the report was adopted.

House joint resolution relative to additional mail facilities in Winneshiek Co., was read a third time.

The question being, "Shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, and Wharton—41.

The nays were none.

Absent without excuse, Senators Stiles and Udell.

The resolution passed, and the title was agreed to.

House Joint Resolution relative to additional mail facilities in Fayette and Chickasaw counties was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Wharton—36.

The nays were none.

Absent without excuse, Senators Bulis, Crookham, Hedges, Henderson, Hunt, Stiles and Udell.

So the resolution passed and the title was agreed to.

House Joint Resolution relative to additional mail facilities in Mitchell and Cerro Gordo counties was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Wharton—40.

The nays were none.

Absent without excuse, Senators Bulis, Stiles and Udell.

So the resolution passed and the title was agreed to.

House Joint Resolution relative to additional mail facilities in Marshall and Butler counties, was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Wharton—38.

The nays were Senator Paulk—1

Absent without excuse Senators Bulis, Hunt, Stiles and Udell.

So the resolution passed and the title was agreed to.

House concurrent resolution relative to declaring the Des Moines river not a navigable stream, with report of Committee, recommending that the Senate do concur, was taken up and the report was adopted; so the resolution was concurred in.

House concurrent resolution relative to appointing a Joint Committee to visit the Agricultural College Farm and buildings, with with report of Committee, recommending that the Senate do concur, was taken up, and the report was adopted; so the resolution was concurred in.

Claims of F. Woodruff, E. W. Atmore and J. K. & W. H. Gilchrist, with report of Committee recommending that they be referred to Census Board with instructions to said Board that said bills, or as much as they may deem just and proper, be paid out of the general contingent fund, was taken up and the report was adopted; so the claims were so referred.

Claims of N. M. Smith and Geo. H. Corey, with report of Committee, recommending that they be referred to the Executive of the State and the Census Board, was taken up.

On motion of Senator Hilsinger the claims and reports were laid on the table.

Senator Hollman moved to adjourn.

#### BILLS ON SECOND READING.

Senate File No. 3, A bill for an act granting to the Iowa State University certain property in Iowa City, with report of Committee recommending that it do pass, was taken up.

Senator Ross moved that the bill be recommitted to the Committee on Judiciary.

The motion did not prevail.

Senator Leake moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being, shall the bill pass?

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk,

Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Udell, Wharton—38.

The nays were Senators Crookham, Parvin—2.

Absent without excuse, Senators Edwards, Lakin and Stiles.

So the bill passed and the title was agreed to.

Senator Bridges moved to reconsider the vote by which the resolution relative to purchasing 300 copies of the "Iowa Colonels and Regiments" was lost.

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

The motion was agreed to.

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SENATE CHAMBER, DES MOINES, }  
January 31, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by the Rev. Mr. Gaston.

Journal of yesterday read and approved.

MESSAGE FROM THE HOUSE.

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

House File No. 80, A bill for an Act to repeal Chapter 41 of the Fifth General Assembly entitled an Act to encourage agriculture and mechanic arts in Johnson county, approved July 20, 1855.

Substitute for House File No. 15, A bill for an Act to amend Section 4993 of the Revision of 1860 in relation to Bail Bonds.

House File No. 75, A bill for an Act to amend Section 3362 of the Revision of 1860 in relation to administering oaths to appraisers.

Substitute for House File No. 59, A bill for an Act to prevent the importation and running at large and sale of horses, mules or asses diseased with nasal gleet, glanders or button farcey.

House File No. 69, A bill for an Act making provision for the settlement of all liabilities of the State and University, growing out of the sale of certain lands in Appanoose county sold as Saline lands.

House File No. 18, A bill for an Act fixing the times of holding Courts in the 6th Judicial District.

House File No. 8, A bill for an Act defining the duties of the Register of the State Land Office.

House File No. 7, A bill for an Act to amend an Act entitled an Act to define the times of holding Courts in the Third (3d) Judicial District in the State of Iowa.

CHAS. ALDRICH, Chief Clerk.

PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Marshman, the petition of H. W. Maxwell and seven others, members of the legal profession residing at Indianola, asking the establishment of a law department to the State University, which was referred to the Committee on State University.

By Senator Stubbs, the petition of Geo. Acheson and seven others, members of the legal profession residing at Fairfield, upon the same subject, which was referred to the same Committee.

By Senator Reed, the petition of B. T. Murray and ten others, members of the legal profession residing at Winterset, upon the same subject, which was referred to the same Committee.

By Senator Henderson, the petition of Wm. Bremner, County Surveyor of Marshall county, asking for an increase of compensation, which was referred to the Committee on Ways and Means.

By Senator Hillyer: The petition of Edwin Houck and one hundred and twenty-two others, citizens of Taylor county, asking repayment of costs and expenses incurred in the imprisonment and execution of certain criminals, which was referred to Committee on Claims.

Also a memorial on the Board of Supervisors of Taylor county upon the same subject, which was referred to the same Committee.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to present for your signature House File No. 126, A bill for an act to amend Section 800 of the Revision of 1860, the same having passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

CHAS. ALDRICH, Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Farwell: Senate File No. 93, A bill for an act to restrain stock from running at large at night.

Bill read the first and second time and referred to the Committee on Agriculture.

By Senator Hillyer: Senate File No. 94, A bill for an act for the relief of Taylor county, and to provide for the payment of the expenses accruing in the State case of Iowa versus Joseph Brice and John Craus.

Bill read the first and second time and referred to the Committee on Claims.

The President announced that the hour had arrived for the consideration of the special order, the resolution instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States.

On motion of Senator Stubbs, the consideration of the subject was made a special order for next Wednesday morning at 10 o'clock.

By Senator Ross: Senate File No. 95, A bill for an act making certain offences larceny, and authorizing counties to offer and pay bounties for the capture of the offenders.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Reed: Senate File No. 96, A bill for an act to confirm and legalize the acts of Charles Haden as Notary Public in and for Guthrie county, Iowa.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Warren: Senate File No. 97, A bill for an act to confirm certain acts done by James B. Thayer, as a Commissioner for the State of Iowa, within and for the Commonwealth of Massachusetts.

Bill read the first and second times and referred to the Committee on Judiciary.

By consent, Senator Hilsinger moved to reconsider the vote by which Senate File No. 2, A bill for an act to provide for the election of Township Collectors, and to define their powers and duties, was lost.

The yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Farwell, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Marshman, McJunkin, McMillan, Moore, Paulk, Patterson, Powers, Reed, Richards, Smith, Warren, Wharton—27.

The nays were Senators Bassett, Bulis, Doud, Edwards, Hart, Hedges, Lakin, Leake, Meyer, Parvin, Robertson, Ross, Sampson, Shippen, Stubbs—15.

Absent without excuse, Senator Cutts.

So the motion to reconsider prevailed.

On motion of Senator Ross, a call of the Senate was made, and all the Senators not excused, were found to be present.

The question being, "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Cattell, Clark, Clarkson, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Marshman, McJunkin, McMillan, Moore, Paulk, Patterson, Powers, Reed, Richards, Smith, Warren, and Wharton—27.

The nays were Senators Bassett, Bulis, Crookham, Cutts, Doud, Edwards, Hart, Lakin, Leake, Meyer, Parvin, Robertson, Ross, Sampson, Shippen, Stubbs, and Udell—17.

So the bill passed and the title was agreed to.

## RESOLUTIONS.

Senator Parvin offered the following, which was adopted :

WHEREAS, The Hon. William Crum, Treasurer of Iowa State University, reports losses to the University Fund amounting to \$7,969.49 : therefore,

*Resolved*, That the Committee on the State University and University Lands be instructed to ascertain, if possible, what has become of said money, and report to the Senate at their earliest convenience.

Senator Farwell introduced the following joint resolution :

*Be it resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be instructed and our Representatives be requested to use their influence to procure the passage of a law declaring the river known as the Iowa River in the State of Iowa to be not a navigable stream from the confluence of the Iowa and Cedar rivers to Marengo, Iowa county.

And that the Secretary of State be directed to forward to each of our Senators and Representatives at Washington a certified copy of this resolution.

Resolution read a first and second time and referred to the Committee on Federal Relations.

Senator Hart offered the following, which was adopted :

*Resolved by the Senate, the House concurring*, That a committee of three be appointed (one on the part of the Senate and two on the part of the House) to visit the State Blind Asylum at Vinton, Benton county, Iowa, and make a report to this General Assembly the result of their investigations.

Senator Reed introduced the following joint resolution :

*Resolved by the General Assembly of the State of Iowa*, That the Secretary of State be instructed to purchase four hundred copies of the second volume of G. Greene's Reports for the use of the State : *Provided*, That the cost of the same shall not be more than five dollars each.

Resolution read the first and second times and referred to the Committee on Library.

Senator Patterson introduced the following Joint Resolution :

*Be it resolved by the General Assembly of the State of Iowa*, That our Representatives in Congress be requested, and our Senators instructed to use their influence to procure the establishment of a daily mail route from Ossian, in Winneshiek county, via Fort Atkinson in said county, New Hampton in Chickasaw county to Charles City in Floyd county.

The Secretary of State is hereby directed to transmit to each of our Senators and Representatives in Congress, a copy of this resolution.

Resolution read the first and second times.

On motion of Senator Patterson, the eleventh rule was suspended, and the resolution read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren and Whar-ton—41.

The nays were none.

Absent without excuse, Senators Bulis, Hillyer and Hunt.

So the resolution passed.

Senator Henderson offered the following:

*Resolved*, That the Judiciary Committee of the Senate, be and is hereby instructed to enquire into the expediency of providing by law for the arrest and temporary detention of fugitives from justice, upon authority communicated by telegraph, and to report by bill or otherwise.

The resolution was not adopted.

#### REPORTS OF COMMITTEES.

Senator Bassett from the Committee on Railroads, submitted the following:

The Committee on Railroads to whom was referred a Joint Resolution in relation to lands granted to the State of Iowa to aid in the construction of railroads, have had the same under consideration and have directed me to report the accompanying substitute, and recommend its passage.

GEO. W. BASSETT, Ch'n.

Ordered that the report pass on file.

Senator Bassett also submitted the following:

The Committee on Railroads, to whom was referred a memorial and joint resolution asking Congress for a grant of lands to aid in the construction of the Iowa and Missouri State Line Railroad, have had the same under consideration, and have instructed me to report the accompanying substitute and recommend its passage.

GEO. W. BASSETT, Chairman.

#### SUBSTITUTE FOR MEMORIAL FOR GRANT OF LANDS.

Memorial and Joint Resolution, asking Congress for a grant of

lands to aid in the construction of the Iowa and Missouri State Line Railroad.

*To the Senate and House of Representatives of the United States of America, in Congress assembled :*

Your memorialists, the General Assembly of the State of Iowa, would respectfully represent that by an act of Congress, approved May 15th, 1856, in answer to a memorial of the General Assembly, a munificent grant of land was appropriated by the General Government to aid in the construction of the several lines of railroads designated in said act.

The aid thus given by the General Government, where the same has been properly restricted and applied, has stimulated industry and invited emigration along the several lines so far as the same have been completed.

Your memorialists would further report, that the southern tier of counties, embracing the counties of Lee, Van Buren, Davis, Appanoose, Wayne, Decatur, Ringgold, Taylor, Page, and Fremont, have a population of nearly one hundred thousand persons, the greater number of whom have no natural outlet or railroad facilities for the transportation of their surplus products to market. The distance to the Hannibal and St. Joseph Railroad on the south, and the Burlington and Missouri River Railroad, (not yet completed) on the north, precludes the possibility of those roads supplying the means of transportation necessary to the growth and prosperity of that part of the State.

Your memorialists would further represent that there is now in course of construction a railroad, commencing at Farmington in Van Buren county and running thence westward through the southern tier of counties to the Missouri river, a distance of two hundred and fifty (250) miles, known as the "Iowa and Missouri State Line Railroad." The company have manifested a commendable zeal in the prosecution of the work, and are strenuously endeavoring to complete the first forty miles by the first day of January, 1867; but the liability of those counties along the border, through which the road passes, to be overrun during the continuance of the rebellion, by marauding bands and guerrillas, rendering the lives and property of the inhabitants insecure and paralyzing to a great extent the industrial pursuits; retarding immigration and the productive increase of wealth and prosperity of the inhabitants, thereby rendering them unable to contribute sufficient material aid to insure the early completion of said railroad; and believing it to be true policy in the General Government to foster and encourage by grants of lands under proper restrictions, the construction of railroad lines connecting and binding together the several States by a common interest, in the facilities for travel and transportation; and believing that a liberal grant of lands, properly restricted in their application, to aid in the construction of said railroad, would be eminently just and warranted by prece-

dent, in the Act of Congress to which we have referred; therefore

*Be it Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives be requested to use their influence to procure a liberal grant of lands to aid in the construction of the "Iowa and Missouri State Line Railroad" embracing such privileges and restrictions as they may deem proper to prevent any diversion of said grant from the object contemplated in this memorial and joint resolution.

*Resolved,* That a copy of this memorial and resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

Senator Bassett moved that the report be considered now. The motion prevailed and the report was adopted.

The memorial and joint resolution was, on motion, read a third time.

The question being "shall the memorial and joint resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were Senator Larimer—1.

Absent but not excused, Senators Clarkson and Henderson.

So the resolution passed.

#### MESSAGE FROM THE HOUSE

MR. PRESIDENT: I am directed to inform your Honorable Body that the following Representatives have been appointed on the part of the House, as members of the Visiting Committees, provided for by resolutions of the two Houses:

*Insane Asylum*—Messrs. Bennett and Boomer.

*College Farm and Buildings*—Messrs. Russell and Finkbine.

*State University and Deaf and Dumb Asylum*—Messrs. Belt and Wilson, of Dubuque.

CHARLS ALDRICH, Chief Clerk.

By consent, Senator Bassett called up the Joint Resolution relative to "lands granted to the State of Iowa, to aid in the construction of Railroads," together with the report of Committee recommending the adoption of a substitute.

On motion of Senator Stubbs, the resolution and report was laid on the table, and the substitute ordered to be printed.

Senator McMillan from the Committee on Roads submitted the following:

The Committee on Roads to whom was referred Senate File No.

S, have had the same under consideration and have instructed me to report the same back to the Senate, and recommend that it do pass with the following amendments:

Amend Section 2, by striking out all after the word "provided" and insert the following: "He shall not be liable to perform any of the conditions in the said bond, nor any of the conditions upon which such a road is established, except the payment of the cost, unless he accepts of said road.

McMILLAN, Chairman.

Ordered that the report pass on file.

Also the following:

The Committee on Roads to whom was referred Senate File No. 90, have had the same under consideration and have instructed me to report the same back to the Senate, and recommend that it do pass.

McMILLAN, Chairman.

Ordered that the report pass on file.

By consent, Senator Patterson introduced Senate File No. 97, A bill for an act authorizing the loan of the permanent School Fund to Township Districts and Independent Districts.

Bill read the first and second times and referred to the Committee on Schools and School Lands.

MESSAGES FROM THE HOUSE ON FILE.

House File No. 69: A bill for an act making provisions for the settlement of all liabilities of the State and University, growing out of the sale of certain lands in Appanoose county, sold as Saline lands, was taken up and read the first and second times and referred to the Committee on Ways and Means.

Senator Lakin from the Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. —, being a Joint Resolution relating to binding certain documents.

The same is correctly enrolled.

W. B. LAKIN, Chairman.  
CHARLES PAULK.

On motion of Senator Wharton, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 1, 1866. }

Senate convened at 9 o'clock A. M.

The President in the Chair.

Prayer by Senator Wharton.

Journal of yesterday read, corrected and approved.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed a resolution providing for the appointment of a committee to visit and report upon the condition of the Iowa Soldiers' Orphans' Home.

This resolution is herewith transmitted, and the concurrence of the Hon. Senate is respectfully asked.

I am also directed to inform the Senate that Messrs. Bennett & Thomson have been appointed as such visiting committee on the part of the House.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the House of Representatives, the Senate concurring,* That a joint committee of two from the House and two from the Senate be appointed to visit the Orphans' Home at Davenport and Cedar Falls, and report upon them to this General Assembly.

PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Hillyer: Three petitions asking the establishment of a law department to the State University, which were referred to the Committee on University.

By Senator Shippen: A petition upon the same subject, which was referred to the same Committee.

By Senator Sampson: The petition of R. J. Henderson and one hundred and eight others, praying for an Act to prohibit the sale of lager beer, wine and cider as a beverage, which was referred to the Committee on Liquor Law.

The President laid before the Senate the following communication from the Census Board, which was, on motion of Senator Udell, laid on the table :

DES MOINES, JANUARY 31, 1866.

*To the Honorable Senate of the State of Iowa :*

GENTLEMEN:—In obedience to the following resolution, to-wit :  
 "WHEREAS, By an act of the 10th General Assembly (Chapter 94) entitled "An act to provide for the collection of money due to the permanent school fund of the State of Iowa, for the purchase of the Capitol building for the release of certain school fund securities," the Census Board, together with the Attorney General of the State, were constituted a Board of Commissioners for the purpose of carrying out the provisions of said act as therein set forth, therefore,

"Resolved, That the said commissioners are requested to fully inform the Senate at the earliest practicable period of all their proceedings under said act, and also as to the present condition of

the several matters upon which they were authorized or required to act according to the provisions of said Chapter 94,"

We beg leave to make the following report:

That very early after the adjournment of the 10th General Assembly, the Attorney General commenced proceedings under the act referred to in your resolution, and so far accomplished what was required of him as to warrant the following action of the Census Board on the 12th day of November, A. D. 1864, to-wit: "The matter of the settlement with the persons indebted to the School Fund, as contemplated in Sections 2 and 3, Chapter 94, laws of 10th General Assembly of the State of Iowa, being now before the board, the Hon. C. C. Nourse, Attorney General, being in conjunction with the board, a commissioner to make such settlement, when Mr. Cattell offered the following resolution, to-wit:

*Resolved*, That in the settlement with the persons described in said sections, that the rate of interest on the notes of said persons be computed at six per cent. from the date of said notes, without computing interest on the interest which would be due at the end of each year, as contemplated in the original contract, and that said notes and mortgages be released when such simple interest is paid at the time contemplated in said section; and that where interest has been paid by any of the parties at a higher rate per cent., that the rate of six per cent. be charged on such note or notes from the date of delinquency, which was adopted by the Board as the basis of settlement.

It appearing to the Census Board that a good and sufficient deed to the State of Iowa had been made to lots eleven (11) and twelve (12), in block six (6), in Scott's addition to Des Moines, together with the buildings, which fact appears thereon by proper endorsement of the Attorney General of the State:

It is therefore hereby ordered by the Board that the assignment of the several notes and mortgages described in section four of chapter ninety-four, laws of the 10th General Assembly, be made to S. V. White, as contemplated in said chapter; and it is further ordered, that the Secretary of State be and he is hereby directed to record said deed in his office, and file the same in the office of the Recorder of Polk County, and have the same recorded at the expense of the State.

For a copy of said deed the Senate is respectfully referred to "Exhibit A," hereto attached. And as further answer to the resolution of the Senate, we take the liberty to refer to pages 54 to 59 inclusive of the report of the Auditor of State to the present General Assembly, marked "Exhibit B."

All of which is respectfully submitted.

W. M. STONE, Governor,  
 JAMES WRIGHT, Sec'y of State,  
 JNO. A. ELLIOTT, Auditor,  
 W. H. HOLMES, Treasurer,  
*Board of Commissioners.*

## EXHIBIT A.

Capitol Building Association }  
 To } DEED.  
 The State of Iowa. }

OFFICE OF THE CAPITOL BUILDING ASSOCIATION, }  
 DES MOINES, IOWA, October 22d, 1864. }

You are hereby notified that there will be a special meeting of the stockholders of the Capitol Building Association on Monday the 24th inst., at 7 o'clock P. M., at the office of C. C. Nourse, for the purpose of conveying the Capitol Building to the State of Iowa, in pursuance of Chapter ninety-four (94) of the laws enacted by the last General Assembly.

By order of

T. K. BROOKS,  
 President of the Board of Directors of the  
 Capitol Building Association.

J. A. WILLIAMSON, Secretary.

OFFICE OF THE CAPITOL BUILDING ASSOCIATION, }  
 DES MOINES, IOWA, October 24th, 1864. }

Pursuant to the above order, the following named stockholders of the Capitol Association were present, to-wit:

J. A. Williamson, owning and representing \$19,875 of the capital stock.

Alexander Shaw, owning and representing \$3,000 of the capital stock.

H. H. Griffiths, acting for J. M. Griffiths, owning and representing \$3,000 of the stock.

T. K. Brooks, owning and representing \$3,975 of the capital stock; and

James L. Scott, administrator of the estate of W. A. Scott, deceased, owning and representing \$8,925 of the capital stock.

The meeting being organized, T. K. Brooks acting as President and J. A. Williamson Secretary, the following resolutions were offered and unanimously agreed to, to-wit:

1. *Resolved*, That for and in consideration of the assignment to be hereafter made by the Census Board of the State of Iowa, together with the Attorney General who are constituted a Board of Commissioners for that purpose, by Chapter ninety-four (94) of the laws enacted by the Tenth General Assembly of the State of Iowa, approved March 28, 1864, of the notes and mortgages against J. A. Williamson, J. D. Cavenor, J. M. & H. H. Griffiths, Alexander Shaw, W. A. Scott and T. K. Brooks, which are particularly described in the 4th Section of Chapter ninety-four

(94) of laws enacted by the Tenth General Assembly of the State of Iowa, approved March 28th, 1864, together with the balance of the judgment obtained against Scott and Alexander Shaw as provided for in that act, to S. V. White, who is hereby authorized to receive the same, to be held by him in trust for this association, according to the rights of the several parties thereof, we will, and do hereby fully authorize the President and Secretary of the Board of Directors of the Capitol Building Association to convey fully and without reserve to the State of Iowa, lots eleven (11) and twelve (12) in block six (6) in Scott's addition to "the town of De Moine," Polk county, Iowa, together with all the buildings and improvements thereon; the building being the same now used by the State of Iowa as a Capitol building, and to make a good title in fee simple to the same, to fully execute, sign, seal with the seal of the corporation, all papers necessary to complete such conveyance, fully to the satisfaction of the Attorney General of the State of Iowa.

2. *Resolved*, That the President and Secretary of the Board of Directors, are fully empowered to execute, sign, seal, and deliver to the State of Iowa, through its lawful agent, the Attorney General, a warranty deed for the above described property for the consideration named in Chapter (94) ninety-four, of the acts of the 10th General Assembly.

The following form of deed is hereby ratified and approved, viz. :

Know all men by these presents, that the Capitol Building Association, a body corporate, organized under the general incorporation laws of the State of Iowa, on the 28th day of April, A. D. 1856, and doing business at Des Moines, Iowa, by the President and Secretary of said Association, and under the seal thereof, and in pursuance of the authority conferred at a meeting of the stockholders, held at Des Moines, Iowa, on the 24th day of October, 1864, does hereby sell and convey unto the State of Iowa, upon the conditions hereinafter named, the following described real estate, to-wit: Lots Nos. eleven (11) and twelve (12), in block No. six (6), in Scott's addition to the town of De Moine, (now in the city of Des Moines, Iowa,) with the appurtenances and improvements thereon, the same being the lots and building now used by the State of Iowa as a Capitol building. And the said Capitol Building Association hereby covenants that it has a good right to convey the premises, and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

And the Capitol Building Association further covenants and agrees to release the State of Iowa from all covenants to pay rent and all conditions as to the purposes for which the same may be hereafter occupied, contained in a certain lease of the above described premises, executed by the officers of the Association to the State of Iowa on the ninth of January, A. D. 1858.

The consideration of the foregoing conveyance is the assignment

to S. V. White for the use of the several parties interested therein, by the Census Board and the Attorney-General of the State of Iowa, for and in behalf of the State without recourse upon the State of all claims of the State of Iowa, heretofore executed by J. A. Williamson, W. A. Scott, J. D. Cavenor, J. M. & H. H. Griffiths, Alexander Shaw, and T. K. Brooks, to James D. Eads, Superintendent of Public Instruction of the State of Iowa, in pursuance of and with the exceptions and conditions contained in Chapter ninety-four (94) of the Acts of the Tenth General Assembly of the State of Iowa.

Given under our hands and the official seal of the Capitol Building Association, at Des Moines, Iowa, this 24th day of October, 1864, and any and all other papers, deeds or conveyances necessary to perfect the title of the said premises to the State of Iowa.

We hereby certify that the foregoing is a correct transcript of the record of the Capitol Building Association.

Witness our hands and the official seal of the Capitol Building Association, at Des Moines, Iowa, this 25th day of October, A. D. 1864.

{ L. S. }

T. K. BROOKS,

President Board Directors of Capitol Building Association.

ATTEST:

J. A. WILLIAMSON,

Sec'y Board Directors of Capitol Building Association.

KNOW ALL MEN BY THESE PRESENTS, That "the Capitol Building Association," a body corporate, organized under the general incorporation laws of the State of Iowa, on the 28th day of April, A. D. 1856, and doing business at Des Moines, Iowa, by the President and Secretary of said Association, and under the seal thereof, and in pursuance of the authority conferred at a meeting of the stockholders, held at Des Moines, Iowa, on the 24th day of October, 1864, does hereby sell and convey unto the State of Iowa upon the considerations hereinafter named, the following described real estate, to-wit: Lots No. eleven (11) and twelve, (12) in block No. six (6), in Scott's addition to the town of Des Moines, (now in the city of Des Moines, Iowa,) with all the appurtenances and improvements thereon, the same being the lots and building now used by the State of Iowa as a Capitol building; and the said Capital Building Association, hereby covenants that it has a good right to convey the premises and will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever. And the Capital Building Association further covenants and agrees to release the State of Iowa from all conditions as to the purposes for which the same may be hereafter occupied, contained in a certain lease of the above described premises, executed by the

officers of the Association to the State of Iowa in the month of January, A. D. 1858.

The condition of the foregoing conveyance is the assignment to S. V. White, for the use of the several parties interested therein by the Census Board, and the Attorney General of the State of Iowa, for and in behalf of the State, without recourse upon the State, of all the claims of the State of Iowa, heretofore executed by J. A. Williamson, W. A. Scott, J. D. Cavenor, J. M. & H. H. Griffiths, Alexander Shaw, and T. K. Brooks, to James D. Eads Superintendent of Public Instruction of the State of Iowa, in pursuance of and with the exceptions and limitations contained in Chapter 94, of the acts of the 10th General Assembly of the State of Iowa.

Given under our hands, and the official seal of the Capitol Building Association at Des Moines, Iowa, this 24th day of Oct., A. D., 1864.

THOMAS K. BROOKS,

President of the Board of Directors of the Capitol Building Association.

J. A. WILLIAMSON,

Secretary of the Board of Directors Capitol Building Association.

10	J. A. W., Oct. 24, 1864	10	J. A. W., T. K. B., Oct. 24, 1864.	10	J. A. W., T. K. B., Oct. 24, '64.	50
10	J. A. W., T. K. B., Oct. 24, '64.	10	J. A. W., T. K. B., Oct. 24, 1864.	10		50

THE STATE OF IOWA, }  
Polk County, } ss.

This will certify that on this 24th day of October, A. D. 1864, before me, John Mitchell, a Notary Public in and for the county aforesaid, personally came the Capitol Building Association by its President, T. K. Brooks, and its Secretary, James A. Williamson, both personally known to me to be the identical persons whose names are subscribed to the above deed as President and Secretary of the grantors, and each personally known to me to be such identical officers, and acknowledged the signing, sealing and delivery of the foregoing deed of conveyance to be their voluntary act and deed of the Capitol Building Association.

Witness my hand and notarial seal this 24th day of  
October, A. D. 1864.

{ L.S. }

JOHN MITCHELL,  
Notary Public, Polk county.

THE STATE OF IOWA.

Filed in the office of Secretary of State this 12th day of November, A. D. 1864.

JAMES WRIGHT, Secretary of State.

I hereby certify that the above deed was duly filed in the office of the Recorder of Deeds, as ordered by the Census Board.

JAMES WRIGHT, Secretary of State.

REPORTS OF COMMITTEES.

Senator Udell, from Committee on Ways and Means, submitted the following:

The Committee on Ways and Means have instructed me to report as follows:

1. Senate File No. 24, A bill to amend Section 312, Revision of 1860, in relation to appropriations by Boards of Supervisors. Report a substitute and recommend its passage.

2. Senate File No. 54, A bill for an Act fixing and equalizing the compensation of members of future General Assemblies. Recommend that it do not pass.

3. House File No. 30, A bill for an Act extending the powers of Auditor of State. Recommend its passage.

4. House concurrent resolution relative to printing on parchment copies of resolution ratifying amendment abolishing slavery. Recommend that it do not pass.

5. Communication of William Bremner, Surveyor of Marshall county, asking for an increase of compensation. The Committee refer it back and ask its reference to the Committee on Township and County Organizations.

6. House File No. 69, A bill for an Act making provision for the settlement of all liabilities of the State and University, growing out of the sale of certain lands in Appanoose county, sold as saline land. Recommend its passage.

UDELL, Chairman.

Ordered that the report pass on file.

Senator Smith, from the Committee on Military Affairs, submitted the following:

The Committee on Military Affairs, to whom was referred the resolution instructing the Committee on Military Affairs to inquire into the propriety of instructing the Adjutant General to collect arms, &c., have given the same careful consideration, and instructed me to make the following report: That the collecting together of arms and accoutrements would subject the State to a large and useless expenditure of money, and that it would be wholly inexpedient and against the best interest of the State to so instruct the Adjutant General.

J. H. SMITH, for Committee.

Ordered that the report pass on file.

Senator Moore, from the Committee on Military Affairs, submitted the following:

The Committee on Military Affairs, to whom was referred the petition of Mr. Salmon Howard, a citizen of Appanoose county,

asking relief from the State for losses sustained by him in the burning of his barn, stock and grain, by a rebel incendiary, on the night of the 7th of February, 1865, have had the same under consideration, and instructed me to report that, while they do not desire to prejudice claims of this character, they deem legislation inexpedient at this time.

MOORE, Chairman.

Ordered that the report pass on file.

Senator Reed, from the Committee on Printing, submitted the following:

The Committee on Printing, to whom House File No. 14 was referred, have instructed me to report the same back without amendment, and recommend its passage.

J. R. REED, Chairman.

Ordered, that the report pass on file.

Senator Smith, from the Committee on State Library, submitted the following:

MR. PRESIDENT:—The Committee on Library, to whom was referred Senate File No. 83, have had the bill under consideration, and a majority of said committee have instructed me to report the bill back to the Senate, and recommend its indefinite postponement.

J. H. SMITH, for majority of Committee.

Ordered, that the report pass on file.

Senator Brayton, from the Committee on Library, submitted the following:

MR. PRESIDENT:—The undersigned, a minority of the Committee on Library, to whom was referred Senate File No. 83, beg leave to submit the following minority report:

Strike out all of Section 1st in said bill, after the enacting clause; also all of Sections Nos. 2 and 5 thereof; in the 6th Section strike out the first word and insert instead thereof, "every individual or," and so amended recommend the passage of the bill.

J. M. BRAYTON.

Ordered, that the report pass on file.

Senator Clarkson, from the Committee on Agriculture, submitted the following:

The Committee on Agriculture, to whom was referred Senate File No. 28, a bill concerning the removal of partition fences, have had the same under consideration, and deeming that Section 1536 of the Revision of 1860, contains ample provision for the object sought in this bill, the committee direct me to report it back, with a recommendation that it do not pass.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Cutts, from the Committee on Judiciary, submitted the following:

The Committee on Judiciary, to whom was referred Senate File

No. 86, a bill for an act to enable aliens to acquire control and dispose of property as citizens, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

M. E. CUTTS, for Judiciary Committee.

By consent, Senator Warren introduced Senate File No. 98, a bill for an act to authorize the County Judge of Des Moines county to record and complete the record of proceedings had before his predecessor in office.

Bill read the first and second times and referred to the Committee on Judiciary.

MESSAGES FROM THE HOUSE ON FILE.

House File No. 18, A bill for an act fixing the time of holding courts in the Eighth Judicial District, was taken up, read the first and second times and referred to the Committee on Judiciary.

House File No. 75, A bill for an act to amend Section 3362 of the Revision of 1860, in relation to administering oaths to appraisers, was taken up, read the first and second times and referred to the Committee on Judiciary.

House File No. 6, A bill for an act defining the duties of the Register of the State Land Office was taken up, read the first and second times and referred to the Committee on Judiciary.

Substitute for House File No. 59, A bill for an act to prevent the importation, running at large and sale of horses, mules or asses, diseased with nasal gleet, glanders or button farcey, was taken up, read the first and second times and referred to the Committee on Agriculture.

House File No. 7, A bill for an act to amend an act to define the times of holding courts in the Third Judicial District in the State of Iowa, was taken up, read the first and second times and referred to a Committee consisting of the members from said District.

House File No. 80, A bill for an act to repeal Chapter 41 of the Fifth General Assembly, entitled an act to encourage Agriculture and Mechanic Arts in Johnson county, approved July 20, 1855, was taken up, read the first and second times and referred to the Committee on Agriculture.

Substitute for House File No. 15, A bill for an act to amend Section 4993 of the Revision of 1860, in relation to bail bonds, was taken up, read the first and second times and referred to the Committee on Judiciary.

House concurrent resolution relative to appointing a Committee to visit the Orphans' Home at Davenport and Cedar Falls, was taken up and read.

Senator Patterson moved that the resolution be concurred in.

Pending the consideration of which the President announced that the hour had arrived for the consideration of the special

orders, House joint resolution relative to improvements in the Mississippi river, and a ship canal to Lake Michigan, with report of Committee recommending amendments.

Also a memorial of the General Assembly of Iowa, and joint resolution in relation to the removal of obstructions to navigation in the Mississippi river, with report of Committee recommending an amendment, and the same were taken up, and the report of the Committee on the memorial of the General Assembly in relation to the removal of obstructions to navigation in the Mississippi river, was adopted.

Senator Richards offered a substitute for the resolutions, which was, on motion of Senator Ross, laid on the table and ordered to be printed.

Senator Paulk moved that the original resolutions be laid on the table and be printed.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate's amendments to House File No. 81, A bill for an act making appropriation for the payment of the mileage of the members of the Eleventh General Assembly.

I am further directed to inform the Senate that the House has ordered printed the usual number of copies of a communication from the Register of the State Land Office relating to the construction put upon the act of Congress of June, 1864, relating to the Land Grant Railroads.

CHAS. ALDRICH, Chief Clerk.

Senator Leake from the Judiciary Committee reported back House File No. 18, A bill for an act fixing the time of holding Courts in the Eighth Judicial District, with a request that it be referred to a Committee of the members from said District. The bill was so referred.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills, report that they have this day (January 30,) reported House File No. 126, to the Governor for his approval.

W. B. LAKIN, Chairman.

On motion of Senator Parvin, the Senate adjourned until two o'clock P. M.

— —

AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

By consent Senator Bassett called up the memorial of the Ag-

ricultural College and Farm, and moved its reference to the Committee on Ways and Means, and it was so referred.

The question recurring upon the adoption of the House resolution relative to appointing a Joint Committee to visit the Orphans' Home it was on motion of Senator Crookham, laid on the table.

BILLS ON SECOND READING.

Senate File No. 90, A bill for an act to repeal Section 840 of the Revision, and to substitute a new Section therefor, with report of Committee, recommending that it do pass, was taken up.

Senator Hunt moved that it be laid on the table.

The motion prevailed.

Senate File No. 18, A bill for an act to provide for establishing private roads in the State of Iowa, with report of committee recommending an amendment, was taken up, and the report was adopted.

Senator Stubbs moved that the bill be recommitted to the Judiciary Committee.

The motion did not prevail.

Senator McJunkin moved that the bill be laid on the table and be printed. Lost.

Senator Doud moved to reconsider the vote by which the Senate refused to lay the bill on the table and order it to be printed.

The motion prevailed, and the bill was laid on the table and ordered to be printed.

Senator Richards asked leave of absence during the afternoon. Leave granted.

Senate File No. 45, A bill for an act to repeal Section 2 of Chapter 118, of the Laws of the Tenth General Assembly, and a substitute therefor, with report of committee recommending amendments, was taken up.

Senator Cattell introduced a substitute for the bill, and moved that the bill and the substitute be referred to the Committee on Schools and School Lands.

The motion prevailed, and the bill and substitute were so referred.

Senate File No. 44, A bill for an act changing the corporate name of independent school district townships, with report of committee recommending its passage, was taken up and read a third time.

The question being, "Shall the bill pass?"

The yeas were, Senators Bassett, Brayton, Bridges, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin,

Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton—39.

The nays were none.

Absent without excuse, Senators Bulis, Henderson, and Udell. So the bill passed, and the title was agreed to.

Senator Patterson asked and obtained leave of absence for Senator Clarkson during the afternoon.

House joint resolution relative to the distribution of Supreme Court Reports, with report of committee recommending amendments, was taken up, and the report was adopted.

The resolution was read a third time, and the question being, "shall the resolution pass?"

The yeas were, Senators Bassett, Brayton, Bulis, Clark, Crookham, Cutts, Doud, Edwards, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Patterson, Powers, Reed, Robertson, Ross, Sampson, Stubbs, Warren, Wharton—32.

The nays were, Senators, Bridges, Cattell, Farwell, Parvin, Reed, Shippen, Smith—7.

Absent without excuse, Senators Henderson, Paulk and Udell. So the resolution passed.

Senate File No. 46, A bill for an act to amend Section 2723 of the Revision of 1860, with report of Committee recommending that the bill be indefinitely postponed, was taken up and the report was adopted.

Senate File No. 55, A bill for an act to give the District Courts additional powers to punish the crime of nuisance, with report of Committee recommending that the bill be indefinitely postponed, was taken up.

The question being "shall the report of the Committee be adopted," the yeas and nays were demanded, and

The yeas were Senators Cutts, Hedges, Hilsinger, Hollman, Hunt, Leake, Paulk, Patterson, Powers, Sampson, Stubbs—11.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, Henderson, Hillyer, King, Knoll, Lakin, Larimer, Marshman, McJunkin, McMillian, Meyer, Moore, Parvin, Reed, Robertson, Shippen, Smith, Warren, Wharton—29.

Absent without excuse Senators Ross and Udell.

So the report of the Committee was not adopted.

Senator Leake moved that the bill be recommitted to the Committee on Liquor Law.

Upon this question the yeas and nays were demanded.

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Patterson,

Powers, Reed, Robertson, Ross, Sampson, Shippen, Udell, Warren, Wharton—36.

The nays were Senators Bridges, Edwards, Knoll, Larimer, McJunkin, Smith, Stubbs—7.

So the motion to recommit prevailed.

On motion of Senator Edwards the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 2, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Senator Shippen.

The Journal of yesterday was read and approved.

#### PRESENTATION OF PETITIONS.

By Senator Bassett: The petition of C. B. Richards and thirty-one others, citizens of Webster county, asking that said county of Webster be changed from the Eleventh to the Fourth Judicial District, which was laid on the table.

#### INTRODUCTION OF BILLS.

By Senator Edwards: Senate File No. 99, A bill for an Act changing the times of holding Court in the Second Judicial District.

Bill read the first and second times and referred to a committee of the members from said district—Senator Udell chairman.

By Senator Warren: Senate File No. 100, A bill for an Act to restrain from running at large certain animals therein named, to regulate and provide against trespassing animals, &c.

Bill read the first and second times and referred to the Committee on Agriculture.

By Senator Patterson: Senate File 101, A bill for an Act legalizing conveyances of real estate to the St. Charles Cemetery Association.

Bill read the first and second times and referred to the Committee on Incorporations.

Senator Robertson introduced the following joint resolution:

*Resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law to reimburse loyal citizens for money and other valuables sent by soldiers to their families and friends, but seized

by marauders and stolen from Express companies while on transit, when satisfactory evidence can be produced of such loss.

*Resolved*, That a copy of the foregoing resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

Resolution read the first and second times and referred to the Committee on Federal Relations.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed a concurrent resolution asking for additional mail facilities from Des Moines through Madison, Adair, and Cass counties.

Also, that the House has passed a concurrent resolution of invitation to John B. Gough.

The above resolutions are herewith transmitted and the concurrence of the Senate is respectfully asked.

I also return herewith a memorial and joint resolution, asking Congress for a grant of lands to aid in the construction of the "Iowa & Missouri State Line Railroad," together with sundry joint resolutions praying for additional mail facilities in Buchanan, Fayette, Clayton, Winnesheik, Chickasaw, Floyd, Polk, Lucas and Wayne counties, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the House of Representatives, the Senate concurring*, That John B. Gough, be and he is hereby respectfully invited to visit Des Moines, and address the General Assembly and citizens, upon such subject as he may think proper.

*Resolved by the House of Representatives, the Senate concurring*, That our Senators and Representatives in Congress be requested to use their influence to procure the establishment of a semi-weekly mail route from Des Moines to Grove City, in Cass county, *via* McClain, Keeny, Payton, Moreville, Stanfield and Benson, said route running through a portion of Warren and the entire of Madison, Adair and Cass counties.

#### REPORTS OF COMMITTEES.

Senator Cattell, from the Committee on Ways and Means, submitted the following :

The Committee on Ways and Means, to whom was referred the petition of the Board of Supervisors of Buchanan county, has instructed me to report the accompanying joint resolution, and recommend its passage.

J. W. CATTELL, for Committee.

Joint resolution for the relief of the county of Buchanan :

WHEREAS, On the 17th day of March, 1864, burglars broke open

the safe of the county of Buchanan, and abstracted therefrom the sum of about twenty-six thousand dollars, and

WHEREAS, Of the funds so abstracted, it is represented that about \$1,034.57, was moneys collected as State revenue, therefore,

*Be it Resolved by the General Assembly of the State of Iowa,* That the Auditor of State be, and he is hereby authorized to credit the said county of Buchanan, in the proper Revenue account, with such sum as, by the proper certificate of the Board of Supervisors of said county shall show to his satisfaction, to have been so abstracted of said fund, and not thereafter recovered, but in no case to exceed the said sum of \$1,034.57.

Ordered, that the report pass on file.

Senator Clarkson, from the Committee on Agriculture, submitted the following :

The Committee on Agriculture, to whom was referred Senate File No. 38, a bill for an act to encourage the growth of timber, have had the same under consideration. Fully impressed with the importance of encouraging the growth of timber, yet the committee cannot believe the provisions of this act will effect the object without too great a sacrifice of the public revenue.

I am, therefore, directed by the committee to report the bill back with a recommendation that it do not pass.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Clark, from Special Committee, submitted the following :

DES MOINES, Feb. 1, 1866.

The Committee to whom was referred House File No. 18, have had the same under consideration, and recommend its passage.

E. CLARK, for Committee.

Ordered, that the report pass on file.

Senator Ross called up substitute for Senate File No. 70, A bill for an act to establish a Law Department to the State University, and it was ordered to be placed on file.

#### BILLS ON SECOND READING.

Senate File No: 57 : A bill for an act to amend Section 2548 of the Revision of 1860, with report of committee recommending that the bill be indefinitely postponed, was taken up, and the report was adopted.

So the bill was indefinitely postponed.

Senate File No. 76 : A bill for an act to repeal part of Section 262, Chapter 22, Revision of 1860, with report of committee recommending the adoption of a substitute, was taken up, and the report was adopted.

On motion of Senator Leake, the bill was read a third time.

The question being, " Shall the bill pass ?"

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were none.

Absent without excuse, Senators Henderson and Paulk.

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

Senator Meyer asked and obtained leave of absence for Senator King for a few days.

Senate File No. 82, A bill for an Act to amend Section 1843 of Chapter 78 of the Revision of 1860, and to prevent the certifying of acknowledgments in blank, with report of Committee recommending that that the bill be indefinitely postponed—was taken up and the report was adopted.

So the bill was indefinitely postponed.

Senate File No. 60, A bill for an Act for the suppression of billiard tables, with report of Committee recommending that the bill be indefinitely postponed—was taken up, and the report was adopted.

So the bill was indefinitely postponed.

Senate File No. 71, A bill for an Act to define the manner in which the delinquent tax list shall be published, with report of Committee that no further legislation on that subject is necessary—was taken up, and on motion of Senator Bassett, the bill was indefinitely postponed.

Senate File No. 58, A bill for an Act to increase the compensation of County Supervisors, with report of Committee recommending that the bill do not pass—was taken up, and Senator Paulk moved that the bill be indefinitely postponed.

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

The yeas were Senators Cattell, Clark, Edwards, Farwell, Hollman, Hunt, Knoll, Moore, Parvin, Paulk, Patterson, Richards, Ross, Smith, Stubbs, Udell, and Wharton—17.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Clarkson, Crookham, Cutts, Doud, Hart, Hedges, Henderson, Hilsinger, Hillyer, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Powers, Reed, Robertson, Sampson, Shippen, and Warren—26.

So the bill was not indefinitely postponed.

Senator Meyer moved to amend by striking out "three" and inserting "two and a half."

The motion did not prevail.

Senator Clarkson moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Clarkson, Crookham, Cutts, Hart, Henderson, Hilsinger, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Powers, Reed, Sampson, Warren, Wharton—20.

The nays were Senators Bridges, Cattell, Clark, Doud, Edwards, Farwell, Hedges, Hillyer, Hollman, Hunt, Knoll, Meyer, Moore, Parvin, Paulk, Patterson, Richards, Robertson, Ross, Shippen, Smith, Stubbs, Udell—23.

So the bill was lost.

Senate File No. 77, A bill for an act to amend Section 3, of Chapter 173 of the acts of the 9th General Assembly, and to fix the Compensation of Assessors, with report of Committee, recommending the indefinite postponement of the bill, was taken up.

The question being "shall the report be adopted?"

The yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Doud, Edwards Farwell, Hedges, Hilsinger, Hillyer, Hollman, Moore, Parvin, Paulk, Patterson, Sampson, Shippen, Smith, Stubbs, Wharton—22.

The nays were Senators Bulis, Crookham, Cutts, Hart, Henderson, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Powers, Reed, Richards, Robertson, Warren—19.

Absent without excuse, Senators Ross and Udell.

So the report was adopted and the bill was indefinitely postponed.

Senate File No. 78, A bill for an act amending Section 7 of Chapter 172, of the acts of the Ninth General Assembly relating to School District Township meetings, with report of Committee recommending amendments was taken up and the report was adopted and ordered that the bill be engrossed and read a third time.

Senate File No. 11, A bill for an act disposing of Dockets of additional Justices of the Peace in certain cases, with report of Committee recommending amendments was taken up and the report was adopted.

On motion of Senator Henderson, the bill was ordered to be engrossed and read a third time to-morrow.

Senate File No. 7, A bill for an act providing dockets for Justices of the Peace, with report of Committee recommending the passage of a substitute, was taken up and the report was adopted.

On motion of Senator Leake, the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Mc-

Millan, Meyer, Moore, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren—40.

The nays were Senators Parvin and Udell—2.

Absent without excuse, Senator Wharton.

So the bill passed and the title was agreed to.

Senate File No. 10, A bill for an Act to award costs against private prosecutors on preliminary examinations in criminal cases, with report of Committee recommending the adoption of a substitute, was taken up and the report was adopted.

Senator Powers moved that the bill be read a third time now. The motion prevailed, and the bill was read a third time.

Senator Stubbs moved to reconsider the vote by which the bill was ordered to a third reading. The motion did not prevail.

The question being "shall the bill pass?"

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warran, Wharton—39.

The nays were Senators Edwards and Knoll—2.

Absent without excuse, Senators Lakin and Marshman.

So the bill passed and the title was agreed to.

Senate File No. 49, A bill for an act to amend Section 2704 of the Revision of 1860, with report of committee recommending that the bill be indefinitely postponed, was taken up, and by consent, and on request of Senator Lakin, was passed on file.

Senate File No. 50, A bill for an act supplementary to an act entitled an act to incorporate the town of Centerville, approved January 23, 1857, with report of committee recommending that the bill be indefinitely postponed, was taken up and the report was adopted. So the bill was indefinitely postponed.

Senate File No. 66, A bill for an act to amend Section 2, Chapter 102, of the acts of the 10th General Assembly, and to provide for the compensation of Directors of Common Schools, with report of committee recommending that the bill do not pass, was taken up, and on motion of Senator Stubbs, the bill was indefinitely postponed.

Senate File No. 30, A bill for an act for the relief of D. B. Hillis, with report of Committee recommending that it do pass, was taken up.

On motion of Senator Udell, the bill was read a third time.

The question being, "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Udell, Warren—34.

The nays were Senators Bassett, Clarkson, Cutts, Henderson, Ross, Stubbs, Wharton—7.

Absent without excuse, Senators Knoll and Parvin.

So the bill passed and the title was agreed to.

The following messages were received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House has concurred in the resolution of the Senate appointing a Committee to visit the Blind Asylum, and that Messrs. Goodrich and Close have been appointed members of that Committee on the part of the House.

I am also directed to present for your signature House File No. 81, A bill for an Act making appropriation for the payment of the mileage of the members of the Eleventh General Assembly, the same having passed both branches of the General Assembly and been duly enrolled and signed by the Speaker.

I also return the Senate joint resolution relative to the binding and distribution of Legislative documents, the same having been signed by the Speaker of the House.

CHAS. ALDRICH, Chief Clerk.

The following message was received from the House:

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

House File No. 139, A bill for an Act making appropriation for postage for the Eleventh General Assembly.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval Senate File No. —, being a joint resolution to secure the distribution of certain public documents.

W. B. LAKIN.

On motion of Senator Udell, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 3, 1866. }

Senate convened at 9 o'clock A. M.

The President in the Chair.

Prayer by Rev. Mr. Manly.

The Journal of yesterday was read and approved.

## PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Warren : The petition of E. Chamberlain and others, citizens of Burlington and vicinity, asking the repeal of the Prohibitory Liquor Law and the enactment of a License Law instead, which was referred to the Committee on Liquor Law.

By Senator Farwell : The petition of R. A. Putnam and others, citizens of Monticello, upon the same subject, which was referred to the same Committee.

By Senator Hollman : The petition of Wm. Abbott and others, citizens of Jackson township, Lee county, upon the same subject, which was referred to the same Committee.

## INTRODUCTION OF BILLS.

By Senator Hilsinger : Senate File No. 102, A bill for an act to provide for acquiring title to the land selected as a site for school houses in district townships and independent districts in certain cases.

Bill read the first and second times, and referred to the Committee on Schools and School Lands.

By Senator Henderson : Senate File No. 103, A bill for an act to regulate the assessment of property and collection of taxes.

Bill read the first and second times, and referred to the Committee on Township and County Organizations, and ordered to be printed.

By Senator Sampson : Senate File No. 104, A bill for an act fixing the compensation of referees, surveyors and assistants in particular cases.

Bill read the first and second times, and referred to the Judiciary Committee.

## REPORTS OF COMMITTEES.

Senator Clarkson, from the Committee on Agriculture, submitted the following :

The Committee on Agriculture, to whom was referred Senate File No. 14, an act for taxing dogs, have had the same under consideration.

In reporting adversely to this bill, the Committee do not wish it understood that they are opposed to a judiciously framed act for taxing dogs and the protection of sheep.

The Committee direct me to report this bill back, with a recommendation that it do not pass.

C. F. CLARKSON, Chairman.

Ordered that the report pass on file.

Senator Parvin, from the Committee on Liquor Law, submitted the following :

The Committee on the Liquor Law, to whom was referred Senate File No. 55, a bill to give the District Courts additional power to punish the crime of nuisance, have instructed me to report the following substitute, and recommend its passage.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

Senator Ross, from the Committee on Judiciary, submitted the following:

The Committee on Judiciary have instructed me to report a substitute for Senate File No. 95 and recommend its passage.

ROSS, for Committee.

Ordered, that the report pass on file.

Senator Meyer, from the Committee on Engrossed Bills, submitted the following:

MR. PRESIDENT:—The Committee on Engrossed Bills have had under consideration Senate File No. 78, and they have found the same correctly engrossed.

JOHN MEYER.

Senator Paulk moved to reconsider the vote by which Senate File No. 58, A bill for an act to increase the compensation of County Supervisors, was lost.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Clarkson, Crookham, Cutts, Hart, Henderson, Hilsinger, Hillyer, Hunt, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer Paulk, Powers, Reed, Sampson, Warren, Wharton—24.

The nays were Senators Bassett, Clark, Doud, Edwards, Farwell, Hedges, Hollman, Knoll, Moore, Parvin, Patterson, Richards, Robertson, Ross, Shippen, Smith, Stubbs, Udell—18.

Absent without excuse Senator Cattell.

So the motion prevailed and the vote was reconsidered.

Senator Cutts moved to reconsider the vote by which the bill was ordered to a third reading.

The motion prevailed and the vote was reconsidered.

Senator Paulk moved to reconsider the vote by which Senate File No. 77, A bill for an Act to amend Section 3 of Chapter 173 of the Acts of the 9th General Assembly, and to fix the compensation of Assessors, was lost.

The motion prevailed and the vote was reconsidered.

Senator Paulk moved to reconsider the vote by which the bill was ordered to a third reading. The motion prevailed and the vote was reconsidered.

By consent Senator Parvin called up House File No. 139, A bill for an Act making appropriation for postage for the 11th General Assembly, which was read the first and second times, and on motion of Senator Parvin the eleventh rule was suspended and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—43

The nays were none.

The bill passed and the title was agreed to.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following:

The Committee on Enrolled Bills report that they have examined Senate Files Nos. —, being four joint resolutions asking additional mail facilities. The same are correctly enrolled.

W. B. LAKIN, Ch'n.

#### HOUSE MESSAGES ON FILE.

House concurrent resolution relative to inviting John B. Gough to address the General Assembly and the citizens of Des Moines, was taken up and the resolution was concurred in.

House concurrent resolution relative to additional mail facilities in Polk, Madison, Adair and Cass counties was taken up and concurred in.

#### BILLS ON THIRD READING.

Senate File No. 78, A bill for an act amending Section 7, of Chapter 172, of the acts of the Ninth General Assembly, relating to School District Township meetings, was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were none.

Absent without excuse, Senators Cutts and Lakin.

So the bill passed and the title was agreed to.

#### BILLS ON SECOND READING.

Senate File No. 21, A bill for an act to amend Section 800, of the Revision of 1860, so as to enable the Auditor of State to transmit the funds of County Treasurers through National, instead of State Banks, with report of Committee recommending that the

bill do pass, was taken up, and by consent, and at the request of Senator Meyer, was passed on file.

Senate File No. 24, A bill for an act to amend clause 23 of Section 312, of Revision of 1860, with report of Committee recommending the adoption of a substitute, was taken up.

Senator Stubbs moved to amend Section 1, by striking out all after the word "purposes" in the tenth line, and before the word "until" in the twentieth line and insert the following instead, "not to exceed \$3,000 in counties having a population not exceeding 5,000 inhabitants, \$5,000 in counties where the population exceeds 5,000 inhabitants and does not exceed 10,000 inhabitants, and not to exceed \$6,000 in counties where the population exceeds 10,000 inhabitants."

Senator Henderson moved the previous question, which was seconded and the main question ordered to be put. Upon which the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Cutts, Doud, Farwell, Hillyer, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Patterson, Richards, Ross, Sampson, Stubbs, and Udell—18.

The nays were Senators Bassett, Bulis, Cattell, Clark, Clarkson, Crookham, Edwards, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Meyer, Moore, Parvin, Paulk, Powers, Reed, Robertson, Shippen, Smith, Warren, and Wharton—25.

So the motion did not prevail.

The question recurring upon the adoption of the report of the Committee, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, McJunkin, McMillan, Meyer, Moore, Parvin, Powers, Reed, Robertson, Ross, Sampson, Shippen, Warren, and Wharton—28.

The nays were Senators Bridges, Doud, Edwards, Farwell, Hillyer, Lakin, Larimer, Leake, Marshman, Paulk, Patterson, Richards, Smith, Stubbs, and Udell—15.

So the report was adopted.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that House File No. 139, A bill for an Act making appropriation for postage for the Eleventh General Assembly, has been enrolled by the House of Representatives, been signed by the Speaker of the House, and is hereby presented for your signature.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Brayton, the use of the Senate Chamber was granted to the Good Templars this evening.

The President announced the following Special Committees:

To visit the Insane Asylum, Senator Ross.

To visit the Agricultural College and Farm, Senator Powers.

Senator Ross moved that the Senate do now adjourn until two

o'clock P. M. Upon this question the yeas and nays were demanded, and

The yeas were Senators Bridges, Crookham, Cutts, Dond, Hillyer, Lakin, McJunkin, McMillan, Reed, Ross, Smith, Udell, Wharton—13.

The nays were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, Meyer, Moore, Parvin, Patterson, Powers, Richards, Robertson, Sampson, Shippen, Stubbs, Warren—29.

Absent without excuse, Senator Paulk.

So the motion did not prevail.

On motion of Senator Henderson, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 5, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Vernon.

Journal of Saturday read and approved.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Ross: The memorial of the Board of Supervisors of Cass county asking that the pay of Supervisors be increased, which was laid on the table.

By Senator Bassett: The memorial of the Board of Supervisors of Webster county, asking that the acts of the Board in levying a special bounty tax be legalized, which was referred to the Committee on Judiciary.

Also the petition of E. V. Moore and twenty-three others, residents along the line of the Dubuque and Sioux City Railroad, asking that means be devised to secure the completion of said road in accordance with the spirit and terms of the land grant, which was referred to the Committee on Railroads.

By Senator Warren: The claim of George Shedd for \$105.07, for services while a member of the Penitentiary Board, which was referred to the Committee on Claims.

#### INTRODUCTION OF BILLS AND RESOLUTIONS.

By Senator Hedges: The following:

WHEREAS, James Dunlavy, a private in Company D, 3d Iowa Cavalry, did, on the 25th of October, 1864, in the battle of Osage, Kansas, capture and take prisoner Major-General Marmaduke, of the rebel army, exhibiting in such capture rare discretion and bravery, and justly entitling himself to distinction and reward, therefore,

*Resolved by the General Assembly of the State of Iowa,* That there be, and hereby is appropriated the sum of \$———, with which to purchase a sword for said James Dunlavy, as a reward for his services in the capture in the preamble referred to, and that his Excellency, the Governor of the State be, and is hereby appointed to purchase and present said sword.

Resolution read the first and second times and referred to the Committee on Military Affairs.

#### REPORTS OF COMMITTEES.

Senator Meyer, from the Committee on Engrossed Bills, submitted the following:

MR. PRESIDENT:—The Committee on Engrossed Bills have had Senate File No. 11 under consideration, and they have found the same correctly engrossed.

JOHN MEYER, Chairman.

Senator Clarkson, from the Committee on Agriculture, submitted the following:

The Committee on Agriculture, to whom was referred Senate File No. 59, requiring owners of threshing machines to guard against accidents, have had the same under consideration. The committee have directed me to report it back, with a recommendation that the Senate take such action as it shall seem to be the best for the public good.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Sampson, from the Committee on Incorporations, submitted the following:

The Committee on Incorporations, to whom was referred Senate File No. 101, entitled "A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association," have had the same under consideration, and have directed me to report the same back, and recommend that all that part of the bill after the word "binding," in the ninth line, Section 1, be stricken out, and that the bill thus amended do pass.

E. S. SAMPSON, for Committee.

Ordered, that the report pass on file.

On motion of Senator Stubbs, the House resolution relative to hanging Jeff. Davis, with reports of committee, was taken from the table and placed on file.

Senator Lakin asked, and obtained leave of absence for Senator Edwards for a few days.

By consent, under motion of Senator Ross, Senate File No. 70, a bill for an act to establish a Law Department to the State University, was taken up and made a special order for to-morrow morning at 10 o'clock.

By consent, and on motion of Senator Parvin, the House resolution relative to appointing a committee to visit the Soldiers' Orphans' Home, was taken up and concurred in.

## BILLS ON THIRD READING.

Senate File No. 11, a bill for an act in relation to additional Justices of the Peace and their dockets, was taken up and read a third time.

The question being, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—39.

The nays were none.

Absent without excuse Senators Larimer, Marshman and Paulk. So the bill passed and the title was agreed to.

## BILLS ON SECOND READING.

Substitute for Senate File No. 24, A bill for an act to amend clause 23 of Section 312 of the Revision of 1860, was taken up.

Senator Lakin moved that the bill be referred to a Special Committee of five, of which Senator Hart shall be Chairman.

The motion prevailed, and the bill was so referred.

Senate File No. 54, A bill for an act fixing and equalizing the compensation of members of future General Assemblies, with report of Committee recommending that it do not pass, was taken up.

Senator Ross moved that the bill be recommitted to a Special Committee of five, of which Senator Clarkson shall be Chairman.

The motion prevailed, and the bill was recommitted.

House File No. 30, A bill for an act extending the powers of the Auditor of State, with report of Committee recommending that the bill do pass, was taken up.

Senator Henderson moved to amend by adding at the end of Section one the following words; "*Provided*, That the claims shall be presented and audited at the Auditor's office." The amendment was agreed to.

On motion of Senator Cattell the bill was read a third time the question being shall the bill pass.

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Hedges, Henderson, Hillsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Stubbs, Udell, Warren—34.

The nays were, Senators Cutts, Farwell, Hart, Powers, Smith—5.

Absent without excuse, Senators Marshman, Shippen, and Wharton.

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

House concurrent resolution relative to printing on parchment copies of resolution ratifying amendment abolishing slavery, with report of committee recommending that it do not pass, was taken up, and on motion of Senator Ross was laid on the table.

Memorial of Wm. Bremner, County Surveyor of Marshall County, asking for an increase of compensation, with report of committee recommending that it be recommitted to the Committee on Township and County Organizations, was taken up.

The report was adopted, and the memorial was so recommitted.

House File No. 69, A bill for an act making provision for the settlement of all liabilities of the State and University, growing out of the sale of certain lands in Appanoose County, sold as Saline lands, with report of committee recommending the passage of the bill, was taken up.

Senator Paulk moved to amend by adding: Sec. —, That the State University shall pay into the State Treasury, out of the moneys received from the sale of the Saline lands, the full amount drawn therefrom under the provisions of this act.

On motion of Senator Paulk, the further consideration of the bill was made a special order for to-morrow at 11 o'clock.

Senate File No. 28, A bill for an act concerning the removal of partition fences, with report of committee recommending that the bill do not pass, was taken up, and on motion of Senator Sampson was passed on file.

Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of property as citizens, with report of committee recommending that the bill do pass, was taken up.

By consent, Senator Paulk introduced Senate File No. 105, A bill for an act to legalize certain official acts of Elias Topliff, and for the relief of the administrators of the estate of said Topliff and of their grantees.

Bill read the first and second times, and referred to the Committee on Schools and School Lands.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. —, being a joint resolution, asking Congress

for a grant of lands to aid in the construction of the Iowa & Missouri State Line R. R. The same is correctly enrolled.

W. B. LAKIN,  
CHAS. PAULK.

Senator Parvin moved to adjourn until 2 o'clock this afternoon.

Senator Warren moved to amend by striking out "two o'clock this afternoon," and inserting "nine o'clock to-morrow morning."

Upon this question, the yeas and nays were demanded, and

The yeas were Senators Bassett, Bulis, Cattell, Clark, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Lakin, Leake, McJunkin, Meyer, Moore, Paulk, Patterson, Powers, Richards, Sampson, Stubbs, Warren, Wharton—23.

The nays were Senators Brayton, Bridges, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hillyer, Larimer, McMillan, Parvin, Reed, Robertson, Ross, Shippen, Smith—17.

Absent without excuse, Senators Marshman and Udell.

Before announcing the vote the President announced the following special committees :

On Senate File No. 24—A bill for an Act to amend Section 312 of Revision of 1860, relating to appropriations by Boards of Supervisors—Senators Hart, Hunt, Powers, McJunkin, and Bulis.

On Senate File No. 54—A bill for an Act fixing and equalizing the compensation of members of future General Assemblies—Senators Clarkson, Ross, Meyer, Moore, and Knoll.

The Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 6, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Hughes.

Journal of yesterday read and approved.

PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Stubbs: The petition of C. S. Clarke and one hundred others, citizens of the State, asking an extension of time for redemption of lands owned by soldiers sold for taxes, which was referred to the Committee on Judiciary.

By Senator Hilsinger: The petition of Jacob Stickly and one hundred and forty others, citizens of Jackson county, asking that additional jurisdiction be conferred on County Courts, which was referred to the Committee on Judiciary.

By Senator Cattell: The claim of John Bryan for \$1,400, for work and materials furnished for the Capitol building in the years 1857 and 1858, which was referred to the Committee on Public Buildings.

By Senator Warren: The memorial of the pastor, deacons and trustees of the Congregational Church and Society of Burlington, asking amendments to the charter of said Society, which was referred to the Committee on Incorporations.

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. 100, A bill for an Act providing for the distribution of the Adjutant-General's Report of 1864 and 1865.

House File No. 99, A bill for an Act for the relief of George Higley of Dubuque, Iowa.

House File No. 63, A bill for an Act to secure to certain persons, residents of Harrison county, their homes at the price of \$1.25 per acre, of lands known as the excess 500,000 grant.

Substitute for House File Nos. 41 and 35, A bill for an Act entitled an Act to amend Chapter 89 of the Acts of the Tenth General Assembly.

CHAS. ALDRICH, Chief Clerk.

#### INTRODUCTION OF BILLS.

By Senator Parvin: Senate File No. 106, A bill for an act to elect a Clerk of the Supreme Court.

Bill read the first and second time, and referred to the Committee on Judiciary.

Also Senate File No. 107, A bill for an act to elect a Reporter of the decisions of the Supreme Court.

Bill read the first and second times, and referred to the Judiciary Committee.

Senator Crookham introduced the following memorial and Joint Resolution, which was read the first and second times, and referred the Committee on Railroads.

Your Memorialists, the General Assembly of the State of Iowa, would most respectfully represent that the several Railroads running from the east to the west through our State, have had valuable and munificent grants of lands given them to aid in building said roads, for developing the rich resources of our young State, inducing the emigrant to settle among us. Also affording facilities to transport our surplus produce to eastern market. And in view of these benefits arising from grants to the State and the roads, your Memorialists would further represent the importance of encouraging a railway connection with St. Louis and the Pine Re-

gions of the north, and by this means affording the advantage of navigation to the ocean at all seasons.

The increasing demand for lumber for the vast country west of the route of the Iowa Central, demands that we should seek an outlet from the pineries through our State, our produce would find a cheaper and readier exit to market than eastern lines are able to afford.

The prosperity and wealth of the State are in a measure dependent upon the speedy construction of north and south roads; they would be the best regulations of excessive tariffs, opening a competition with the east and west roads, that would be for the best interest of the agricultural and commercial prosperity of the State.

Your memorialists would further represent that a company has been formed, called the Iowa Central, having for its object, the feasibility and importance of connecting the railroad system of Missouri and Minnesota. The Iowa Central will connect the North Missouri with the Minnesota Central, thus completing a great chain of railroads from the lakes of the north to the gulfs of the south with bands of iron. The northern terminus will be Superior City; the southern, Galveston, Texas, by way of St. Louis and St. Paul.

This great thoroughfare will run through the counties of Mitchell, Floyd, corners of Chickasaw and Butler, through Bremer, Black Hawk, Tama, Poweshick, Mahaska, corner of Wapello, through Monroe and Appanoose.

Sufficient amount has been raised in Black Hawk, Tama, Mahaska, Wapello and Appanoose counties, for the grading and bridging the road.

The work through the counties of Black Hawk and Tama is under contract and is to be finished ready for the iron by the second day of July next. The contract for the grading from Cedar Falls to the Missouri State line will be put under contract early in the spring.

Passing through as it does one of the richest agricultural districts of the State, on the one hand terminating in the great lumber regions of Minnesota, and on the other, reaching St. Louis, the commercial emporium of the Mississippi, passing through the great coal-fields of our State, which will be of great benefit to the country north of us.

The counties through which the Iowa Central passes, have a population of over 120,000 persons. Therefore be it

*Resolved*, that our Senators in Congress be instructed, and our Representatives be requested to use their influence to procure a liberal grant of land to the State, to aid in the construction of the Iowa Central Railroad, embracing such privileges and restrictions as they may deem proper to prevent any diversion of said grant from the object contemplated in this memorial and joint resolution.

*Resolved*, That a copy of this memorial and resolution be for-

warded by the Secretary of State to each of our Senators and Representatives in Congress.

REPORTS OF COMMITTEES.

Senator Sampson from the Judiciary Committee submitted the following:

The Judiciary Committee to whom was referred Senate File No. 85, A bill for an act concerning acknowledgements of deeds in foreign countries and to repeal Section 2244, of the Revision of 1860, have had the same under consideration and have instructed me to report the same back without amendment, and recommend its passage.

E. S. SAMPSON, for the Com.

Ordered that the report pass on file.

Also the following:

The Judiciary Committee to whom was referred Senate File No. 72, A bill for an act to provide for the distribution of the Revision of 1860, to Justices of the Peace, have had the same under consideration, and have instructed me to report the following substitute and recommend its passage.

E. S. SAMPSON, for the Com.

Ordered, that the report pass on file.

Senator Leake, from the Committee on Judiciary, submitted the following:

*To the Senate of Iowa*:—The Judiciary Committee, to which was referred the following bills, have had the same under consideration, and recommend as follows, to-wit:

1. Senate File No. 87, A bill for an act to amend Section 1 of Chapter 128, of the acts of the 10th General Assembly.

The Committee recommends that the bill do pass.

2. Senate File No. 89, A bill for an act to amend Section 2 of Chapter 26, of the laws of the 9th General Assembly.

The Committee recommends that the bill be indefinitely postponed.

3. Senate File No. 91, A bill for an act to provide for the election of County Administrators.

The Committee recommends that the bill be indefinitely postponed.

4. Senate File No. 97, a bill for an act to confirm certain acts done by James B. Thayer, as a Commissioner for the State of Iowa within and for the Commonwealth of Massachusetts.

The Committee recommends that the second section be stricken out, and if it is desirable that it become a law immediately, a clause for publication, &c., provided it be not done at the expense of the State, be inserted; so amended, the Committee recommends that the bill do pass.

5. Senate File No. 98, A bill for an act to authorize the County

Judge of Des Moines County to record and complete the records of proceedings had before his predecessor in office.

The Committee recommends that the bill do pass.

6. Senate File No. 104, A bill for an act fixing the compensation of referees, surveyors and assistants in particular cases.

The Committee recommends that the bill do pass.

7. Substitute for House File No. 15, An act to amend Section 4993 of the Revision of 1860, in relation to bail-bonds.

The Committee recommends that the bill do pass.

Respectfully submitted,

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

Senator Cutts from the Committee on Judiciary, submitted the following :

The Judiciary Committee to whom was referred Senate File No. 81, being a bill for an act to amend Section No. 764 of the Revision, have had the bill under consideration and direct the same to be reported back with the recommendation that it be indefinitely postponed.

M. E. CUTTS, for Committee.

Ordered, that the report pass on file.

Senator Henderson from the Committee on Schools and School Lands, submitted the following :

The Committee on Schools and School Lands, have had under consideration Senate File No. 97, A bill for an act authorizing the loan of the permanent school fund to township districts and independent districts, and instructed me to report that they deem the policy of the bill bad and liable to great abuse, and therefore to recommend that the bill be indefinitely postponed.

Also, A bill for an act to legalize certain official acts of Elias Toppliff, and for the relief of the administrators of the estate of said Toppliff, and of their grantees," being Senate File No. 105, which I am instructed to report back, without amendment, and recommend that the same do pass.

H. C. HENDERSON, Ch'n.

Ordered, that the report pass on file.

Senator Hilsinger from the Committee on Schools and School Lands, submitted the following :

The Committee on Schools and School Lands, to whom was referred Senate File No. 102, A bill for an act to provide for acquiring title to the lands selected as a site for school houses in district townships and independent districts, in certain cases, have had the same under consideration, and they have instructed me to report the same back to the Senate, with the following amendments, and recommend its passage, to-wit :

1. Amend section one, by striking out the last four lines of said section.

2. Amend the bill by adding the following section, which shall be section 6 of said bill, to-wit :

Section 6. That whenever the District shall cease to use the land so selected for such a school house site, as provided by this act, for school house purposes, then the original owner of the said land, or the person claiming under him or her, shall be entitled to have a re-conveyance of the same, upon the payment of the amount originally paid for it by the District, and the District shall have the right to remove all improvements, consisting of buildings &c., made or owned by the District on said land, and in case such owner or person will not pay said amount, and receive such conveyance from the District, when requested so to do by the Board of Directors, then said Board may sell or dispose of such land to any other person, or in any other manner they may determine, and all conveyances made of such land, may be executed and acknowledged by the President of the Board of Directors in pursuance of their order, for the District.

J. HILSINGER, for the Committee.

Ordered that the report pass on file.

Senator Crookham from the Committee on Library, submitted the following:

Your Committee to whom was submitted Senate Resolution No. 4, have examined the same and a majority of the Committee beg leave to report in favor of the passage of the resolution.

J. A. L. CROOKHAM, } Com.  
J. H. SMITH, }

Ordered that the report pass on file.

#### HOUSE MESSAGES ON FILE.

Substitute for House File No. 41 and 35, with substitute therefor, entitled an act to amend Chapter 89, of the acts of the Tenth General Assembly, entitled an act for the relief of the families of soldiers and marines in the service of the United States, was taken up, read the first and second times and referred to the Committee on Township and County Organizations.

House File No. 100, A bill for an act providing for the distribution of the Adjutant General's Reports of 1864 and 1865, was taken up, read the first and second times and referred to the Committee on Printing.

House File No. 99, An act for the relief of James Higley of Dubuque, Iowa, was taken up, read the first and second times and referred to the Committee on Claims.

House File No. 63, A bill for an act to secure to certain persons, residents of Harrison county, their homes at the price of \$1.25 per acre, of lands known as the 500,000 grant, was taken up, read the first and second times and referred to the Committee on public lands.

## BILLS ON SECOND READING.

Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of property as citizens, which was under consideration yesterday at the hour of adjournment, was taken up.

On motion of Senator Parvin the bill was read a third time.

The question being, "shall the bill pass?"

The yeas were, Senators Bassett, Bulis, Cattell, Clark, Cutts, Farwell, Hart, Hedges, Henderson, Hillsinger, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren—32.

The nays were, Senators Brayton, Bridges, Clarkson, Crookham, Doud, Hillyer, Hollman, Wharton—8.

Absent without excuse, Senator Udell. Senator Woolson was excused from voting. So the bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT:—I herewith return Senate File No. 48, A bill for an act fixing the times of holding courts in the 5th Judicial District, the same having passed the House without amendment.

CHARLES ALDRICH, Chief Clerk.

The President announced that the hour had arrived for the consideration of the special order, substitute for Senate File No. 70, a bill for an act to establish a Law Department of the State University.

Senator Stubbs moved to amend the third section by striking out in the third and fourth lines, after the word "department," the following words, "which shall entitle their possessor to practice in all the courts of the State of Iowa."

Senator Cattell offered the following resolution:

*Resolved*, That substitute for Senate File No. 70 be referred to a select committee of five, and that said committee be instructed to report a proper bill for the establishment and organization of a law school at the Capital of the State.

Upon the adoption of the resolution the yeas and nays were demanded, and

The yeas were Senators Bridges, Cattell, Clarkson, Crookham, Hedges, Hillyer, Hollman, Marshman, Meyer, Reed, Richards, Sampson, Wharton, Woolson—14.

The nays were Senators Bassett, Brayton, Bulis, Clark, Cutts, Doud, Farwell, Henderson, Hillsinger, Knoll, Lakin, Larimer, Leake, McMillan, Moore, Parvin, Paulk, Patterson, Powers, Robertson, Ross, Shippen, Smith, Stubbs, Udell, Warren—26.

Absent without excuse Senator Hart.

So the resolution was not adopted.

By request of Senator Leake, Senator Hunt was excused from further attendance this morning.

The President announced that the hour had arrived for the consideration of the special order, House File No. 69, A bill for an Act making provision for the settlement of all liabilities of the State and University growing out of the sale of certain lands in Appanoose county, sold as saline lands; which was, on motion of Senator Ross, postponed for half an hour.

The question recurring upon the adoption of the amendment offered by Senator Stubbs, it was adopted.

Senator Parvin moved to amend Section 5, by striking out in the second line the word "eight," and insert the word "four."

Senator Paulk moved that the further consideration of the bill be postponed until February 20, at 10 o'clock A. M., and be made a special order for that hour.

The motion did not prevail.

The question recurring upon the adoption of the amendment offered by Senator Parvin, the yeas and nays were demanded, and were as follows:

The yeas were, Senators Bridges, Clarkson, Hart, Hedges, Hillyer, Hollman, Lakin, Larimer, McMillan, Meyer, Moore, Parvin, Reed, Richards, Robertson; Sampson, Shippen, Smith, Stubbs, Wharton, Woolson—21.

The nays were, Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Henderson, Hillsinger, Knoll, Leake, Paulk, Patterson, Powers, Ross, Udell, Warren—19.

So the amendment was adopted.

Senator Leake asked and obtained leave of absence for Senator Marshman.

On motion of Senator Ross Section 4 was amended by adding in the third line the following words, "and a like number of copies of the Revision of Iowa, and all session laws of Iowa, published and to be published."

Senator Cutts moved that the further consideration of the bill be made a special order for two o'clock this afternoon. The motion did not prevail.

Senator Ross moved that the further consideration of the bill be made a special order for two and a half o'clock this afternoon.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hillsinger, Hillyer, Hollman, Knoll, Lakin, McMillan, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Udell, Warren, Wharton—35.

The nays were Senators Larimer, Leake, Meyer, Stubbs—4.

Absent without excuse, Senator Henderson.

So the motion prevailed.

The President announced that the hour had arrived for the consideration of the special order, House File No. 69.

On motion of Senator Stubbs, the further consideration of the bill was made the special order for two o'clock this afternoon.

The President announced Senators Warren and Richards, as members of Joint Committee on the part of the Senate, to whom shall be referred that part of the Governor's Message relating to claims against the United States.

On motion of Senator Smith, the Senate then adjourned until two o'clock this afternoon.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

The further consideration of House File No. 69, A bill for an Act making provision for the settlement of all liabilities of the State and University, growing out of the sale of certain lands in Appanoose county, sold as saline lands, was resumed.

The question recurring upon the amendment offered by Senator Paulk, it was disagreed to.

Senator Cutts moved to amend as follows: By striking out of Section 1, in the seventeenth line, the following words: "whether as principal or interest;" and by striking out of Section 2, after the word "statement," in the fifth line, the words "with ten per cent. per annum interest upon each sum so paid on said contract, certificate or patent, from the time of payment until the time said account shall be audited as aforesaid."

The motion prevailed.

On motion of Senator Moore, the bill was read a third time.

Senator Larimer asked and obtained leave of absence for Senator Leake.

Senator Henderson asked and obtained leave of absence for Senator Bassett for a few days.

Senator Moore asked and obtained leave of absence for Senator Udell.

Senator Moore moved a call of the House, which was seconded. The roll was called, and all of the Senators not excused were found to be present; whereupon, on motion of Senator Moore, further proceedings under the call were suspended.

By unanimous consent, and on motion of Senator Cutts, Section 3 was amended by striking out in the third line the words "one thousand" and inserting the words "four hundred and fifty."

The question being, "Shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hen-

derson, Hillyer, Hollman, Hunt, Knoll, Larimer, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton—34.

The nays were Senators Hilsinger, Paulk—2.

Absent without excuse, Senator Lakin.

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

The President announced that the hour had arrived for the special order, Senate File No. 70, A bill for an act to establish a law department to the State University, and it was taken up.

On motion of Senator Brayton, Section 4 was amended by striking out in the 7th line the word "Iowa" and inserting the figures "1860."

Senator Warren moved the previous question, which was seconded and the main question ordered, and under the operation thereof the bill was ordered to be read a third time.

It was accordingly read the third time.

The question being, "Shall the bill pass?"

The yeas were, Senators Brayton, Bulis, Cattell, Clark, Doud, Farwell, Hart, Henderson, Hilsinger, Hunt, Knoll, Lakin, Larimer, McMillan, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Warren—26.

The nays were, Senators Bridges, Clarkson, Crookham, Cutts, Hedges, Hillyer, Hollman, Meyer, Shippen, Wharton—10.

Absent without excuse, Senator Paulk.

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

On motion of Senator Bulis, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 7, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. McCague.

The Journal of yesterday was read, corrected and approved.

The following message was received from the House:

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

House File No. 164, A bill for an Act to legalize the Acts of the City Council of the city of McGregor, in relation to the levy of taxes.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. 48 and find the same correctly enrolled.

W. B. LAKIN,  
CHAS. PAULK.

PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Hollman: The petition of D. H. Le Suer, and twenty-two others, citizens of Lec county, asking amendment to an act entitled "an act relating to the offices of County Recorder and Treasurer and providing for their separation," which was referred to the Committee on Township and County Organizations.

INTRODUCTION OF BILLS.

By Senator Crookham: Senate File No. 109, A bill for an act authorizing the erection of bridges and construction of dams on the Des Moines river, without locks or draws.

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

By Senator Warren: Senate File No. 110, A bill for an act authorizing incorporated cities to regulate the traffic in malt and spirituous liquors and for other purposes.

Bill read the first and second times and referred to the Committee on Liquor Law, and ordered to be printed.

By Senator Hollman: Senate File No. 11, A bill for an act relating to the Keokuk and Des Moines Valley Plank Road, in the county of Lee.

Bill read the first and second times and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES.

Senator Paulk from the Committee on Township and County Organizations, reported back Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof and facilitate the collection of revenue, with the following amendments:

SEC. 4. In the second line strike out the words "previous to," and insert "after," and in the same line after the word "record" insert "and previous to recording the same."

Add to Section 9 the following: "In case the said grantee shall fail to comply with the requirements of this Section, he shall pay to the recorder double the amount which now is, or hereafter may be, established by law for recording deeds filed for record within the time herein prescribed."

Section 10, in the first line, strike out the word "recorder" and insert the words "District Clerk," and add thereto the words "the

Board of Supervisors in each county are authorized to give to the Clerk of the District Court, such additional compensation as they may deem necessary for any extra services which he may be required to perform under the provisions of this act during the year 1866, but not after.

So amended, recommend its passage.

Ordered that the report pass on file.

Senator Reed from the Committee on Printing submitted the following:

The Committee on printing to whom House File No. 100, A bill for an act providing for the distribution of the Adjutant General's Reports was referred, have instructed me to report the same back without amendment and recommend its passage.

J. R. REED, Chairman.

Ordered that the report pass on file.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature, substitute for memorial for a grant of lands, together with sundry joint resolutions praying for additional mail facilities, the same having been signed by the Speaker of the House.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Hilsinger, Senate File No. 8, A bill for an act to provide for establishing private roads in the State of Iowa, was taken from the table and placed on file.

#### MESSAGES FROM THE HOUSE ON FILE.

House File No. 164, A bill for an act to legalize the acts of the City Council of the City of McGregor in relation to the levy of taxes, was taken up, read the first and second times and referred to the Committee on Incorporations.

#### BILLS ON SECOND READING.

House File No. 14, A bill for an act to provide for the printing and distribution of the Governor's biennial message, with report of Committee recommending that the bill do pass, was taken up.

On motion of Senator Henderson, the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Warren, Wharton, Woolson—39.

The nays were none.

Absent without excuse, Senator Stubbs.

So the bill passed and the title was agreed to.

Senate File No. 21, A bill for an act to amend Section 800 of the Revision of 1860, so as to enable the Auditor of State to transmit the funds of County Treasurers through National instead of State Banks, with report of Committee recommending that the bill do pass, was taken up, and on motion of Senator Meyer the bill was indefinitely postponed.

By consent, Senator Richards presented the following communication :

HOUSE OF REPRESENTATIVES, STATE OF IOWA, }  
DES MOINES, Feb. 7, 1866. }

To LT. GOV. B. F. GUE, *President of the Senate* :

SIR:—The undersigned are directed by the Board of Produce Exchange of the city of Dubuque to extend to the members of the General Assembly a cordial invitation, on behalf of said Board, to visit the city of Dubuque and attend the Convention on the 14th inst. to consider the subject of improving the Rapids of the Mississippi River. Hoping that the General Assembly will accept the invitation,

We are, yours respectfully,

B. B. RICHARDS,  
F. M. KNOLL,  
W. T. BARKER,  
T. S. WILSON,  
A. BAHL,  
D. O'BRIEN,

*Dubuque Delegation.*

Senator Powers moved that the invitation be accepted.

Pending the consideration of which, the President announced that the hour had arrived for the consideration of the special order, the resolution in relation to the re-admission of the rebellious States, and on motion of Senator Cutts it was postponed for fifteen minutes.

The question recurring upon the motion of Senator Powers, the yeas and nays were demanded, and

The yeas were, Senators Brayton, Bridges, Bulis, Clark, Crookham, Cutts, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Lakin, Paulk, Patterson, Powers, Reed, Richards, Smith, Stubbs, Udell, Warren—24.

The nays were, Senators Cattell, Clarkson, Doud, Edwards, Farwell, Hillyer, Larimer, Leake, Marshman, McMillan, Meyer, Parvin, Robertson, Sampson, Wharton, Woolson—16.

Absent without excuse, Senator Moore.

So the motion prevailed.

Senate File No. 95, A bill for an act authorizing counties to offer and pay bounties for the capture of certain offenders, with report of Committee recommending the passage of a substitute, was taken up; and, on motion of Senator Leake, the report was passed on file.

The following message was received from the House :

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

I also herewith present for your signature Senate File No. 46, An act fixing the times of holding Courts in the Fifth Judicial District of the State, the same having been duly enrolled and signed by the Speaker of the House.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the General Assembly of the State of Iowa*, That the Assembly accepts the invitation of the Board of Produce Exchange of the city of Dubuque, to visit said city and attend the Convention on the 14th inst., to consider the subject of the improvement of the Mississippi river.

The hour for the special order—"Resolution relative to the re-admission of the rebellious States"—having arrived, it was taken up, and

Senator Clarkson offered the following amendment, and moved its adoption :

Amend first paragraph of preamble by striking out all after the word "States," in the fifth line, and inserting "suspended the functions of their State governments, and cannot resume them again without an enabling act by either the Executive or the Legislative power of the United States."

Pending the consideration of which, on motion of Senator Stubbs the Senate adjourned until 2 o'clock P. M.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate met pursuant to adjournment.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval the following bill and joint resolution, to-wit: Senate File No. 48; Joint Resolution, Senate File —, being a substitute for a memorial asking of Congress a grant of lands to aid in the construction of the Iowa and Missouri State Line R. R.; a Joint Resolution asking increased mail facilities; also a joint resolution asking increased mail facilities.

W. B. LAKIN.

CHARLES PAULK.

The President announced as committee on the part of the Senate to visit the Soldiers' Orphans' Home, Senators Larimer and Hart.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform the Senate that the

House has adopted a resolution providing for the adjournment of the General Assembly from the 10th to 19th instant.

This resolution is herewith transmitted and the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

WHEREAS, the Produce Exchange of the city of Dubuque, has extended an invitation to the General Assembly, to attend a Convention, to be held there on the 14th inst., the object of which is to promote the improvement of the rapids of the Mississippi River. And whereas the General Assembly regarding the subject as vitally important to the interests of the north west, has accepted said invitation,

*Resolved*, By the House of Representatives, (the Senate concurring,) that the General Assembly will adjourn on the 10th day of February, 1866, until the 19th day of the same month.

The further consideration of the resolution in relation to the re-admission of the rebellious States was resumed.

Senator Patterson moved to amend the amendment by striking out the words "either the executive or," which motion prevailed.

The question recurring upon the adoption of the amendment as amended,

The yeas and nays were demanded and

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Doud, Hilsinger, Hillyer, Hunt, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Paulk, Patterson, Reed, Sampson, Wharton—21.

The nays were Senators Cutts, Edwards, Farwell, Hart, Hedges, Hollman, Knoll, Lakin, Parvin, Richards, Robertson, Shippen, Smith, Stubbs, Warren, Woolson—16.

Senator Crookham was excused from voting.

Absent without excuse, Senators Henderson and Powers.

So the amendment was agreed to.

On motion of Senator Clarkson, the second preamble was amended by adding after the words "whereas the" the words "citizens of."

Senator Leake moved that the further consideration of the resolution be postponed until Friday next at half-past two o'clock, P. M., and be made a special order for that hour.

Upon this question the yeas and nays were amended, and

The yeas were Senators Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Leake, Marshman, McMillan, Meyer, Moore, Paulk, Patterson, Reed, Sampson, Shippen, Stubbs, Woolson—26.

The nays were Senators Brayton, Hart, Knoll, Lakin, Larimer, Parvin, Richards, Robertson, Smith, Warren, Wharton—11.

Absent without excuse, Senators Clark, Henderson and Powers.

So the motion prevailed.

Senator Paulk called up House resolution relative to adjournment for the purpose of attending the Convention at Dubuque on the 14th inst.

Senator Clarkson moved to amend by adding "and that the pay of the members be suspended during the adjournment."

Upon this question the yeas and nays were demanded, and

The yeas were Senators Brayton, Clarkson, Cutts, Doud, Edwards, Hart, Hilsinger, Larimer, Leake, Marshman, McMillan, Meyer, Parvin, Sampson, Smith, Woolson—16.

The nays were Senators Bridges, Bulis, Cattell, Clark, Crookham, Farwell, Hedges, Hillyer, Hollman, Hunt, Knoll, Lakin, Moore, Paulk, Patterson, Reed, Richards, Robertson, Shippen, Stubbs, Warren, Wharton—22.

Absent without excuse, Senators Henderson and Powers.

So the motion did not prevail.

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

The yeas were Senators Brayton, Clark, Crookham, Cutts, Hart, Hedges, Hollman, Knoll, Paulk, Reed, Richards, Warren—12.

The nays were Senators Bridges, Bulis, Cattell, Clarkson, Doud, Edwards, Farwell, Hilsinger, Hillyer, Hunt, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Robertson, Sampson, Shippen, Smith, Stubbs, Wharton, Woolson—26.

Absent without excuse Henderson and Powers.

So the resolution was not adopted.

Senator Richards moved to reconsider the vote by which Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of property as citizens, was passed.

The following message was received from his Excellency the Governor, at the hands of his private Secretary, Major North, which was read and on motion of Senator Woolson, was referred to the Special Committee appointed to investigate the expenditures of the contingent fund.

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STATE OF IOWA, EXECUTIVE DEPARTMENT, )  
DES MOINES, February 6, 1866. }

*Gentlemen of the Senate :*

I have the honor herewith to submit to your honorable body a statement of the amount expended under the appropriation made by Chapter 32, Acts of the Tenth General Assembly, for extraor-

dinary expenses of the Executive Office, and for the relief of sick and wounded soldiers.

Amount appropriated directly to Governor.....\$15,000  
 Amount placed under control of Census Board..... 25,000

Total appropriation .....\$40,000

Amount drawn by Executive to pay bills incurred prior to January 14, 1864 .....\$ 3,500  
 For bills incurred and paid since that date..... 11,500

Total .....\$15,000

Amount allowed Executive by Census Board, March 31, 1865, which was drawn and expended..... \$5,000  
 Amount allowed and drawn in January, 1866..... 700

On the 21st of September, 1865, upon statements made by R. G. Orwig, Private Secretary, as to the amounts then due from the Contingent Fund and unpaid, the Census Board made an order allowing the sum of \$6,500 from the fund under their control.

Total amount drawn up to February 1, 1866, including allowance to Executive.....\$27,200  
 Amount refunded to Contingent Fund..... 877

\$28,077

For the total expenditure of the above, there are vouchers and certificates on file, except the sum of \$1,425.37 of the amount allowed to Orwig as aforesaid, and disbursed by him. This sum having been allowed and disbursed in my absence from the Capital, and there being no vouchers in this office to cover it, I am for these reasons unable to state the purpose for which this last mentioned sum was expended.

There is on file with the vouchers furnished a statement from Mr. Orwig, verified by his affidavit, that the whole of the above sum unaccounted for by vouchers, has been properly expended in paying legitimate demands against the Contingent Fund, and that satisfactory evidence of these payments will be obtained.

I have deposited with the Auditor of State vouchers for the entire amount of the disbursements above referred to, numbered consecutively from 1 to 162 inclusive, which together with the abstract herewith submitted, show the persons to whom the money has been paid, and the purposes for which the same was expended.

W. M. STONE.

EXTRAORDINARY EXPENSES OF EXECUTIVE OFFICE, FROM  
JANUARY, 1864, TO JANUARY, 1866.

AMOUNT.	No. of Voucher	FOR WHAT PURPOSE PAID.	TO WHOM.
451 90	1	Sanitary.....	Dr. Maxwell.....
219 87	2	Money advanced to State.....	S. J. Kirkwood.....
50 00	3	Salary.....	R. G. Orwig.....
50 00	4	".....	Geo. J. North.....
100 00	5	Flag.....	Bowen Bros.....
5 75	6	Money advanced.....	N. B. Baker.....
27 00	7	Sanitary.....	M. A. Ely.....
38 00	8	".....	F. E. Bissell.....
29 00	9	".....	G. W. Edwards.....
5 35	10	Freight.....	O. Fiske.....
9 99	11	Transportation.....	Railroad Company.....
1,660 77	12	Sanitary.....	Mrs. Wittenmyer.....
449 11	13	".....	J. C. Todd.....
50 00	14	Salary.....	Geo. J. North.....
50 00	15	".....	R. G. Orwig.....
200 00	16	Sanitary.....	J. C. Todd.....
112 70	17	".....	J. Dial.....
98 20	18	".....	J. Dial.....
38 00	19	Transportation.....	Packet Company.....
105 65	20	".....	J. Dial.....
150 00	21	".....	Soldiers' Home.....
35 29	22	".....	Q. M. G., Ohio.....
50 00	23	Salary.....	Geo. J. North.....
50 00	24	Sanitary.....	E. J. Mathis.....
75 00	25	Salary.....	Geo. J. North.....
5 75	26	Transportation.....	Railroad Company.....
50 00	27	Sanitary.....	Mrs. Chittenden.....
25 00	28	Salary.....	Geo. J. North.....
85 05	29	Sanitary.....	J. Dial.....
11 50	30	Transportation.....	J. S. Smith.....
104 06	31	".....	Railroad Company.....
200 00	32	Sanitary.....	Dr. Udell.....
9 00	33	Clerical work.....	J. M. Davis.....
305 00	34	Salary.....	Geo. J. North.....
1,000 00	35	Advanced on swamp land.....	Wm. Baker.....
8 18	36	Transportation.....	Railroad Company.....
6 00	37	Freight.....	Thompson.....
300 00	38	Sanitary.....	J. C. Todd.....
50 00	39	".....	Miss Shelton.....
100 00	40	".....	J. Dial.....
100 00	41	".....	N. Udell.....
150 00	42	".....	Mrs. Chittenden.....
250 00	43	".....	N. Udell.....
105 30	44	".....	J. Dial.....
150 00	45	".....	E. J. Mathis.....
5 00	46	Transportation.....	Steamer Jennie Whipple.
532 55	46½	Sundry expenses.....	Sundry persons.....
5 93	47	Transportation.....	Railroad Company.....
200 00	48	Sanitary.....	Dr. N. Udell.....
2 00	49	Expressage.....	Express Company.....
135 00	50	Transportation.....	W. S. Company.....
526 00	50½	Various expenses.....	Various persons.....
2 75	51	Transportation.....	Express Company.....
150 00	52	Sanitary.....	J. C. Todd.....
1,192 25	52½	Sundry expenses.....	Different persons.....
12 93	53	Telegrams.....	Telegraph Company.....
4 00	54	Transportation.....	P. P. Lampey.....

EXTRAORDINARY EXPENSES—CONTINUED.

AMOUNT.	No. of Voucher	FOR WHAT PURPOSE PAID.	TO WHOM.
170 00	55	Sanitary.....	D. A. Hoffman.....
8 43	56	Telegrams.....	Telegraph Company.....
47 90	57	Transportation.....	N. B. Baker.....
34 36	58	Telegrams.....	Telegraph Company.....
8 75	59	Clerking.....	A. Mathews.....
184 27	60	Transportation.....	G. W. Smith.....
147 81	61	Sanitary.....	N. B. Baker.....
150 00	62	".....	E. E. Bassett.....
5 00	63	".....	Chas. Beldwin.....
50 00	64	".....	J. Dial.....
300 00	65	".....	Mrs. Chittenden.....
33 65	66	Telegrams.....	Telegraph Company.....
300 00	67	Sanitary.....	Mrs. Horner.....
500 00	68	".....	J. Dial.....
300 00	69	".....	J. P. Roach.....
3 45	70	Telegrams.....	Telegraph Company.....
17 16	71	".....	".....
10 50	72	Sanitary.....	N. B. Baker.....
1 27	73	Transportation.....	Railroad Company.....
150 00	74	Sanitary.....	Geo. J. North.....
67 40	75	Powder.....	Laird Bros.....
1,000 00	76	Sanitary.....	Dr. N. Udell.....
658 00	76½	Sundry expenses.....	Sundry persons.....
80	77	Telegrams.....	Telegraph Company.....
11 29	78	Transportation.....	Thomas Hatton.....
64 65	79	Powder.....	J. McWilliams.....
9 00	80	Insurance on State Prison.....	J. Van Valkenburg.....
300 00	81	Sanitary.....	J. C. Todd.....
100 00	82	".....	N. Udell.....
40 15	83	".....	George Cowie.....
400 00	84	".....	".....
5 00	85	".....	Milless & Lankester.....
160 00	86	Powder.....	Tuttle & Son.....
135 40	87	Sanitary.....	J. P. Roach.....
5 50	88	Transportation.....	Western Stage Company.....
11 00	89	".....	".....
100 00	90	Secret service.....	H. H. Field.....
13 13	91	Telegrams.....	Telegraph Company.....
300 00	92	Sanitary.....	J. Dial.....
1,050 00	93	".....	Mrs. Chittenden.....
56 74	94	".....	George Cowie.....
150 00	95	".....	J. P. Roach.....
27 79	96	Telegrams.....	Telegraph Company.....
225 00	97	Sanitary.....	J. C. Todd.....
393 20	98	".....	Mrs. Wittenmyer.....
60 00	99	".....	J. C. Todd.....
25 00	100	Salary.....	George J. North.....
4 60	101	Telegrams.....	Telegraph Company.....
1 00	102	Transportation.....	Express Company.....
400 00	103	Sanitary.....	Dr. N. Udell.....
4 70	104	Telegrams.....	Telegraph Company.....
15 30	105	Ammunition.....	Laird Bros.....
100 00	106	Sanitary.....	Mrs. Horner.....
11 68	107	Transportation.....	Railroad Company.....
30 00	108	Repairs.....	Merrill & Keeney.....
9 43	109	Transportation.....	Railroad Company.....
570 00	110	Sanitary.....	Mrs. Horner.....
225 60	111	Sanitary.....	J. P. Roach.....

## EXTRAORDINARY EXPENSES—CONTINUED.

AMOUNT.	No. of Voucher	FOR WHAT PURPOSE PAID.	TO WHOM.
122 00	112	Sanitary .....	Mrs. Horner .....
10 00	113	Sanitary .....	Dr. Beach .....
332 00	114	Sanitary .....	J. Dial .....
4 61	115	Telegrams .....	Telegraph Company.....
9 21	116	Telegrams .....	Telegraph Company.....
558 72	117	Sanitary .....	J. Dial .....
100 00	118	Clerical work .....	A. Mathews .....
200 00	119	Sanitary .....	Dr. N. Udell .....
333 70	120	Sanitary .....	J. C. Todd.....
16 46	121	Telegrams .....	Telegraph Company .....
428 00	121½	Various expenses. ....	Sundry persons .....
150 00	122	Vote Commissioner.....	B. M. Orwig.....
7 68	123	Telegrams .....	Telegraph Company .....
1 50	124	Transportation .....	Express Company.....
8 15	125	Vote Commission.....	J. Bloomfield.....
8 28	126	Telegrams .....	Telegraph Company.....
50 00	127	Clerical work .....	A. Mathews .....
400 00	128	Sanitary .....	J. C. Todd.....
100 00	129	Salary (Secretary) .....	Geo. J. North.....
105 00	130	Flag.....	J. N. Dewey.....
23 73	131	Transportation .....	Railroad Company.....
44 47	132	Transportation .....	Railroad Company.....
28 61	133	Transportation .....	Railroad Company.....
44 28	134	Transportation .....	Railroad Company.....
301 75	135	Sanitary .....	N. B. Baker .....
78 75	136	Sanitary .....	N. B. Baker .....
200 00	137	Sanitary .....	Dr. N. Udell.....
5 50	138	Transportation .....	W. S. Company.....
50 00	139	Sanitary .....	George Cowie.....
1 45	140	Transportation .....	Express Company.....
151 63	141	Postage, &c. ....	Postmasters, &c.....
1,075 00	142	Traveling expenses, &c. ....	Various persons.....
17 05	143	Telegrams .....	Telegraph Company.....
6 55	144	Telegrams .....	Telegraph Company.....
449 00	145	Sundry expenses.....	Sundry persons .....
20 00	146	Salary .....	George J. North .....
53 75	147	State Seal .....	Martin Leans .....
6 00	148	Expressage .....	Express Company.....
225 00	149	Clerical work .....	A. Mathews .....
700 00	150	Sanitary .....	George Cowie .....
150 00	151	Sanitary .....	Mrs. Horner.....
38 65	152	Transportation .....	J. P. Roach .....
41 35	153	Expenses, &c. ....	W. M. Stone.....
50 00	154	Sanitary .....	George Cowie.....
6 80	155	Telegrams .....	Telegraph Company.....
80 50	156	Transportation .....	Packet Company.....
300 00	158	Sanitary .....	Dr. N. Udell.....
466 80	159	Various purposes.....	Various persons.....
546 00	160	Various purposes.....	Various persons.....
45 00	161	Money advanced .....	W. M. Stone.....
370 83	162	Secret service, militia, &c. ....	Various persons.....
32 20		Balance on hand Feb. 1st, 1866.	
27,577 50			

NOTE.—Apparently the sum unaccounted for is \$449.50, instead of \$1,426.37 as stated. The National State Bank, however, has a claim against the contingent fund of \$975.87 for money overdrawn on account with said bank, making the entire sum unaccounted for \$1,425.37.

Senator Henderson offered the following resolution :

*Resolved*, That the Senate, with the concurrence of the House, will adjourn from the 10th inst., to the 19th inst.

Senator Patterson offered the following as a substitute therefor :

*Resolved by the Senate, the House concurring*, That the Senate and House of Representatives when they adjourn on the 10th day of February, 1866, their respective adjournment be until the 19th inst., at 10 o'clock, A. M.

The substitute was adopted.

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

The yeas were Senators Brayton, Clark, Crookham, Cutts, Edwards, Farwell, Hedges, Henderson, Hollman, Hunt, Knoll, Marshman, Moore, Paulk, Patterson, Powers, Reed, Richards, Stubbs, Warren—20.

The nays were Senators Bridges, Bulis, Cattell, Clarkson, Doud, Hilsinger, Hillyer, Lakin, Larimer, Leake, McMillan, Meyer, Parvin, Robertson, Sampson, Shippen, Smith, Wharton, Woolson—19.

Absent without excuse, Senator Hart.

So the resolution was adopted.

Senator Clark, from Special Committee, submitted the following report.

The Committee to whom was referred a resolution of enquiry, in relation to reported losses of University Fund, beg leave to report that they have had the matter under advisement, and find that the losses have occurred through the inadequacy of securities taken by the custodians of such funds.

The loans were made between the years 1854 and 1857, the securities have been exhausted and leave a deficiency of \$7,969.49.

For a specific statement of said transaction and losses your Committee would respectfully refer you to the report of Wm. Crum, Treasurer of State University, now on file in the office of Auditor of State.

It is due to you and to the Treasurer of the State University, to state that there has been no losses nor no loans in jeopardy since the permanent organization of the State University. Respectfully submitted by Committee.

On motion of Senator Cutts, the vote was reconsidered, by which the Joint Resolution relative to the re-admission of the rebellious States, was made a special order for Friday afternoon next, at half past two o'clock; and on his motion it was made a special order for February 21, at 10 o'clock A. M.

Leave of absence was granted to Senator Patterson during the week.

On motion of Senator Larimer, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
 February 8, 1866. }

Senate convened at 9 o'clock A. M.

The President in the Chair.

Prayer by Rev. Mr. Childs.

The Journal of yesterday was read and approved.

By consent, and on motion of Senator Clarkson, Senators Hollman and Cattell were added to the special Committee appointed to investigate the expenditures of the contingent fund.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed joint resolutions asking for additional mail facilities in Clayton, Fayette and Worth counties, which are herewith transmitted and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the General Assembly of the State of Iowa,* That our Representatives in Congress be requested, and our Senators instructed to use their earnest efforts to secure the establishment of a semi-weekly mail route between Rockford in the county of Floyd, and Northwood in the county of Worth, via Rock Grove City, Nora Springs, Shell Rock Falls, and Plymouth, and that our Secretary of State furnish to each of our members in Congress a copy of this resolution.

*Be it Resolved by the General Assembly of the State of Iowa,* That the Senators in Congress from this State be instructed, and Representatives be requested to use their utmost exertions to procure the establishment of a weekly mail route at the earliest possible period, from Guttenburg, Clayton county, Iowa, via Elkport and Little Fort, to Strawberry Point in said county.

*Resolved,* That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress a copy of this resolution.

Leave of absence was granted to Senators Cutts and Udell for a few days.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Farwell: The petition of S. S. Smith and eighty others, citizens of Jones county, asking the repeal of the Prohibitory Liquor Law, and the enactment of a License Law instead, which was referred to the Committee on Liquor Law.

By Senator Hollman: The petition of Robert H. Gillmore and twenty-four others, citizens of Lee county, asking amendments to an act to amend Section 432, Chapter 29, Revision of 1860, which was referred to the Committee on Township and County Organizations.

## INTRODUCTION OF BILLS.

By Senator Hollman: Senate File No. 112, A bill for an act to amend an act entitled "An act to amend Section 432, Chapter 29, of the Revision of 1860," approved March 23, 1864.

Bill read the first and second times, and referred to the Committee on Township and County Organizations.

By Senator Meyer: Senate File No. 113, A bill for an act to legalize and make valid the acts of the County Treasurer of Jasper county, Iowa, in collecting the taxes on the tax list for said county for the year 1860.

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

## REPORTS OF COMMITTEES.

Senator Cattell, from the Committee on Claims, submitted the following:

The Committee on Claims, to whom was referred Senate File No. 41, have considered the same and have instructed me to report the accompanying substitute for said bill and recommend that the substitute do pass.

J. W. CATTELL, Chairman.

Ordered, that the report pass on file.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has concurred in the Senate resolution in reference to the adjournment of the two Houses from the 10th to the 19th inst.

CHAS. ALDRICH, Chief Clerk.

## BILLS ON SECOND READING.

Senate File No. 55, A bill for an act to give the District Court additional power to punish the crime of nuisance, with report of Committee recommending the adoption of a substitute, was taken up, and

Senator Warren moved that the bill be indefinitely postponed.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Woolson—35.

The nays were Senators Crookham, Wharton—2.

So the motion prevailed and the bill was indefinitely postponed.

By consent, Senator Warren from the Committee on Federal Relations, submitted the following majority report:

The Committee on Federal Relations to whom was referred the Joint Resolutions memorializing Congress for the establishment of a National Bureau of Education, have had the same under consideration, and instructed me to report it back, with an amendment striking out all after the words "dissemination of the same." And so amended, to recommend its passage, Senator Knoll dissenting.

WARREN, Chairman.

By consent, Senator Knoll from the Committee on Federal Relations submitted the following minority report:

*To the Honorable Senate of Iowa:* The undersigned, a minority of the Committee on Federal Relations, to whom was referred House Resolution, instructing our Senators and Representatives in Congress, in relation to the establishment of a "National Bureau of Education," dissents from the majority of said Committee, for the following reasons, to-wit: I think that the object in the resolution contemplated is foreign to the purposes for which the general Government was framed; that as far as possible all States should be left, to control their own policy and manage their own affairs; and that the same would involve a large expense which is wholly unnecessary and especially detrimental at this time. I therefore recommend that the resolution be not adopted.

Respectfully submitted,

F. M. KNOLL.

Ordered, that the reports pass on file.

By consent, Senator Paulk introduced the following preamble and resolution, which were adopted.

WHEREAS, A House Committee of the Tenth General Assembly made a report on the 28th day of March, 1864, and in said report stated that from the testimony elicited before them, they were forced to the conclusion that the late Treasurer of State, John W. Jones, had received into his hands as State Treasurer, a large amount of gold and demand notes during the last half of the year 1862, amounting to about the sum of \$60,000; that said Committee had been unable to ascertain what disposition had been made by said Treasurer, of the said funds, except \$20,000 which had been paid over to his successor; but that they were fully satisfied that large amounts had been taken from the safe and their places supplied by treasury notes and notes of the State Bank of Iowa.

That about the last of May or the first of June, said Jones took from the safe \$15,000 in gold and told his deputy to put two empty oyster cans in the place of it, that the State had derived no advantage from the premium which it commanded in market.

Said Committee also reported that they had been *reluctantly forced* to the conclusion that said Jones had been engaged to a considerable extent in very unwarrantable speculation in the war and defense fund warrants of the State; that said report and the

following resolution was adopted by the House of Representatives :

*Resolved*, That the above report of the Committee on expenditures and the accompanying testimony or copies thereof be submitted to the Governor and Attorney General, for them to take such action in the premises as they deem for the best interests of the State, and the facts will justify ; therefore be it

*Resolved*, That the Governor and Attorney General be and that they are requested to inform the Senate at their earliest convenience whether any and if any what steps have been taken by them touching the matters imbraced in the foregoing resolution.

By consent, Senator Richards called up his motion of yesterday for the reconsideration of the vote by which Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of property as citizens, was passed, and moved that the consideration thereof be made a special order for Monday, February 19, at 10 o'clock A. M., and that the Secretary request of the House the return of the bill.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your honorable body that the House of Representatives has ordered printed the usual number of copies of a special message from His Excellency the Governor in reference to certifying lands to certain Land Grant Railroads in this State.

CHAS. ALDRICH, Chief Clerk.

Senate File No. 14, A bill for an act to provide for the taxing of dogs and the protection of sheep, with report of Committee recommending that the bill do not pass, was taken up.

Senator Cattell moved that the bill be laid on the table.

The motion did not prevail.

On motion of Senator Parvin, the bill was recommitted to the Committee on Agriculture.

Senator Paulk offered the following resolution :

WHEREAS, The present system of heating the Senate Chamber is defective in its operation, and owing to the escape of gas is unwholesome to Senators, therefore be it

*Resolved*, That the further heating of the Senate Chamber by said system be suspended until the enlargement of the flues, or until the proper correction of the defects be made, and that the Secretary of State be instructed to make the necessary provisions during the ensuing week to heat the Senate Chamber by stoves.

Senator Leake moved to amend by striking out that part relating to stoves.

Senator Meyer moved that the resolution be laid on the table.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Brayton, Bulis, Cattell, Crookham, Doud, Edwards, Farwell, Henderson, Hilsinger, Hillyer, Lakin,

Leake, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Sampson, Shippen, Smith, Stubbs, Warren, Woolson—24.

The nays were Senators Bridges, Clark, Clarkson, Hart, Hedges, Hollman, Hunt, Knoll, Marshman, Paulk, Richards, Stiles, Wharton—13.

So the motion prevailed.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed Joint Resolutions praying for additional Mail Facilities in Van Buren, Des Moines, and Louisa Counties; and also a Joint Resolution appointing Members of the Board of Trustees of the Asylum for the Blind. Which are herewith transmitted, and in which the concurrence of the Senate is respectfully asked.

I am further directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 30, "A bill for an act extending the powers of the Auditor of State.

I am also directed to inform the Senate that the House has concurred in the Senate amendment, to the resolution concerning the distribution of certain Supreme Court Reports.

CHAS. ALDRICH, Chief Clerk.

SECTION 1. *Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to procure at the earliest possible moment, the establishment of a mail route from Vernon in Van Buren county, Iowa, to Memphis, in Scotland county, Missouri, via Mt. Sterling and Upton in Van Buren county, Iowa.

SEC. 2. That the Secretary of State be instructed to transmit to each of our Senators and Representatives in Congress, a copy of these resolutions, duly certified.

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence for the establishment of a tri-weekly mail-route from Burlington in Des Moines county to Ononwa in Louisa county, by way of Port Louisa and Grand View in Louisa county, and that the Secretary of State be instructed to forward a copy of the resolutions to each of our members in Congress.

*Be it Resolved by the General Assembly of the State of Iowa,* That Hon. Joseph Dysart of Iowa county, Judge C. H. Conklin, and Hon. James McQuinn of Benton county, be and are hereby appointed members of the Board of Trustees of the Asylum for the Blind for the term of four years, ending Feb. 1, 1870.

On motion of Senator Clark, Senator Lakin was added to the Committee on Ways and Means.

Senate File No. 38, A bill for an act to encourage the growing of timber in the State of Iowa, with report of Committee recom-

mending that the bill do not pass, was taken up, and on motion of Senator Hart was indefinitely postponed.

House File No. 18, A bill for an act fixing the time for holding Courts in the Eighth Judicial District, with report of Committee recommending that the bill do pass, was taken up, and on motion of Senator Clark, was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McMillan, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, and Woolson—36.

The nays were, none.

Absent without excuse, Senator Meyer.

So the bill passed and the title was agreed to.

By consent and at the request of Senator Warren, Senate File No. 108, A bill for an Act to legalize certain acts done by James B. Thayer as a Commissioner for the State of Iowa within and for the Commonwealth of Massachusetts, with report of committee recommending an amendment, was taken up and the report was adopted.

On motion of Senator Warren the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, Woolson—34.

The nays were none.

Absent without excuse, Senators Hart, McMillan and Meyer.

So the bill passed and the title was agreed to.

By consent and at the request of Senator Marshman, Senate File No. 72, A bill for an Act to provide for the distribution of the Revision of 1860 to Justices of the Peace, with report of committee recommending the adoption of a substitute therefor, was taken up and the report was adopted.

On motion of Senator Marshman the bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were, Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Paulk, Reed, Richards, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton—32.

The nays were Senators Hilsinger, Knoll, Parvin, Robertson, Woolson—5.

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

Senator Paulk, by consent, called up Senate File No. 105, A bill for an act to legalize certain official acts of Elias Topliff, late School Fund Commissioner of Alamakee county, and for the relief of the administrators of the estate of said Topliff, and of their grantees, with report of committee recommending that it do pass, and moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were Senators Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton—33.

The nays were Senators Bridges and Woolson—2.

Absent without excuse, Senators Hedges, Lakin, Larimer.

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

Senator Bulis, by consent, called up Senate File No. 59, A bill for an act to require owners of threshing machines to guard against accidents, with report of committee recommending that the Senate take such action on it as shall seem to be the best for the public good.

Pending the consideration of which the following message was received from the House:

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

House File No. 90, A bill for an act to amend Section 10, of Chapter 22, of the Acts of the 10th General Assembly.

CHAS. ALDRICH, Chief Clerk.

Leave of absence was granted to Senator Knoll during the remainder of the week.

Senator Parvin moved that when the Senate adjourn, it be until two o'clock, P. M.

Senator Stiles moved to amend by striking out the words "two o'clock, P. M.," and inserting "nine o'clock to-morrow morning."

The amendment prevailed, and the motion, as amended, was agreed to.

Senator Hunt asked and obtained leave of absence for Senator Smith during the remainder of the week.

Senator Lakin was granted leave of absence during the remainder of the week.

The question being, "Shall Senate File No. 59 be read a third time now?" the yeas and nays were demanded, and

The yeas were, Senators Bulis, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Stiles, Stubbs, Warren, Wharton, Woolson—33.

The nays were, Senators Brayton, Bridges, Clarkson—3.

So the bill was ordered to be read a third time.

The bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were, Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Stiles, Stubbs, Warren, Wharton, Woolson—36.

The nays were none.

So the bill passed and the title was agreed to.

Leave of absence was granted to Senators Brayton and Hollman during the remainder of the week.

Senator Clark asked for leave of absence for himself.

No objection being made, leave was granted.

By consent, Senator Reed called up Senate File No. 100, A bill for an act providing for the distribution of the Adjutant General's Reports of 1864 and 1865, and moved that it be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were, Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Stiles, Stubbs, Warren, Wharton, Woolson—35.

The nays were none.

Absent without excuse, Senator Henderson.

So the bill passed and the title was agreed to.

The Senate then went into Executive session. Upon opening the doors the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
 February 9, 1866. }

Senate convened at 9 o'clock A. M.

The President being absent, the Senate was called to order by Geo. P. Abel, one of the assistant Secretaries, who stated that in the absence of the President of the Senate, a temporary chairman should be appointed.

Senator Woolson moved that Senator Cattell be appointed temporary chairman.

The motion prevailed, and Senator Cattell took the chair.

Prayer by Rev. Mr. Geiger.

Journal of yesterday read.

Senator Leake moved that the Senate adjourn until 9 o'clock to-morrow morning.

The motion prevailed, and the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 10, 1866. }

Senate convened at 9 o'clock A. M., and called to order by Geo. P. Abel, Assistant Secretary.

On motion of Senator Cattell, Senator Clarkson was appointed temporary chairman.

Prayer by Rev. Mr. Remsburg.

Senator Woolson moved that the Senate adjourn.

The motion prevailed, and the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 19, 1866. }

Senate convened at 9 o'clock, A. M., and was called to order by Geo. P. Abel, Assistant Secretary.

Senator Clarkson nominated Senator Parvin temporary chairman.

The motion prevailed, and Senator Parvin took the chair.

Prayer by Rev. Mr. Wetmore.

Senator Clarkson moved a call of the Senate, which was ordered and the following Senators were found absent:

Senators Bassett, Brayton, Bulis, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Paulk, Patterson, Powers, Richards, Ross, Shippen, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—35.

Senator Hunt, moved that further proceedings under the call be dispensed with.

The motion prevailed.

The chairman announced that there was not a quorum present, whereupon Senator Hunt moved to adjourn.

The motion prevailed, and the Senate adjourned until 9 o'clock to-morrow morning.

SENATE CHAMBER, DES MOINES, }  
February 20, 1866. }

Senate convened at 9 o'clock A. M.

Called to order by J. M. Weart, an Assistant Secretary.

Senator Parvin nominated Senator Hunt for temporary Chairman. Carried.

Prayer by Rev. Dr. Peet.

Journals of 9th, 10th. and 19th read and approved. Also, Journal of the 8th corrected and approved.

#### PETITIONS AND MEMORIALS.

Senator Bassett: A petition relating to grant of land to the State of Iowa, to aid in the completion of the Dubuque & Sioux City Railroad, &c.; which was referred to Railroad Committee.

By Senator Bassett: A petition that the time of limitation of land grant of Dubuque & Sioux City Railroad, be not extended. Referred to the Committee on Railroads.

By Senator Cattell: A memorial of Representatives of the Iowa yearly meeting of the religious Society of Friends, asking that all the rights of citizenship be extended to the Freedmen and colored people in those States lately in rebellion. Also, that provision be made for taking the vote of the State upon striking the word "white" out of the Constitution, which was referred to Committee on Constitutional Amendment.

By Senator McMillan: A petition of 62 citizens of Polk county, asking for a secure title to their lands; which was referred to Committee on Public Lands.

By Senator Robertson: Remonstrances of citizens of Louisa county against the repeal of the prohibitory liquor law; which was referred to Committee on Liquor Law.

By Senator Bridges: A petition for the amendment of the present School Law, which was referred to Committee on Schools.

By Senator Sampson: A petition of S. A. James and 38 other citizens of Keokuk county, asking the extension of the jurisdiction of County Judges, which was referred to Judiciary Committee.

#### INTRODUCTION OF BILLS.

By Senator Bassett: Senate File No. 114, "A bill for an act to release to Beta Grecheneck and Lewis Grecheneck the right of the State by escheat to certain lands; read 1st and 2d time and referred to Judiciary Committee.

By Senator Cattell: Senate File No. 115, "A bill for an act to amend Section 2564 of the Revision of 1860, relating to foreign

guardians," read 1st and 2d time and referred to Judiciary Committee.

By Senator Cattell: Senate File No. 116, "A bill for an act to amend Section 2460 of the Revision of 1860," read 1st and 2d time and referred to Judiciary Committee.

By Senator Reed: Senate File No. 117, "A bill for an act to amend Chapter Nine, of the laws of the 11th General Assembly; read 1st and 2d time, and on motion of Senator Reed, the 11th rule was suspended, and bill read 3d time.

The question being "Shall the Bill pass?"

The yeas were Senators Bassett, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton—26.

The nays were Senator Parvin—1

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, Woolson.

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

By Senator Cattell: Senate File No. 118, A bill for an act providing for the adjustment of certain land claims with the General Government, and the settlement of claims along the Des Moines river.

Read first and second times, when it was referred to Committee on Public Lands and ordered to be printed.

Senator Bassett called up substitute for Senate File No. 41, A bill for an act to provide for a full settlement of all claims, rights and liabilities between the State of Iowa and all parties having claims allowed by the commissioners appointed under the act of March 3d, 1860, and under the act approved March 28th, 1864; and moved that the bill be printed, which motion was carried.

Senator Stiles, by leave, called up joint resolution relative to changing the State Constitution, and moved that it be referred to the Committee on Constitutional Amendments, which motion prevailed.

#### RESOLUTIONS.

Senator Parvin offered the following resolution:

*Resolved*, That the meetings of the Senate shall hereafter be at 10 o'clock A. M. and 2 o'clock P. M., and moved its adoption; on which the yeas and nays were demanded and ordered, and

The yeas were Senators Bassett, Bridges, Cutts, Doud, Edwards, Hillyer, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Shippen, Smith, Stubbs and Wharton—22.

The nays were Senators Cattell, Clarkson, Hedges, Sampson and Stiles—5.

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, and Woolson.

So the resolution was adopted.

Senator Shippen asked for leave of absence for Senator Farwell. Leave granted.

Senator Stubbs asked for leave of absence for Senator Henderson. Leave granted.

Senator Shippen asked for leave of absence for Senator Woolson. Leave granted.

Senator Stubbs asked for leave of absence for Senator Knoll. Leave granted.

Senator Cattell asked for leave of absence for Senator Crookham. Leave granted.

REPORTS OF COMMITTEES.

Senator Clarkson, from Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred substitute for House File No. 59, A bill for an Act to prevent the importation, running at large, and sale of horses, mules, or asses, diseased with nasal gleet, glanders, or button farcey," have had the same under consideration, and have directed me to recommend the passage of said bill.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Bassett, from Railroad Committee, submitted the following report:

The committee, to whom was referred Senate File No. 47 have had the same under consideration, and have instructed me to report that the committee deem it inexpedient to pass said bill.

GEO. W. BASSETT, Chairman.

Ordered, that the report pass on file.

Senator Cattell, from Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred the claim of the Western Bank of Missouri, has considered the same and instructed me to report the same back, and recommended the allowance of said claim and passage of the accompanying bill.

Respectfully submitted,

J. W. CATTELL, Chairman.

Ordered, that the report pass on file.

Senator Hillyer, from Special Committee, submitted the following report:

Your Special Committee, to whom was referred House File No. 7, A bill for an Act to amend an Act to define the terms of holding Courts in the Third Judicial District in the State of Iowa, have had the same under consideration, and I am instructed to report the same back without amendment and recommend its passage.

L. W. HILLYER, Chairman.

Senator Hillyer moved that the bill be read a third time now, which motion was carried.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton—27.

The nays were none.

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, and Woolson.

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

The following message was received from the House, by hands of Chief Clerk:

MR. PRESIDENT:—I am directed to inform your Honorable body that the House of Representatives has ordered printed the usual number of copies of the Message of His Excellency, Governor W. M. Stone, relative to expenditures of the Contingent Fund.

CHAS. ALDRICH, Chief Clerk.

#### HOUSE MESSAGES ON FILE.

The following House Joint resolution was taken up and referred to Committee on Charitable Institutions.

*Be it resolved by the General Assembly of the State of Iowa,* That Hon. Joseph Dysart of Tama county, and Hon. Judge C. H. Conkling of Benton county, be and are hereby appointed members of the Board of Trustees of the Asylum for the Blind, for the term of four years, ending Feb. 1st, 1870.

The following House Joint resolutions asking for additional mail facilities, were taken up and referred to the Committee on Federal Relations.

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence for the establishment of a tri-weekly mail-route from Burlington in Des Moines county, to Ononwa in Louisa county, by way of Port Louisa and Grand View in Louisa county, and that the Secretary of State be in-

structed to forward a copy of the resolutions to each of our members in Congress.

Also, the following, which was referred to the Committee on Federal Relations :

*SECTION 1. Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to procure at the earliest possible moment, the establishment of a mail-route from Vernon, in Van Buren county, Iowa, to Memphis in Scotland county, Missouri, via Mt. Sterling and Upton, in Van Buren county, Iowa.

*SEC. 2.* That the Secretary of State be instructed to transmit to each of our Senators and Representatives in Congress, a copy of these resolutions, duly certified.

Also the following, which was referred to the Committee on Federal Relations.

*Be it resolved by the General Assembly of the State of Iowa,* That the Senators in Congress from this State be instructed, and our Representatives be requested to use their utmost exertions to procure the establishment of a weekly mail-route, at the earliest possible period, from Guttenberg, Clayton county, Iowa, via Elkport and Littleport to Strawberry Point in said county.

*Resolved,* That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress a copy of this resolution.

Also the following, which was referred to the Committee on Federal Relations :

*Resolved by the General Assembly of the State of Iowa,* That our Representatives in Congress be requested, and our Senators instructed, to use their earnest efforts to secure the establishment of a semi-weekly mail route between Rockford, in the county of Floyd, and Northwood, in the county of Worth, via Rock Grove City, Iowa Springs, Shell Rock Falls, and Plymouth, and that our Secretary of State furnish to each of our members in Congress a copy of this resolution.

House File No. 90, A bill for an act to amend Section 10, of Chapter 22, of the Acts of the 10th General Assembly, was taken up, read first and second time, when it was referred to Judiciary Committee.

Senator Hunt presented a communication from County Judge of Clayton county, relative to books and records of office of County Judge, which was referred to Judiciary Committee.

#### BILLS READ SECOND TIME.

Senate File No. 83, "A bill for an act to provide for increasing the State Library, and to levy and collect taxes for that purpose," with report of committee recommending that the bill be indefinitely

postponed, was then taken up, and report of committee concurred in.

Senate File No. 101, A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association, with report of committee recommending an amendment, was taken up, and report of committee concurred in.

On motion of Senator Patterson, the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hillyer, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton—25.

The nays were none.

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, and Woolson.

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

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature House File No. 14, "A bill for an act to provide for the printing and distribution of the Governor's Biennial Message."

Also, House File No. 30, "A bill for an act extending the powers of the Auditor of State."

The above bills have been duly enrolled, and signed by the Speaker of the House.

CHAS. ALDRICH, Chief Clerk.

Senate File No. 49, "A bill for an act to amend Section 2704 of the Revision of 1860," with report of committee recommending that the bill be indefinitely postponed, was taken up, and on motion, the bill was passed on file.

Senator Stubbs moved that the vote by which Senate File No. 83, A bill for an act to provide for increasing the State Library and to levy and collect taxes for that purpose, was postponed be reconsidered.

The motion prevailed and the bill was passed on file.

Senate File No. 85, A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244 of the Revision of 1860, with report of Committee recommending its passage, was taken up; and, on motion of Senator Leake, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, and Wharton—26.

The nays were, none.

Absent and not voting, Senators Brayton, Bridges, Bulis, Clark,

Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, and Woolson.

So the bill passed and the title was agreed to.

Senate File No. 87, A bill for an act to amend section 1 of chapter 128 of the acts of the Tenth General Assembly, with report of Committee recommending that the bill do pass, was taken up; and on motion of Senator Leake, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, and Wharton—26.

The nays were, none.

Absent and not voting, Senators Brayton, Bridges, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, and Woolson.

So the bill passed and the title was agreed to.

Senate File No. 89, A bill for an Act to amend Section 2 of Chapter 26 of the Laws of the Ninth General Assembly, with report of committee recommending that the bill be indefinitely postponed, was taken up and the report of the committee was concurred in.

Senate File No. 91, A bill for an Act to provide for the election of County Administrators, with report of committee recommending that the bill be indefinitely postponed, was taken up, and the report of the committee was concurred in.

Senate File No. 98, A bill for an Act to authorize the County Judge of Des Moines county to record and complete the record of proceedings had before his predecessor in office, with report of committee recommending that the bill do pass, was taken up, and on motion of Senator Leake was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hunt, King, Lakin, Leake, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton—25.

The nays were none.

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, Marshman, McJunkin, Oliver, Paulk, Patterson, Powers, Richards, Ross, Udell, Warren and Woolson.

So the bill passed and the title was agreed to.

Senate File No. 104, A bill for an act fixing the compensation of referees, surveyors and assistants in partition cases, with report of Committee recommending that the bill do pass, was taken up, and on motion of Senator Leake was read a third time.

The question being, "Shall the bill pass?"

The yeas were, Senators Bassett, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton—27.

The nays were none.

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, and Woolson.

So the bill passed and the title was agreed to.

Substitute for House File No. 15, A bill for an act to amend section 4993 of the Revision of 1860, in relation to bail bonds, with report of Committee recommending that the bill do pass, was taken up, and on motion of Senator Leake was read a third time.

The question being, "Shall the bill pass?"

The yeas were, Senators Bassett, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hunt, King, Lakin, Leake, Marshman, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Wharton—25.

The nays were, Senator Stubbs.

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, McMillan, Oliver, Paulk, Powers, Richards, Ross, Stiles, Udell, Warren, and Woolson.

So the bill passed and the title was agreed to.

On motion of Senator Bridges, the Senate then adjourned.

2 O'CLOCK P. M.

Senate met pursuant to adjournment, and was called to order by J. M. Weart, an assistant Secretary of the Senate. And upon motion of Senator Parvin, Senator Cutts was elected temporary Chairman.

Senator Clarkson moved that the Senate proceed to the election of a President pro-tempore of the Senate.

The motion prevailed.

Nominations being in order, Senator Clarkson nominated Senator Stubbs, Senator Patterson nominated Senator Leake, Senator Edwards nominated Senator Parvin.

The roll was called with the following result:

Whole number voting.....27.

Those voting for Senator Parvin, were Senators Bassett, Edwards, Hillyer, King, Marshman, McMillan, Moore, Reed, Robertson, Shippen, Smith, Wharton—12.

Those voting for Senator Stubbs, were Senators Bridges, Cattell,

Clarkson, Cutts, Doud, Hedges, Hunt, Lakin, Leake, Sampson, Stiles—11.

Those voting for Senator Leake, were Senators Meyer, Parvin, Patterson, Stubbs—4.

Absent or not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, Woolson.

No one having received a majority, Senator Leake withdrew his name and the roll was again called with the following result :

Whole number voting.....27  
 Necessary to a choice.....14

Those voting for Senator Stubbs, were Senators Bridges, Cattell, Clarkson, Cutts, Doud, Hedges, Hunt, Lakin, Leake, Meyer, Parvin, Sampson, Patterson, Stiles—14.

Those voting for Senator Parvin, were Senators Bassett, Edwards, Hillyer, King, Marshman, McMillan, Moore, Reed, Robertson, Shippen, Smith, Stubbs, Wharton—13.

Absent or not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Hollman, Knoll, Larimer, McJunkin, Oliver, Paulk, Powers, Richards, Ross, Udell, Warren, Woolson.

Senator Stubbs having received a majority of all the votes cast was declared elected President *pro tem* of the Senate, and he took the chair.

Senate File No. 102, A bill for an act to provide for acquiring title to the land selected as a site for school houses in District Townships and Independant Districts in certain cases, with report of Committee recommending certain amendments, and as amended recommend that the bill do pass, was taken up, and on motion of Senator Cattell, the same was passed on file.

Senate File No. 58, A bill for an act to increase the compensation of County Supervisors, was taken up, and on motion of Senator Clarkson, was passed on file.

Senate File No. 119, A bill for an act for the relief of the Western Bank of Missouri, located at St. Joseph in the State of Missouri, introduced by Committee on Claims, was taken up, read a first and second time, and on motion of Senator Hunt, the bill was re-committed to Committee on Claims, with instructions to send for persons and papers if necessary.

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

Substitute for House File No. 59, A bill for an act to prevent the importation, running at large and sale of horses, mules or asses, diseased with nasal gleet, glanders, or buton farcey, with report of Committee recommending that the bill do pass, was taken up, and on motion of Senator Clarkson, was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hedges, Hillyer, Hollman, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton—28.

The nays were Senator Parvin—1.

Absent and not voting, Senators Brayton, Bulis, Clark, Crookham, Farwell, Hart, Henderson, Hilsinger, Knoll, Larimer, McJunkin, Oliver, Paulk, Power, Richards, Ross, Warren, Woolson.

So the bill passed and the title was agreed to.

Senator Bassett, by leave, called up Joint Resolution in relation to lands granted to the State of Iowa to aid in the construction of railroads, and moved that it be made special order for to-morrow at 2 o'clock P. M. The motion prevailed.

On motion of Senator Shippen the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 21, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Kellison.

The President announced that the hour for the special order had arrived—the consideration of the joint resolution relative to the re-admission of the rebellious States.

Senator Stubbs moved that the special order be postponed for half an hour. The motion prevailed.

The journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your honorable body that the House has ordered printed the usual number of copies of a report of Hon. J. A. Harvey, Register of the State Land Office, relative to the swamp land claims of the several counties.

Also that the House has ordered printed the usual number of copies of a communication from His Excellency the Governor, relating to the certifying of certain lands to the Land Grant Railroad Companies of this State.

I am also directed to inform the Senate that the House has passed sundry resolutions asking for additional mail facilities in Dallas, Cass, Polk, Hamilton, Story, Boone, Crawford and Woodbury counties, which are herewith transmitted and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the House of Representatives, the Senate concurring,* That our Senators in Congress be instructed, and our Representatives be requested to use their influence, to have a semi-weekly mail route from Des Moines, Polk County, to Webster City, in Hamilton County, via Hickory Grove in Polk County, Point Palestine in Story County, Ames in Story County, William Blacks in Boone County, and Saratoga in Hamilton County.

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to procure a daily mail route from Denison in Crawford County, via Mapleton and Smithland to Sioux City in Woodbury County.

*Resolved,* That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of this resolution.

*Resolved by the Senate and House of Representatives,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure for so much of the mail-route 11079 as lies between Adel in Dallas county, and Lewis in Cass county, (supplying by said route, Redfield, Dale City, Dalmanutha, and Grove City,) a daily mail.

*Resolved,* That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of this resolution.

Ordered, that the message pass on file.

By consent, Senator Hilsinger introduced Senate File No. 120, A bill for an act to resume all rights conferred upon the Cedar Rapids & Missouri River Railroad Company by an act approved March 26th, 1860, to repeal certain laws relating thereto, and to carry into execution the trusts conferred upon the State of Iowa in respect to the lands granted by an act of Congress, approved May 15th, 1856, to aid in the construction of a railroad 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.

Bill read the first and second times, and referred to the Committee on Railroads and ordered to be printed.

The President announced that the hour had arrived for the special order, the consideration of the joint resolution relative to the re-admission of the rebellious States, and the same was taken up.

Senator Clarkson offered the following as a substitute for the original resolution:

WHEREAS, The States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee have, by their several acts of secession and their rebellion against the constitution and laws of the United

States, suspended all their functions as State Governments, and cannot, without enabling acts by the Congress and the President of the United States, resume them again; and,

WHEREAS, The citizens of said States, waged war against the United States until they were subdued by force of arms, and are now conquered rebels, and as such, it is our right and our duty, to impose upon them such restrictions, and require of them such obligations as shall be ample security for the future, claiming this right, not by virtue of any power the Government of the United States has over loyal sovereign States; but by the law of nations, by which the conquerer may hold the conquered in the grasp of its power until it has acquired, whether the public safety, and public faith demand for the stability of the nation and happiness of the people.

*Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives be requested to use their influence to prevent the said rebellious States having Senators or Representatives in Congress until complete indemnity for the future be guaranteed by incorporating into their fundamental laws the eternal principle that no hand that has been raised against the flag of our country shall ever after make or administer its laws; that no Union man shall ever be compelled by State law, city government or county organization, to contribute by tax, or otherwise, to pay any debt caused directly or indirectly by the late rebellion; that no State shall enact or continue class legislation, but shall permit equality in the employments of labor, rights of property, punishment for crimes, freedom of person, and the pursuit of happiness, without regard to sex or color, and that in the enactment of laws conferring the elective franchise on citizens of the rebellious States service to the United States, education and intelligence shall constitute the cardinal qualifications of an elector, without regard to color, and that the said Senators and Representatives be instructed in all their acts in the reconstruction of the rebel States, as additional guarantees for the future, to make rebels odious by bringing the leaders to trial and punishment, and the confiscation of their property, and the test oath now required by law to be taken by those entering upon the duties of an office under the General Government, be made perpetual and as eternal as the law of self-defence; that the revolted States be held within the grasp of the war power, if need be, until the negro be elevated by education, and the rebels improved in morals.*

Senator Hunt moved that the Substitute be laid on the table, and be printed.

The motion did not prevail.

On motion of Senator Warren, the resolution was postponed until half past two o'clock this afternoon, and made a special order for that hour.

By leave Senator Woolson introduced the following Joint Resolution relating to the Freedmen's Bureau Bill.

WHEREAS, we have learned with deep regret that the President of the United States has vetoed the bill recently passed both Houses of Congress, relating to the Freedmen's Bureau, and

WHEREAS, We regard the measure as eminently just and necessary in the peculiar circumstances of the country: therefore

*Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed and our Representatives be requested to use their best efforts to secure the final adoption of the measure notwithstanding such veto.

The resolution was read the first and second times.

Senator Woolson moved that the eleventh rule be suspended, and that the resolution be read a third time now, and upon this moved the previous question, which was seconded, and the main question ordered to be put.

The motion did not prevail.

On motion of Senator Woolson the resolution was postponed until 3 o'clock this afternoon, and made a special order for that hour.

By consent, Senator Bassett introduced Senate File No. 121. A bill for an Act to amend Chapter one hundred and seventeen (117) of the Acts of the Tenth General Assembly of the State of Iowa.

Bill read the first and second times and referred to the Committee on Agriculture.

The President laid before the Senate the following message from His Excellency the Governor, which was read and ordered to be printed.

STATE OF IOWA, EXECUTIVE OFFICE, }  
DES MOINES, Feb. 20, 1866. }

*Gentlemen of the Senate:*—In reply to your resolution desiring information as to whether the Dubuque and Sioux City Railroad Company have complied with the provisions of Chapter 153, acts of the Ninth General Assembly, by executing deeds of release to the State for certain lands therein referred to, and embraced within the grant made to said Company, I have the honor to state that during the session of the 10th General Assembly, Hon. W. W. Hamilton, then at Des Moines, as the representative of this Company, gave me positive assurances that the provisions of said act should be duly complied with in all respects, and before any further certificates were demanded by the Company. Fully relying upon the assurances thus given, and not doubting that these lands had been properly released to the State, I granted a certificate, at the request of said Hamilton, in the month of July last, to the Secretary of the Interior, to the effect that this Company had completed an additional section of twenty miles of their road. The application for this certificate was presented to me at Clinton,

and was based upon affidavits made by officers of the Company, setting forth that the number of miles designated had been completed by the first of said month, and in the manner prescribed by law. But I am now advised by the State Register that these deeds of release have not yet been filed in his department, and that, in this respect, the Company have entirely failed to comply with the plain requirements of the law.

Since your resolution of inquiry was adopted, I have received a letter from Platt Smith, Esq., Vice President of this Company, admitting that these deeds had not been executed, and assigning specific reasons for the default. As this communication may be regarded as an official document, expressing the views of the Company in relation to the subject in dispute, it is hereto attached and respectfully submitted for your consideration.

While I deem it proper that the Company should have the full benefit of the grounds upon which they seek to justify their non-compliance with the provisions of this act, I do not desire to be understood as entertaining the opinion that they have presented any legal or just defense of their conduct.

The peculiar circumstances under which the passage of this act was procured are doubtless known to some members of the Senate. It will be remembered that the Dubnque and Sioux City Company had failed to complete annually the amount of their road as required by act of the General Assembly, approved July 14, 1856, under which they were designated as a beneficiary of the grant made by Congress for railroad purposes, and that, in consequence of such failure, they were liable to have the lands assigned to their use resumed by the State. To relieve them from this embarrassment, indulgence on the part of the State was deemed indispensable, and earnestly solicited by the Company. Disputes between the Company and several classes of claimants, by purchase from the State of lands situated within the limits of the grant, remained unadjusted. The representatives of these claimants and the friends of the railroad agreed upon the act now in question as a basis for terminating these disputes, and its adoption by the General Assembly was secured by their united influence and concurrent efforts. The act itself presents the unmistakable evidence of a compromise. The first section prohibits the Governor from certifying to the Secretary of the Interior that any part of the Dubnque and Sioux City Railroad has been completed until after the Company shall have executed deeds of release to the State for certain lands therein designated, among which are those described as having "been sold by the State prior to the 7th of May, A. D. 1854, and also such other lands as had been sold since that date and prior to the 1st day of January, 1862." And the fourth section provides that "*in consideration of the foregoing relinquishment by said road, the time of completion of any part of said road*

not now completed, *shall be extended one year* beyond the time of the taking effect of this *act*."

By this provision, regarded by all parties as essential in giving stability to their grant, the Company obtained a full and remunerative equivalent for all the lands which the General Assembly required them to release. They readily accepted this extension of time for completing their road, and have enjoyed the benefits thereby conferred. And having since then procured a certificate which entitled them to receive 120 additional sections of these valuable lands, with the understanding on the part of the State, fully justified by the promises made by their accredited representative, that they had complied with the provisions of this law, their refusal now to execute these releases can hardly be justified by any acknowledged principle of fair dealing or good faith. The plea now interposed, that the "interest of the company in these lands had been previously conveyed to other parties," constitutes no sufficient excuse. They could at least manifest a *disposition* to comply with the law by executing the releases required of them, leaving the rights of parties, who may assert a prior title derived from the company, to be examined and determined by the appropriate tribunals. If, as they now assume, the company had parted with their interest in these lands when this Act was adopted, it will be quite difficult to resist the conclusion in view of all the circumstances of the case, that both the parties representing these claimants, and the General Assembly, were imposed upon, and that this valuable extension of time was obtained by unwarrantable means. It is by no means a violent presumption that the General Assembly acted advisedly in passing this Act; that they intended what its provision express, and that they fully understood the rights of the parties concerned. Any title or interest in the lands, derived to other parties by contract with the company, since the passage of this Act, would obviously be invalid as against the established rights of these claimants.

Nor does it strengthen their defense to assume that the provision requiring the release of these lands was incorporated into the Act at the instance and for the benefit of the Des Moines Navigation Company. The lands sought to be released are described as having been sold by the State *prior* to the date of the contract with this company, and before which time they could not assert the least color or pretense of right; "and also such other lands as had been sold since that date, and prior to the first day of January, 1862, and then improved and occupied by actual settlers residing thereon," &c.

The object sought to be accomplished, and the intention of the General Assembly, are obvious and unmistakable. Anterior to the date of the contract with the Des Moines Navigation Company (May 7th, 1854,) the State, upon the assumption of title derived by grant from Congress, had in good faith sold these lands to its own

citizens, many of whom, or their grantees, had settled upon and improved them. Some of the lands thus sold happened to fall within the limits of the grant subsequently made (May 15th, 1856,) to the State for railroad purposes. Appreciating the obligation still resting upon the State, to protect these *bona fide* purchasers from the encroachments of this company, the General Assembly attempted to discharge that obligation by adopting the Act now in question. It is therefore quite difficult to perceive in what manner the release of these lands to the State for this express purpose, could possibly inure to the benefit or advantage of the Des Moines Navigation Company.

The Dubuque and Sioux City Railroad Company are in a position too precarious, to warrant them in setting the laws of the State at defiance. The Act of Congress approved May 15th, 1856, by which this immense grant of lands was made to this State to aid in the construction of the four roads then projected respectively from Dubuque, Lyons, Davenport, and Burlington, to opposite terminal points on the Missouri River, places the grant under the absolute disposal of the General Assembly for the purposes indicated, upon the condition that, if these roads were not completed within ten years, the lands designed for any company so failing to complete its road, and so remaining unsold, should revert to the United States.

To carry out the purpose of this grant, the General Assembly was convened in Special Session, and passed the Act approved July 14th, 1856, designating the Companies which should take the lands and construct these roads. The grants were accepted by these Companies upon the following conditions expressed in the Act. 1st, That each Company should complete in running order seventy-five miles of its road by the first of December, 1859, and *thirty* miles in addition in each year thereafter for five years, making in all two hundred and twenty-five miles of road by the first of December, 1864; and 2d, the remainder of the whole line of their road to be completed one year thereafter, or on the first of December, 1865. In default of these conditions by any Company, the State expressly reserved to itself the right to resume the lands granted to the defaulting Company, and remaining undisposed of.

Not one of these conditions has been performed by the Dubuque and Sioux City Company. It is true that their failure to complete the first seventy-five miles of their road within the time required, was cured by the Act approved March 7th, 1860; but they failed to complete the number of miles required of them during the five years subsequent to December, 1859; nor is their road completed to the Missouri river, as they were required to do by the first of December last. In every respect, this Company has utterly failed to comply with the law, yet their delinquencies have all, up to this time, been generally overlooked by the State. These last mentioned failures by this Company have not, so far as I am advised,

been cured by any Act, either of the General Assembly of this State, or of Congress. The Act of Congress approved June 2d, 1864, amendatory to the original Grant, and allowing the several Companies therein named to change the location of the uncompleted portions of their roads, and extending the limits of their grants, cannot be construed as changing these conditions imposed by the General Assembly, so far as the Dubuque & Sioux City Company are concerned, nor indeed can it, according to my judgment, be regarded as modifying their application to any of the Companies named.

Congress has never withdrawn, or intended to withdraw, this grant from the control of the State, where it was originally placed. It would be detrimental to the public interests, and highly inexpedient, to place these Companies, in relation to this grant, beyond the superintendence of State authority; and any intention to do this, is clearly negatived by the seventh section of this act, which reads as follows:

“That all the conditions and limitations contained in the act to which this act is an amendment, and not *expressly* changed by this act, shall attach to, and run with the *grants made by this act*, except as the *said* conditions and limitations *have been* modified, and *may hereafter* be modified by the General Assembly of the State of Iowa.”

Here is an emphatic recognition of the power heretofore claimed, and universally conceded to the State, over the entire question of this grant. The 8th section also provides, upon failure of either of the Companies receiving lands under this amendatory act, to complete a section of twenty miles of its road in each year after the first of July, 1864, until the whole line is completed, the lands remaining uncertified shall become subject to the disposition and control of the General Assembly, to aid in the completion of said road. The Dubuque & Sioux City Company not receiving any additional lands under this act, can claim no benefit from this provision. While I entertain no doubt whatever that the State retains complete control over the entire grant, it is perfectly clear that all the lands granted to this Company, and undisposed of, are now subject to the disposition of the General Assembly. And in general terms, allow me to suggest that none of these Companies, in relation to these grants, are beyond, or above, the sovereignty of the State, and that they may still be controlled by such conditions and limitations as the General Assembly shall see proper to attach, not inconsistent with the acts of Congress.

In making this munificent donation of lands to aid in constructing these important lines of railway, Congress fully comprehended the manifest interests of the State in requiring them to be finished to the Missouri within ten years from the date of the grant. It was deemed proper, in withdrawing this immense body of land from market, and from the reach of actual settlers, to secure to the

State, within the reasonable time thus limited, the countervailing advantages of railroad communication.

Acting upon this theory, and with the same object in view, the General Assembly, in assigning the grant to these Companies, was careful to provide that a definite number of miles should be constructed annually, and their entire lines completed by the time fixed in the law of Congress.

Yet in spite of all this precaution, and the generous forbearance which has been observed in overlooking their numerous delinquencies, it is a significant fact that not one of the Companies originally designated, has complied with the conditions of the law, and not a single mile of railway has yet been constructed west of the Des Moines river.

The progress of the entire western half of the State has not only been delayed in consequence of the withdrawal of these lands from market, and the settlement of the country immediately retarded, but this vast region is left without any immediate prospect of railroad facilities.

Notwithstanding the foregoing observations, I do not advise, nor with my present views, could I assent to immediate and unconditional resumption in any case. It is advisable that we indulge the delinquent companies still further, and so long as any hope remains of their completing their lines within a reasonable length of time. But I would, in the meantime, firmly vindicate the majesty of the State in compelling observance of its laws enacted for their regulation and government.

In the case of the Dubuque and Sioux City Company, now under consideration, I feel constrained to recommend some prompt and decisive action. If they persist in their refusal to release these lands as required of them by law, it would be eminently proper for the General Assembly to pass an Act resuming the unsold and uncertified portion of their grant.

The habitual and reckless disregard of legal obligations by railroad companies, though not yet so flagrant in this State as in many others, has nevertheless sufficiently developed a spirit of domination which, if unrestrained by well devised and stringent enactments, bids fair to result in their complete supremacy over our agricultural and commercial interests. The insatiate thirst for monopoly characteristic of all corporations established for pecuniary profit, brings them in necessary conflict with the general interests of the community, unless the utmost foresight is observed in defining the boundaries of their conduct. As indispensable aids in properly developing the resources of a country not favored with navigable streams, railroad enterprises should be carefully fostered, and all legislation calculated to retard their advancement, carefully avoided. Without the assisting hand of railways, such is our situation, that we cannot expect to keep pace with the progress of neighboring and competing States, or successfully maintain our appropriate

position in the commercial channels of the country. Viewing with just pride the railroad lines already established, chiefly secured as they have been, by the means, the energy and enterprise of our own people, I would promote them by every liberal measure not inconsistent with public policy, and encourage their advancement into regions, however remote, which may in coming time be touched with the magic power of commerce.

So far, this fostering spirit has actuated the people of Iowa. All our legislation upon the subject of railroads, has been of an eminently encouraging and friendly character. The power of taxation has been leniently asserted, every essential prerogative promptly granted, and no measure in the least degree restrictive of their broadest privileges has been adopted. And now without manifesting any disposition to depart from this wise and generous policy, or necessarily developing a disposition inimical to our railroad enterprise, we may, it seems to me, safely demand of them a respectful obedience to the laws of the State.

If we lack the power to require this now, while railroads are in their infancy, I cannot, without serious apprehension, contemplate the period when these immense monopolies, with their combined power, shall have attained the maturity of their strength. It will be difficult to convince the people of Iowa by any subtlety of technical deduction, that they have parted with the power of ultimate control over the railroad companies within their State.

That inherent legislative sovereignty, which can only be circumscribed by express constitutional restrictions, is surely not prepared to surrender its power to the ill-disguised ambition for ultimate corporate supremacy. If this power has been surrendered, it would be well to ascertain when and how the surrender was made. Aided in their work by a liberal public donation, to the extent of the immense grant of lands given to their use, with the delegated right of eminent domain, they have become so far invested with a public character as to subject them to legislative control, for all purposes dictated by sound policy and the public interest. In my judgment the time has arrived when the extent of our authority over railroad corporations within the limits of this State, should be ascertained and definitely fixed. If those already existing are to become our masters, and the worst of masters too, instead of servants as originally contemplated, it is highly important that we so amend the general incorporation laws of the State, as to place future companies under the control of legislative authority.

The importance of the subjects adverted to will, I trust, be a sufficient apology for departing from a strict response to your resolution.

W. M. STONE, Governor.

DUBUQUE & SIOUX CITY RAILROAD COMPANY, }  
 DUBUQUE, IOWA, 7th February, 1866. }

HON. W. M. STONE, *Governor of Iowa* :

DEAR SIR:—I am informed that the Legislature has called upon you for information whether our company filed a release of certain Des Moines River lands with the State Register, in pursuance of the act of April 7, 1862. No such release has ever been made or filed; and if we had made and filed the release as required by law, it would not have taken effect upon anything, for the reason that the Dubuque & Sioux City Railroad did not own a foot of land described, at the time, but had previously conveyed it to third parties.

Another reason was that the act, although it would, at first blush, appear to be made for the benefit of actual settlers, was actually gotten up by the Des Moines River Navigation Company with the view of defrauding us out of all the lands in the neighborhood of Fort Dodge, known as Des Moines River Lands.

If the title to the lands had been in the company, and if we had made a release, as required by the act, the Des Moines River Navigation Company would have been successful in their designs.

Now, I submit to your Excellency that the Legislature has no right to compel us to convey lands without any consideration, which have been donated for the purpose of being sold for a valuable consideration, to aid us in building the road. Further, the Legislature has certainly no right to require us to convey or release lands which we have previously sold to other parties. Neither yourself nor the Legislature, intended to have the entire Des Moines River lands turned over to the defunct Navigation Company; yet such was the whole scope and intent of the act. These are the reasons why no release has ever been filed.

As to actual settlers, Judge Hamilton and Mr. Bassett made an examination at Des Moines, and also in Webster county, for the purpose of ascertaining who were actual settlers, such as ought to be protected. After the list was perfected, we purchased all the lands to which a shadow of claim ought to be set up, and probably several tracts more. We hold the deed now for the purpose of making the title good to such actual settlers as ought to receive a title; and instead of making a bare release, which would be a literal compliance with the law, we propose to make a conveyance. It was understood between Judge Hamilton and Mr. Bassett that either the State or the settlers should pay us a dollar and a half an acre; and these are the terms on which the company is willing to convey. We are not authorized to give any lands. The Act of Congress, and the general principles of the Constitution and law of the land forbid the making of laws which require either a person or a corporation to convey lands without any consideration. The company is willing to leave this matter to yourself, Senator Bassett

and Judge Hamilton, to ascertain the names of actual parties who ought to be protected, and have conveyances made accordingly. Judge Hamilton is not able to attend to business at present. What do you and Senator Bassett say to this proposition?

I shall be glad to hear from you at an early day.

I am yours very respectfully,

PLATT SMITH, Vice-President.

By consent Senator Ross introduced Senate File No. 122, "A bill for an act to legalize the acts of the Board of Supervisors of Cass county, in relation to the survey and plat of the town of Lewis, in said county."

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

By consent Senator Warren introduced Senate File No. 123, "A bill for an act to amend Chapter 44 of the Tenth General Assembly, entitled an act authorizing Railroad Companies to issue preferred stock and change the name of such companies."

Bill read the first and second times and referred to the Committee on Railroads.

On motion of Senator Udell the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened.

The President announced that the hour for the special order, the consideration of a substitute for "joint resolution in relation to lands granted to the State of Iowa to aid in the construction of Railroads," had arrived and the same was taken up.

On motion of Senator Hunt the resolution was amended by striking out at the end of the second Section the words "by such act be prescribed," and inserting the words "be prescribed by the Legislature thereof."

On motion of Senator Parvin the resolution was further amended by striking out at the end of the first resolution the following words "to construct their several lines of roads according to the conditions of the act under which they claim."

Senator Bassett moved that the resolutions be read a third time now.

The motion prevailed and the resolution was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Farwell, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Richards, Robertson,

Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, and Woolson—35.

The nays were, none.

Absent but not excused, Senators Clark, Paulk, Ross and Udell.

So the resolution passed, the title was amended by striking out the words "substitute for," and, as amended, was agreed to.

The President announced that the hour for the special order had arrived, the consideration of the joint resolution relative to the re-admission of the rebellious States, and the same was taken up.

Pending the consideration of which, the hour for the special order, the consideration of the resolution relative to the Freedmen's Bureau Bill, having arrived, it was, on motion of Senator Leake, postponed until the conclusion of the remarks of Senator Warren.

On motion of Senator Hunt, the consideration of the resolution relative to the re-admission of the rebellious States was postponed until half-past 10 o'clock to-morrow morning, and made a special order for that hour.

The resolution relative to the Freedmen's Bureau Bill was then taken up.

Senator Hollman offered the following amendment to the resolution:

WHEREAS, This morning's issue of the REGISTER contains an exceptional article in reference to the Executive of the nation; therefore.

*Resolved*, That, as law-abiding citizens, we deprecate the denunciation of President Johnson as a traitor to his country and putting him in the same category of the rebel Robert E. Lee; and men who make such declarations are unworthy of the support of every lover of law and order and our Government as established by our fathers.

Senator Cattell raised a point of order, that the amendment is not germane to the resolution under consideration, and therefore not in order.

The President decided the point of order well taken.

Senator Warren moved that President Johnson's veto message be read.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Brayton, Hedges, Hollman, Hunt, Knoll, Lakin, Marshman, Richards, Warren—9.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Edwards, Farwell, Hilsinger, Hillyer, King, Leake, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton, Woolson—28.

Absent without excuse, Senators Clark, Paulk, and Udell.

So the motion did not prevail.

Senator Cutts moved that the 11th rule be suspended, and the resolution be read a third time now.

The motion prevailed, and the resolution was read a third time. The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Edwards, Farwell, Hilsinger, Hillyer, Hunt, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton. Woolson—32.

The nays were Senators Hedges, Hollman, Knoll, Richards, Warren—5.

Absent but not excused, Senators Clark, Paulk, and Udell.

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

By consent, Senator Woolson introduced Senate File No. 124, "A bill for an act re-organizing boards of Supervisors.

Bill read the first and second times, and referred to the Committee on Township and County Organizations, and ordered to be printed.

Also Senate File No. 125, A bill for an act to amend Chapter 91, of the laws passed by the 10th General Assembly, entitled "An act granting a right of way to open and drain coal mines."

Bill read the first and second times, and referred to Committee on Internal Improvements.

Senator Leake moved that the substitute for the Joint Resolution relative to the re-admission of the rebellious States be printed.

The motion prevailed.

The following communication from His Excellency the Governor was announced by his Private Secretary, Major George J. North, which was laid on the table and ordered to be printed :

STATE OF IOWA, EXECUTIVE DEPARTMENT, {  
DES MOINES, February 21, 1866. }

*Gentlemen of the Senate:*—In reply to your resolution requesting the Governor and Attorney-General to inform the Senate what steps, if any, have been taken by them touching the matters embraced in the resolution adopted by the House of Representatives of the Tenth General Assembly in regard to alleged misconduct of the former State Treasurer in disposing of certain portions of the public funds, I respectfully submit the communication hereto appended from Hon. C. C. Nourse, late Attorney-General, who examined the evidence in said case, and gave me his opinion thereon. I will add also that this opinion of the Attorney-General, rendered after a careful examination of all the facts which would have been attainable by the State in an action against the late Treasurer, seemed quite conclusive against the propriety of instituting such a proceeding.

As the resolution of the last House of Representatives was merely advisory, I did not deem it prudent to invoke judicial action in the case against the well considered advice of the Attorney-General.

W. M. STONE.

DES MOINES, IOWA, February 16, 1866.

*Hon. William M. Stone, Governor :*

DEAR SIR:—In compliance with your request, I herewith hand you a written statement of what I said to you in conference shortly after the adjournment of the Tenth General Assembly, in relation to the affairs of the former Treasurer of State upon the matters referred to in a resolution of the House of Representatives of that session by which the Attorney-General and the Governor were requested, substantially, to examine certain evidence taken by the Committee on Expenditures, and to take such action in relation thereto as they thought the public interests required.

I stated to you that I had examined the evidence referred to, and found it contained substantially what I had before been advised the witnesses were willing to state, that immediately upon the retirement of the former Treasurer of State, it was currently reported that the former deputy of that office had intimated that there had been misconduct on the part of the Treasurer in relation to the disposition of "gold" in the State Treasury. Gov. Kirkwood's attention had been called to these rumors, and some effort had been made to ascertain the facts in connection therewith.

At a former special session of the General Assembly, a law had been passed requiring County Treasurers to pay over in *kind* the specie in their hands collected for State revenue. There was no law however requiring any officer to keep an account of the kind of moneys paid into the Treasury. Neither was there any law prohibiting the payment of gold upon ordinary revenue warrants, or making any distinction between the funds in the Treasury. Under these circumstances we found it impossible to ascertain what amount of *gold* had been paid into the Treasury, or what amount had been at any time legitimately paid out. We discovered that the Treasurer had been from time to time paying out this gold in his discretion upon ordinary revenue warrants, but we could obtain no evidence that he ever was induced to do so from motives of profit to himself, and as there was no statute at that time in force forbidding the Treasurer from paying out gold as other money, I then advised Governor Kirkwood as I advised you that no liability was incurred by the Treasurer in so doing.

The Deputy Treasurer, whose testimony was taken by the Committee, is at a loss to state any amounts. He does not pretend at any time to have counted the gold in the Treasury, or to have ascertained what amount at any time was taken from the safe for any purpose. Neither does he give any clue or information by which any testimony could be obtained as to any sale of gold by the Treasurer. On this subject diligent inquiry was instituted so far as it could be done without unnecessary injury to the character of individuals. Nothing was discovered. It was found that a bad state of feeling existed between the Deputy and the Treasurer, and

that the latter claimed to have serious cause of complaint against the former, and there was at least such circumstances attending these charges as to give color to the idea that they had been to some extent, at least, prompted by personal feeling. Under these circumstances I advised you as I had advised Governor Kirkwood, that until some facts were developed other than yet disclosed, I thought any suit or prosecution in regard to the matter was wholly inexpedient.

There was one matter developed by the evidence before the investigating committee not referred to above, and that was the evidence of a witness tending to show that he had borrowed State Funds from the State Treasurer for the purpose of speculating in war and defense warrants, and had shared the profits of the speculation with the Treasurer. If it was true that this was State money, and the witness knew the money was that of the State, I was of the opinion that both the Treasurer and the witness were jointly and severally liable to the State for any speculation made out of the money. The evidence, however, shows only that the money was taken from the public safe. The Treasurer might very properly keep his individual money there for safe keeping, if kept separate from the State money. The amount was small, and if all the witnesses testified to remained uncontradicted, the profits of the Treasurer were only about one hundred dollars.

I was of opinion that if any suit was brought, all who had obtained any advantage from the speculation should be required to refund, and as this course would seriously impare the interest that the witness might feel in the prosecution, I thought it doubtful about establishing that the State funds had been used at all.

The amount was too small to make a suit in any event pecuniarily profitable to the State, and I thought it best to do nothing with it.

Yours very truly,

[Signed]

C. C. NOURSE,

Formerly Attorney General.

By consent Senator Stiles introduced Senate File 126, A bill for an Act to repeal Section 1145 of the Revision, and to provide a substitute therefor regulating the fees of Sheriffs.

Bill read the 1st and 2d times, and laid on the table and ordered to be printed.

By consent Senator Woolson introduced Senate File no 127, A bill for an act to amend Section 785 of the Revision of 1860, in relation to land erroneously sold for taxes.

Bill read the 1st and 2d times, and referred to the Committee on Ways and Means.

Also Senate File No. 128, A bill for an act to amend Section 760 of the Revision of 1860, in relation to Treasurer's receipts for taxes.

Bill read the first and second times and referred to the Committee on Ways and Means.

Also Senate File No. 129, A bill for an Act to amend Section 5100 of the Revision of 1860, in relation to appeals in the District Courts in criminal cases.

Bill read the first and second times and referred to the Judiciary Committee.

On motion of Senator Lakin the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 22, 1866. }

Senate convened at 10 o'clock A. M.

The President in the Chair.

Prayer by Senator Wharton.

The Journal of yesterday was read and approved.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Warren: The petition of Geo. L. Epps and ten others, citizens of the town of Denmark, asking that the law repealed in 1860, which created a Board of Inspectors, to have the supervision and government of the Iowa Penitentiary, be re-enacted, which was referred to the Committee on Charitable Institutions.

By Senator Udell: The petition of G. S. Stansbury and twenty-two others, citizens of Appanoose county, asking an increase of the pay of County Surveyors, which was referred to the Committee on Township and County Organizations.

By Senator Bassett: The petition of John Linn and seventy-one others, asking that the State resume all lands heretofore granted to the Cedar Rapids and Missouri River Railroad Co., which was referred to the Committee on Railroads.

Senator Udell presented the credentials of J. B. Young, Senator elect from the 31st Senatorial District.

By Senator Warren: The memorial of "the Des Moines County Agricultural Society," recommending W. M. Robinson, Esq., of Des Moines county to the appointment of Trustee of the Iowa Agricultural College, which was referred to the Committee on Agriculture.

By Senator Woolson: The petition of James Hawks and forty other citizens of Henry county, asking an increase of compensation of County Surveyors, which was referred to the Committee on Township and County Organizations.

Also, the remonstrance of John G. Foot and eighty-seven others, citizens of the city of Burlington, against the enactment of a law

licensing the sale of spirituous liquors, which was referred to the Committee on Liquor Law.

Also the petition of J. Bennett and twenty others, citizens of the city of Burlington upon the same subject; which was referred to same Committee.

By Senator Hilsinger: The petition of Chas. M. Dunbar and thirty-four others, citizens of Jackson county, asking an extension of the jurisdiction of County Courts, which was referred to the Committee on Judiciary.

Also the petition of N. T. Wynkoop and twenty-four others, citizens of Jackson county, asking an increase of pay of County Surveyors, which was referred to the Committee on Township and County Organizations.

Also, the remonstrance of Thos. E. Corwell, and one hundred and fifty others, citizens of Jackson county, against declaring the Maqoketa river not a navigable stream, which was referred to the Committee on Commerce.

By Senator Cutts: The remonstrance of Robert Morrison, and eighteen others, citizens of Powesheik county, against the increase of salaries of public officers, which was referred to the Committee on Township and County Organizations.

By Senator Doud: Six petitions from citizens of the Des Moines Valley, asking the passage of a law dispensing with draws in all bridges which have been, or may hereafter be, built over the Des Moines river, and also dispensing with locks in all dams which have been, or may hereafter be built across said river, and also asking the General Assembly to memorialize Congress to pass a similar law, or to repeal the law declaring said stream navigable, which were referred to the Committee on Commerce.

By Senator Moore: The petition of Samuel Park, and eighty-four others, citizens of the Des Moines Valley, upon the same subject, which was referred to the same committee.

Also, the petition of M. H. Jones, and seven others, members of the Davis County Agricultural Society, asking an appropriation of \$200.00 for the benefit of said Society, which was referred to the Committee on Agriculture.

By Senator McMillan: Two petitions from the citizens of the Des Moines Valley, asking the passage of a law dispensing with draws in all bridges, and locks in all dams, which have been, or may hereafter be, built over or across the Des Moines river; also, asking the General Assembly to memorialize Congress to pass a similar law, or to repeal the law declaring said stream navigable, which were referred to the Committee on Commerce.

By Senator Patterson: The petition of J. W. Smith and seventy others, citizens of Floyd County, asking that laws be enacted to prevent the McGregor Western or any other railroad corporation from defrauding the people of the benefits intended by Congress, and also to compel said Company to construct the railroad upon

the route designated by act of Congress; and moved that it be referred to a special committee of five.

Senator Hunt moved to amend by adding that Senator Patterson be Chairman of such committee. The amendment was adopted, and the motion as amended prevailed.

The President announced Senators Patterson, Hunt, Bulis, Lakin, and Bassett as such committee.

By Senator Meyer: The petition of B. George and thirty-nine others, citizens of Jasper county, to restore to the rivers known as Skunk, their original Indian name Checaqua, which was referred to the Committee on Township and County Organizations.

By Senator Stiles: The petition of John M. Fish and two hundred and fifty others, citizens of the Des Moines Valley, asking the passage of a law dispensing with draws in all bridges and locks in all dams, which have been, or may hereafter be built over or across said Des Moines river; also, asking the General Assembly to memorialize Congress to pass a similar law, or to repeal the law declaring said stream navigable, which was referred to the Committee on Commerce.

By Senator Bulis: The remonstrance of S. A. Lamb and two hundred and five others, citizens of Winneshiek county, against the repeal of the Prohibitory Liquor Law, which was referred to the Committee on Liquor Law.

By Senator Hollman: The petition of R. L. Barnum and fifty others, citizens of Fort Madison, asking the repeal of the Prohibitory Liquor Law, and the enactment of a License Law instead, which was referred to the Committee on Liquor Law.

Also, two petitions from citizens of the Des Moines Valley, asking the passage of a law dispensing with draws in all bridges and locks in all dams which have been, or may hereafter, be built over or across said river, also to memorialize Congress to pass a similar law, or to repeal the law declaring said stream navigable, which were referred to the Committee on Commerce.

Also, the petition of Henry Dye and seventy-seven others, asking the passage of a special law whereby William F. Mothershead shall be entitled to be admitted into the State Lunatic Asylum, as a patient at the expense of the State, which was referred to the Committee on Charitable Institutions.

#### INTRODUCTION OF BILLS.

By Senator Ross: Senate File No. 130, A bill for an act for the relief of Major David J. Waggoner.

Bill read the first and second times and referred to the Committee on Claims.

The President announced that the hour had arrived for the special order, the consideration of the resolution relative to the re-admission of the rebellious States.

On motion of Senator Bassett, the special order was postponed until eleven o'clock.

INTRODUCTION OF BILLS CONTINUED.

By Senator Bassett, Senate File No. 131, A bill for an act to legalize the acts of the Board of Supervisors of Webster county, in relation to the equalization of bounties to soldiers, and the levy of a tax for the payment of the same.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Sampson: Senate File No. 132, A bill for an act fixing the compensation of county judges.

Bill read the first and second times and referred to the Committee on Judiciary and ordered to be printed.

By Senator Hollman: Senate File No. 133, A bill for an act authorizing the admission of idiot persons into the Hospital for the Insane.

Bill read the first and second times and referred to the Committee on Charitable Institutions.

Also, Senate File No. 134, A bill for an act to amend Section 6, of Chapter 129 of the Tenth General Assembly.

Bill read the first and second times and referred to the Committee on Township and County Organizations.

By Senator Patterson: Senate File No. 135, A bill for an act authorizing and requiring the Register of the State Land Office to cancel certain entries upon the records and tract books of his office.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Reed: Senate File No. 136, A bill for an act legalizing the acts of James Foster, Justice of the Peace of Guthrie County, Iowa.

Bill read the first and second times and referred to the Committee on Judiciary.

Senator Udell from Committee on Credentials submitted the following report, which was adopted:

The Committee on Credentials to whom was referred the certificate of election of J. B. Young, as Senator of the 31st Senatorial District, to fill a vacancy in that office having examined the certificate, respectfully report that they find it correct and in due form, and they recommend that he be admitted to his seat in the Senate.

B. T. HUNT.

M. E. CUTTS.

N. UDELL.

The President then administered the oath of office to Senator J. B. Young.

By consent, Senator Richards called up Senate File No. 86, A bill for an act to enable aliens to acquire, control and dispose of

property as citizens, and on motion of Senator Hilsinger it was made a special order for to-morrow morning at 10 $\frac{1}{4}$  o'clock.

REPORTS OF COMMITTEES.

Senator Stiles, from the Committee on Schools and School Lands, submitted the following report:

The majority of the Committee on Schools and School Lands have had under consideration Senate File No. 69, A bill for an act to amend chapter 102 of the acts of the 10th General Assembly, and have instructed me to report the same back with the following amendment: strike out all of the twenty-first line, except word "and," being the last word in said line. Thus amended, its passage is recommended.

E. H. STILES, for Committee.

I dissent from the report of the majority, on the ground that I deem the increase of pay from \$2 to \$3 per day as a useless expenditure of money.

C. PAULK.

Ordered, that the report pass on file.

Senator Patterson, from the Committee on Township and County Organizations, submitted the following report:

Senate File No. 112. The Committee recommend that section 2 be stricken out, and the following substituted therefor:

SEC. 2. This act being deemed of immediate importance, shall be in force and take effect from and after its publication in the Daily Gate City and Daily Constitution, newspapers published at Keokuk, Iowa, without expense to the State.

With such amendment, the Committee recommend the passage of the bill.

C. PAULK,  
H. WHARTON,  
J. G. PATTERSON, Ch'n.

Ordered, that the report pass on file.

The President announced that the hour had arrived for the special order, the consideration of the resolution relative to the re-admission of the rebellious States, and the same was taken up.

Pending the consideration of which, Senator Cutts moved that the further consideration of the resolution be postponed until half past two o'clock to-morrow afternoon, and be made a special order for that hour.

The motion prevailed.

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

SENATE CHAMBER, DES MOINES, )  
February 23, 1866. )

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Manly.

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

The following message was received from the House.

MR. PRESIDENT:—I herewith transmit for your signature the following bills, the same having passed both branches of the General Assembly, and been duly enrolled in the House, and received the Signature of the Speaker.

House File No. 7, A Bill for an act defining the times of holding Courts in the Third Judicial District.

House File No. 15, "A bill for an act to amend Section 4993, of the Revision of 1860, in relation to Bail bonds."

House File No. 100, A bill for an act providing for the distribution of the Adjutant General's Reports of 1864 and 1865.

House File No. 18, A bill for an act to amend Chapter 45, of the acts of the tenth General Assembly, entitled an act, to amend an act, entitled an act to change the time of holding Courts in the Eighth Judicial District of the State of Iowa, approved February 4, 1862."

House File No. 59, A bill for an act to prevent the importation, running at large, and sale of horses, mules or asses, diseased with nasal gleet, glanders or button farcey.

CHAS. ALDRICH, Chief Clerk.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Robertson: The remonstrance of W. J. Ronald, and eighty-nine others, citizens of Louisa county, against the repeal of the prohibitory Liquor Law, which was referred to the Committee on Liquor Law.

By Senator Henderson: The petition of O. F. Hixson, and one hundred and forty-five others, citizens of Marshall county, upon the same subject, which was referred to the same Committee.

By Senator Hollman: The petition of A. Windmayer, and forty others, citizens of Ft. Madison, asking the repeal of the prohibitory Liquor Law and the enactment of a License Law instead, which was referred to the Committee on Liquor Law.

Also the petition of Edmund Yaeger, and twenty-three others, citizens of Lee county, asking an extension of the jurisdiction of County Courts, which was referred the Committee on Township and County Organizations.

By Senator Patterson: The petition of F. W. Bromaghin, and fifty-eight others, asking the repeal of the law legalizing the man-

ufacture and sale of beer, wine and cider, which was referred to the Committee on Liquor Law.

Also the remonstrance of M. P. Rosecrans, and sixty-two others, citizens of Cerro Gordo county, against the repeal of the prohibitory Liquor Law, which was referred to the Committee on Liquor Law.

Also three petitions signed by Elisha Randall, and one hundred and two others, asking the enactment of such laws as will prevent the McGregor Western, or any other railroad corporation from defrauding the people of the benefits intended by Congress, and also to compel said Company to construct the railroad upon the route designated by act of Congress, which was referred to the special Committee on McGregor Western Railroad Company.

By Senator Powers: The remonstrance of J. H. Hale, and twelve others, against change in the 40th Senatorial District, which was referred to the Committee on Senatorial Districts.

Also the remonstrance of James W. Winship, and seventy-six others, citizens of Butler county, against the passage of a law restraining cattle from running at large, which was referred to the Committee on Agriculture.

By Senator Hart: The remonstrance of Horatio Bryant, and one hundred others, citizens of Buchanan county, against the repeal of the prohibitory Liquor Law, which was referred to the Committee on Liquor Law.

Also the petition of James Jamison, and ninety-three others, citizens of Buchanan county, asking an increase of compensation of County Supervisors, which was referred to the Committee on County and Township Organizations.

By Senator Doud: The petition of C. T. Gardner, and forty-two others, asking the repeal of the law legalizing the manufacture and sale of beer, wine and cider, which was referred to the Committee on Liquor Law.

Also five petitions signed by E. H. Thissell, and two hundred and fifty-five others, citizens of the Des Moines Valley, asking the passage of a law dispensing with locks in all dams and draws in all bridges which have been, or may hereafter be built across or over said Des Moines river. Also asking that Congress be memorialized to pass a similar law, or to repeal the law declaring said stream navigable, which were referred to the Committee on Commerce.

By Senator Hollman: The petition of Jasper O'Neil, and forty-two others upon the same subject, which was referred to the same Committee.

By Senator Paulk: The petition of D. Harper and George L. Miller, asking authority to improve Harper's Slough in the Mississippi river, which was referred to the Committee on Judiciary.

By Senator Young: The petition of John J. Daniels, and five others, citizens of Linn county, asking an increase of Recorder's

fees, which was referred to the Committee on Township and County Organizations.

By Senator Moore: The petition of H. S. Fosbee, and forty-two others, citizens of Davis county, asking the passage of law disfranchising disloyal persons emigrating from Missouri and other States to this State, which was referred to the Committee on Elections.

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 joint resolution in relation to the veto by President Johnson of the Freedman's Bureau Bill.

CHAS. ALDRICH, Chief Clerk.

#### INTRODUCTION OF BILLS.

By Senator Knoll: Senate File No. 137, A bill for an Act to provide for the taxation of the currency of National Banks.

Bill read the first and second times and referred to the Committee on Ways and Means, and on motion of Senator Robertson ordered to be printed.

By Senator Wharton: Senate File No. 138, A bill for an Act to amend Chapter 49 of the Laws of the 9th General Assembly relating to county-seats.

Bill read the first and second times and referred to the Committee on Township and County Organizations.

By Senator Patterson: Senate File No. 139, A bill for an Act fixing the salaries of District Attorneys.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Bulis: Senate File No. 140, A bill for an Act to amend Chapter 98 of the Acts of the Tenth General Assembly entitled "an Act providing for the formation of the Twelfth Judicial District, and fixing the time for holding Courts in the Tenth and Eleventh Judicial Districts, and providing for the election of a District Judge and District Attorney in the Twelfth Judicial District."

Bill read the first and second times and referred to a Special Committee consisting of the Senators from the 10th Judicial District.

By Senator Cutts: Senate File No. 141, A bill for an Act fixing the salaries of the Judges of the District Courts and of the Supreme Court.

Bill read the first and second times and referred to the Committee on Judiciary.

The President announced that the hour had arrived for the special order, being the motion to reconsider the vote by which Senate File No. 86, A bill for an Act to enable aliens to acquire,

control and dispose of property as citizens, was passed, and on motion of Senator Hunt it was postponed for half an hour.

INTRODUCTION OF BILLS CONTINUED.

By Senator Ross: Senate File No. 142, A bill for an Act fixing the salaries of certain State officers and for other purposes.

Bill read the first and second times and referred to the Committee on Ways and Means.

By Senator Powers: Senate File No. 143, A bill for an Act to reinvest County Courts with power to establish roads.

Bill read the first and second times and referred to the Committee on Judiciary.

RESOLUTIONS.

By Senator Stubbs:

*Resolved by the Senate, the House concurring,* That the Senate will meet the House in Joint Convention on Saturday the 24th inst., at 2½ o'clock P. M., for the purpose of electing State Printer, State Binder and Warden of the Penitentiary and to transact such other business as may come before such Joint Convention.

Senator Stiles moved to amend by striking out the words, "Saturday the 24th inst," and inserting the words "Wednesday the 28th inst."

On motion of Senator Woolson, the resolution was laid on the table.

By Senator Meyer: The following which was read the first and second times and referred to the Committee on Federal Relations.

A resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a resolution amendatory to the Constitution of the United States so that no President is eligible to a second term.

WHEREAS, There has been introduced into the Senate of the United States a resolution amendatory to the Constitution of the United States so that no President shall be eligible to a second term of office; therefore, be it

1st. *Resolved by the General Assembly of the State of Iowa,* That our Senators be instructed and our Representatives requested to use their influence to secure the passage of the following resolution:

*Resolved,* That the following articles be proposed to the Legislature of the several States, as an amendment to the Constitution of the United States, which when ratified by three-fourths of the said Legislatures shall be valid as part of the said Constitution. The Executive power shall be vested in the President of the United States of America. He shall hold his office during the term of 4 years and shall not again be eligible to that office during

the term of his natural life. In case of removal of the President from death, resignation or inability to discharge the power and duties of said office, then the same shall devolve on the Vice-President, who shall not again be eligible to the office of President, during the term of his natural life. Whenever Congress may by law provide for the cause of removal, death, resignation or inability, both of President and Vice-President, declaring what officer shall then act as President, such officer shall not again be eligible to the office of President during the term of his natural life.

2d. *Resolved*, That the Secretary of State be requested to send a copy of the above resolutions to our Senators and Representatives in Congress.

By Senator Moore: The following:

Joint Resolution relative to retaining in the military service of the United States, officers of the Veteran Reserve Corps:

*Resolved by the General Assembly of the State of Iowa*, That the President of the United States be, and he is hereby, requested to retain in the military service of the United States, all officers of the Veteran Reserve Corps who have been wounded or disabled while in the line of duty, and who are still physically and otherwise able and qualified to perform efficiently military duty.

The resolution was read the first and second time.

Senator Edwards moved that the 11th Rule be suspended, and the resolution be read a third time now.

The motion did not prevail.

On motion of Senator Patterson, the resolution was referred to the Committee on Federal Relations.

#### REPORTS OF COMMITTEES.

Senator Udell, from the Committee on Ways and Means, submitted the following report:

The Committee of Ways and Means ask leave to report back Senate File No. 127, An act to amend Section 785 of the Revision of 1860, in relation to land erroneously sold for taxes, and recommend its indefinite postponement.

Ordered, that the report pass on file.

Senator Leake, from the Committee on Judiciary, submitted the following report:

*To the Senate of Iowa*:—The Judiciary Committee, to which was referred the several bills hereinafter specified, have had the same under consideration, and have directed me to report thereon as follows:

1. Senate File No. 26, An act to make the District and Supreme Judges commissioners of legal inquiry, and to repeal Sections 2675, 2676, 2677, and 2678 of the Revision of 1860.

The committee recommend that the bill be indefinitely postponed.

2. Senate File 113, A bill for an act to legalize and make valid

the acts of the County Treasurers of Jasper county, Iowa, in collecting the taxes on the tax list of said county for the year 1860.

The committee recommend that the bill do pass.

3. Senate File No. 122, A bill for an act to legalize the acts of the Board of Supervisors of Cass county, in relation to the survey and plat of the town of Lewis, in said county.

The committee recommend that the bill do pass.

4. Senate File No. 136, A bill for an act legalizing the acts of James Foster, Justice of the Peace of Guthrie county, Iowa.

The committee recommend that the bill do pass.

5. House Substitute for House File No. 29, A bill for an act to protect the earnings of married women.

The committee recommend that the word "improvidence," at the end of the fourth line of section 1, be stricken out, and that so amended, the bill do pass.

6. House File No. 75, A bill for an act to amend Section 3362 of the Revision of 1860, in relation to administering oaths to appraisers.

A bill more comprehensive than this one, containing its provisions in substance, has already passed the Senate and House. The committee therefore recommend that the bill be indefinitely postponed.

7. House File No. 90, A bill for an act to amend Section 10, of Chapter 22, of the Acts of the 10th General Assembly.

The committee recommend that the bill be amended by adding another section, as follows :

SEC. 2. This act being deemed of immediate importance, shall take effect by publication in the Iowa State Register and Iowa Homestead, newspapers published in the city of Des Moines.

So amended, the committee recommend that the bill do pass.

8. Petition signed by C. S. Clark and others, representing "that there has been a large amount of real estate in this State sold for taxes, which was owned by men who were absent in the military service of the State, &c., and that the time of redemption had expired," and "praying that the General Assembly would enact such laws as will relieve such parties."

It is the opinion of the committee that no act of the General Assembly can divest rights which have been vested under the provisions of prior laws, and that therefore this General Assembly has no constitutional power to remedy the evils complained of by petitioners.

All of which is respectfully submitted.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

Senator Powers, from the Committee on Judiciary, submitted the following report :

The Judiciary Committee, to whom was referred Senate File No. 129, being a bill for an act to amend Section 5100 of the Revision,

report that they have had the same under consideration and recommend that the bill be indefinitely postponed.

By order of the Committee.

J. B. POWERS, for Committee.

Ordered, that the report pass on file.

Senator Hunt, from the Committee on Judiciary, submitted the following :

The Committee on the Judiciary, to whom was referred Senate File No. 106, having had the same under consideration, respectfully report the following :

Your Committee would recommend an amendment to Section 2 of said bill, as follows: Add to the said section, after the word "qualified," in the last line, "the present incumbent to hold his office until his successor is elected and qualified, unless removed by the Supreme Court."

And with the addition of said amendment to the bill, report the same back to the Senate and recommend its passage.

HUNT, for Committee.

Ordered, that the report pass on file.

Also the following :

The Committee on the Judiciary, to whom was referred Senate File No. 107, having had the same under consideration, respectfully report the following :

Your Committee would recommend an amendment to Section 2 of said bill, as follows: Add to the said Section, after the word "qualified," in the last line, "the present incumbent to hold his office until his successor is elected and qualified, unless removed by the Supreme Court."

And with the addition of said amendment to the bill, report the same back to the Senate and recommend its passage.

HUNT, for Committee.

Ordered, that the report pass on file.

Senator Sampson, from Committee on Judiciary, submitted the following report :

The Judiciary Committee, to whom was referred House File No. 6, A bill for an act defining the duties of the Register of the State Land Office, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

E. S. SAMPSON, for the Committee.

Ordered, that the report pass on file.

Senator Warren, from the Committee on Federal Relations, submitted the following :

The Committee on Federal Relations have had under consideration the House joint resolutions asking for the establishment of sundry mail routes and additional mail facilities, described in the several bills, numbered one (1) to nine (9), and have instructed

me to report them back to the Senate and recommend their passage.

WARREN, Chairman.

Ordered, that the report pass on file.

Senator Stubbs, from the Committee on Federal Relations, submitted the following:

The Committee on Federal Relations, to whom was referred joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to have a portion of the Iowa River declared an unnavigable stream, have had the same under consideration, and have requested me to report the same back to the Senate without amendment, and recommend that it do pass.

D. P. STUBBS, for Committee.

Ordered, that the report pass on file.

Senator Patterson, from the Committee on Township and County Organizations, submitted the following:

Your Committee on Township and County Organizations, to whom was referred Senate File No. 64, have had the same under consideration, and direct me to report the same back and recommend its passage.

J. G. PATTERSON, Chairman.

Ordered, that the report pass on file.

Also the following:

Your Committee on County and Township Organizations, to whom was referred Substitute for House File Nos. 41 and 35, have considered the same, and instruct me to report the same back with the following amendments, to wit:

Add an "S" to the word "year" in the 3d line of the 2d Section, and after the figures 1866, in same line, add "and 1867," and strike out the word "two" in the 4th line of 2d Section, and insert the word "one."

Strike out the 3d Section, and insert Sections 3 and 4, as follows:

SECTION 3. All moneys raised under the provisions of this act, belonging to the relief fund, shall be expended under the provisions of the act to which this is amendatory.

SECTION 4. Sections 2 and 3, and all other parts of the act to which this is amendatory in conflict with the provisions of this act, are hereby repealed.

Make Section No. 4 Section No. 5, and thus amended recommend its passage.

J. G. PATTERSON.

Chairman, Committee on County and Township Organizations.

Ordered that the report pass on file.

Senator Brayton, from the same Committee, submitted the following:

MR. PRESIDENT: The Committee on Township and County Organizations, to whom was referred Senate File No. 40, have had

the same under consideration, and have instructed me to report the same back to the Senate with the accompanying substitute, and recommended the passage of the substitute.

J. M. BRAYTON.

Ordered that the report pass on file.

The President announced that the hour for the special order had arrived, being the motion to reconsider the vote by which Senate File No. 86 was passed, and the same was taken up.

Pending the consideration of which, Senator Hilsinger moved that the further consideration of the motion be postponed until 2 o'clock this afternoon.

The motion prevailed.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate Joint Resolution relating to the Freedmen's Bureau Bill, and the same is correctly enrolled.

W. B. LAKIN, Chairman.  
CHAS. PAULK.

On motion of Senator Meyer, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened at 2 o'clock.

The President *pro tem.* in the chair.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature a Joint Resolution relating to the Freedmen's Bureau Bill, the same having been duly enrolled and signed by the Speaker of the House.

CHAS. ALDRICH, Chief Clerk.

The further consideration of Senate File No. 86 was resumed.

Pending the consideration of which, the President announced that the hour for the special order had arrived, being the resolution in relation to the re-admission of the rebellious States, which was, on motion of Senator Leake, postponed until after a vote is taken upon the question now before the Senate.

On the question to reconsider the vote by which Senate File No. 86 was passed, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Doud, Farwell, Hilsinger, Hillyer, Hollman, Lakin, McMillan, Moore, Paulk, Richards, Robertson, Shippen, Wharton, Woolson, Young—18.

The nays were Senators Bridges, Cattell, Clarkson, Cutts, Hart, Hedges, Hunt, King, Knoll, Larimer, Leake, Marshman, Meyer, Parvin, Patterson, Reed, Ross, Sampson, Smith, Stiles, Stubbs, Udell, Warren—23.

Absent without excuse, Senators Clark, Edwards, Henderson and Powers.

So the motion to reconsider did not prevail.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed a "Memorial and Joint Resolution asking Congress to grant the same aid to the Iowa branch of the Union Pacific Railroad, as has been granted to the Kansas branch of the same road, which is herewith transmitted, and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

Memorial and Joint Resolution asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad as has been granted to the Kansas Branch of the same road.

*To the Senate and House of Representatives of the United States of America, in Congress assembled:*

Your memorialists, the General Assembly of the State of Iowa, would most respectfully represent that the same interests of the General Government, which prompted the enactment of the act to aid in the construction of a railroad and telegraph line from the Missouri river to the Pacific Ocean and to secure to the Government the use of the same for postal, military, and other purposes, approved ——; also exist and apply with all their force to the extension of that line of railroad and telegraph from the Missouri river to the Capital of the State of Iowa; that even a still further reason exists for such extension, in the fact that the large expenditures by the Government in the construction of the main line west from Omaha, must remain to a considerable extent less useful and profitable until a connecting road East from said point is constructed; that the early construction of such road is of great importance, not only to Iowa, but to the Federal Government, and it can only be done by granting to such road the same or similar aid, as that granted to the main line; that every principle of justice, and every consideration of interest, military, civil or pecuniary, which prompted the aid to construct the main line and especially that given to construct the Kansas Branch of the Union Pacific Railroad, exist and apply to the granting of like aid to the Iowa Branch of the Union Pacific Railroad; that a company for the construction of such road has been duly organized under the laws of Iowa and is composed of persons of recognized ability and integrity.

Your memorialists would further report that the State of Iowa, like Kansas, is a frontier State; that during the national struggle just closed, Iowa has cheerfully done her full share in fighting the rebels in arms against the Government, and at the same time has protected her frontier from the incursions of hostile Indians; that while we do not desire to improperly bear testimony to the devo-

tion and patriotism of our own State, we do feel that it is not unjust to Kansas to say that Iowa has done her duty as faithfully as has Kansas, and we need not claim more; that in every particular the claims of Iowa upon the General Government are equal to those of Kansas, and the interests of the Federal Government will be, at least, as greatly promoted by the construction of the Iowa branch of the Union Pacific Railroad, leading from the terminus at Omaha, through Council Bluffs, to Des Moines, the capital of the State, as by the construction of the Kansas branch; and that the Iowa branch has the advantage, in that it is a continuation of the main line.

*Be it therefore resolved by the General Assembly of the State of Iowa,* That Congress be and hereby is memorialized to pass, and our Senators in Congress are hereby instructed and our Representatives requested, to use their best endeavors to procure the passage of a law granting to the Iowa branch of the Union Pacific Railroad Company the same aid, under the same restrictions and limitations, as has been granted to the Kansas Branch of the Union Pacific Railroad.

*Resolved,* That the Secretary of State be and is hereby instructed to forward a duly certified copy of the foregoing memorial and joint resolution to each of our Senators and Representatives in Congress.

The resolution relative to the re-admission of the rebellious States was then taken up, and on motion of Senator Hunt, the Senate went into Committee of the Whole for the consideration thereof, and after some time spent therein, the President resumed the Chair, and Senator Leake reported that the committee, having had under consideration preamble and joint resolutions instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States, and the substitute therefor, and not having had time to complete the same, have directed me to report progress thereon, and ask leave to sit again to-morrow afternoon at two o'clock, which was granted.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have this day presented to the Governor, for his approval, Senate Joint Resolution relating to the Freedmen's Bureau Bill.

W. B. LAKIN,  
CHAS. PAULK.

Senator Ross, by consent, called up House Memorial and Joint Resolution asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad, as has been granted to the Kansas Branch of the same road, and moved its reference to the Committee on Railroads, which motion prevailed.

On motion of Senator Edwards, the Senate adjourned.

SENATE CHAMBER, DES MOINES, }  
February 24, 1866. }

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

The President in the chair.

Prayer by Rev. Mr. Hughes.

The Journal of yesterday was read, corrected and approved.

The following message was received from the House :

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

House File No. 66, A bill for an act providing for the distribution of the Adjutant-General's Report of January 1, 1866.

House File No. 166, A bill for an act to change the times of holding Courts in the Ninth Judicial District.

I also transmit herewith resolutions announcing the death of Hon. D. A. Stockman, a member of the House of Representatives.

CHAS. ALDRICH, Chief Clerk.

*Resolved*, That the House of Representatives has heard with profound sorrow and regret, the announcement of the death of Hon. D. A. Stockman, a member of this House, for the 19th Representative District of the State of Iowa.

*Resolved*, That the House tender to the widow and relatives of the deceased the expression of its deep sympathy in this afflicting bereavement.

*Resolved*, That the Clerk of the House communicate to the widow of the deceased, a copy of these resolutions.

*Resolved*, That as a further mark of respect, that a copy of these resolutions be communicated to the Senate.

Senator Reed, from the Committee on Railroads, obtained leave to submit the following report :

The Committee on Railroads, to whom was referred "Memorial and joint resolution asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad as has been granted to the Kansas Branch of the same road," have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

REED, for the Committee.

Ordered, that the report pass on file.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Marshman : The petition of P. P. Henderson and seventy-five others, citizens of Warren County, asking the passage of an act fixing specifically the fees of Justices of the Peace in civil and criminal cases, and moved its reference to a special committee of three.

The motion prevailed, and the President announced Senators Marshman, Henderson, and Sampson as such committee.

By Senator Warren: The memorial of the City Council of the city of Burlington, asking the passage of a law giving to incorporated cities the exclusive control over the traffic in malt, vinous and spiritous liquors within their respective corporate limits, which was referred to the Committee on Liquor Law.

By Senator Lakin: The memorial of H. S. Brunson, William Brush, and Philo E. Brown, a committee appointed by the Trustees of the Upper Iowa University, asking a more equal distribution of the funds of the Soldiers' Orphans' Home, which was referred to the Committee on Soldiers' Orphans' Home.

By Senator Brayton: The petition of O. E. Taylor and sixty-five others, asking that additional jurisdiction be conferred upon county courts, which was referred to the Committee on Judiciary.

By Senator Doud: Eleven petitions signed by E. J. Stamper and three hundred and fifty-seven others, citizens of the Des Moines Valley, asking the passage of a law dispensing with draws in all bridges and locks in all dams, which have been, or may hereafter be built over or across the Des Moines river, also asking the General Assembly to memorialize Congress to pass a similar law, or to repeal the law declaring said stream navigable, which were referred to the Committee on Commerce.

By Senator Hollman: Two petitions signed by R. F. Bower and thirty-five others, citizens of the Des Moines Valley, upon the same subject which was referred to the same Committee.

Also, the petition of Chas. Hænel and thirty-five others, asking the repeal of the Prohibitory Liquor Law, and the enactment of a License Law instead, which was referred to the Committee on Liquor Law.

By Senator Patterson: The petition of H. P. Cotant and ninety-one others, asking that such action be taken by the Legislature as will prevent the McGregor Western or any other railroad company from defrauding the people of the benefits intended by Congress, and also to compel said company to construct the railroad upon the route designated by act of Congress, which was referred to the special Committee on McGregor Western Railroad.

Senator King from the Committee on railroads obtained leave to submit the following report:

The Committee on Railroads to whom was referred the memorial instructing our Senators in Congress, and requesting our Representatives to use their influence to procure a grant of land to the State to aid in the construction of the Iowa Central Railroad, beg leave to report that they have had the same under consideration, and a majority have directed me to report the same back to the Senate and recommend its passage.

WM. B. KING, for the Committee.

Ordered that the report pass on file.

The President announced Senator Young as a member of the following Committees, viz. :

On Federal Relations, on State University, on Commerce, on Charitable Institutions.

Senator Cattell moved to take up memorial and joint resolution asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad as have been granted to the Kansas Branch of the same road, with report of Committee recommending its passage.

The motion prevailed and the report was adopted.

On motion of Senator Ross the memorial and joint resolution were made a special order for Monday next at 10½ o'clock.

Senator Leake from the Committee on Judiciary, obtained leave to submit the following report :

*To the Senate of Iowa.* The Judiciary Committee to which was referred Senate File No. 141, A bill for an act fixing the salaries of the Judges of the District Courts, and of the Supreme Court, have had the same under consideration, and have directed me to report the same back, with the recommendation that it do pass.

J. B. LEAKE, Chairman.

Ordered that the report pass on file.

#### INTRODUCTION OF BILLS.

By Senator Hollman: Senate File No. 144, A bill for an act authorizing the Board of Supervisors, and the Mayors, and Council of cities and towns, to grant licenses to keep groceries.

Bill read the 1st and 2d times, and referred to the Committee on Liquor Law.

Senator Knoll moved that the bill be printed.

The motion did not prevail.

By Senator Brayton: Senate File No. 145, A bill for an act donating laws, legislative journals, reports and documents of the State of Iowa, to the library of Congress.

Bill read the first and second times, and on motion of Senator Brayton, was placed on file.

By Senator Powers: Senate File No. 146, A bill for an act to amend Section 3875 of the Revision of 1860, relative to change of venue before Justices of the peace.

Bill read the 1st and 2d times, and referred to the Committee on Judiciary.

By Senator Marshman: Senate File No. 147, A bill for an act to grant to the County Courts of the State of Iowa, the power to make partition of the real estate of Intestates.

Bill read the 1st and 2d times, and referred to the Committee on Judiciary.

By Senator Paulk: Senate File No. 148, A bill for an act to

authorize and encourage the improvement of sloughs for the purpose of navigation.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Woolson: Senate File No. 149, A bill for an act authorizing the Auditor to collect certain debts due the school fund.

Bill read the first and second times and referred to the Committee on Military Affairs.

By Senator Young: Senate File No. 150, A bill for an act for the further protection of game.

Bill read the first and second times and referred to the Committee on Commerce.

Also Senate File No. 151, A bill for an act to provide for the further suppression of intemperance.

Bill read the first and second times and referred to the Committee on Liquor Law.

## RESOLUTIONS.

By Senator Powers, the following, which was referred to the Committee on Federal Relations:

Joint Resolution asking additional mail facilities.

*Be it Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed and our Representatives requested to use their influence to secure at the earliest possible moment the following mail route and mail facilities, to-wit: A tri-weekly mail from Grundy Centre, Grundy county, Iowa, via Parkersburg, Butler Centre, West Point and Cold Water, in Butler county, to Marble Rock, in Floyd county, Iowa.

*Resolved,* That the Secretary of State be instructed to forward a copy of the resolution to our Representatives in Congress and to the Postmaster-General.

## REPORTS OF COMMITTEES.

Senator Meyer, from the Committee on Federal Relations, submitted the following:

MR. PRESIDENT:—Your Committee on Federal Relations have had under consideration the resolution amendatory to the Constitution of the United States, so that no President shall be eligible to a second term, and a majority of the Committee have instructed me to report it to the Senate and recommend its passage.

JOHN MEYER, for majority of Committee.

Ordered, that the report pass on file.

Senator Cattell, from the Committee on Claims, submitted the following:

The Committee on Claims, to whom was referred the claim of

Dr. David Beach, have directed me to report the same back and recommend its reference to the Committee on Military Affairs.

Respectfully submitted.

J. W. CATTELL, Chairman.

Ordered, that the report pass on file.

Also the following:

The Committee on Claims, to whom was referred House File 99, An act for the relief of Geo. Higby, of Dubuque, have considered the same and directed me to report the same back and recommend that it do pass.

J. W. CATTELL, Chairman.

Ordered, that the report pass on file.

Senator Paulk asked leave to withdraw the petition of George Carver without prejudice, which was granted.

Senator Cattell, from the Committee on Claims, also submitted the following report:

The Committee on Claims, to whom was referred the claim of George Shedd, have considered the same and instructed me to report the same back and recommend that it be allowed and referred to the Committee on Ways and Means with instructions to provide for its payment in the "expense bill" at the close of the session.

Respectfully submitted.

J. W. CATTELL, Chairman.

Ordered, that the report pass on file.

Senator Hilsinger, from the Committee on Commerce, submitted the following:

The Committee on Commerce, to whom was referred the several petitions in reference to the locks and dams on the Des Moines river, have had the same under consideration, and they have instructed me to report the same back to the Senate and recommend that said petitions be referred to the Committee on Judiciary, inasmuch as the bills on the subject petitioned for have been referred to said Committee.

Dated February 23, 1866.

J. HILSINGER, Chairman.

Ordered, that the report pass on file.

Senator Stubbs, from the Committee on Public Buildings, submitted the following:

The Committee on Public Buildings, to whom was referred the claim of John Bryan, being bill for materials and work for desks, and the finishing of the inside of the capitol building at Des Moines, have had the same under consideration and have instructed me to report the same back with the recommendation that the same be not allowed.

From the statements of the claimant, your Committee find that the work was done and materials furnished in 1857 and 1858, and that at the next session of the General Assembly thereafter said Bryan presented his bill for allowance which was referred to the

proper Committee, and that said Committee caused said work to be measured and its value estimated by competent workmen, and that said Committee allowed on said bill a larger amount than was estimated by said workmen, which the claimant received.

All of which is respectfully submitted.

D. P. STUBBS, Chairman.

On motion of Senator Paulk, the report was adopted.

Senator Cattell, from the Committee on Claims, submitted the following:

The Committee on Claims have considered Senate File 130, and have instructed me to report the same back, and recommend that it be amended by striking out of Sec. 1 the words "fifteen hundred," and inserting "one thousand," and that so amended, the bill do pass.

Respectfully submitted.

J. W. CATTELL, Chairman.

Ordered, that the report pass on file.

Senator Bridges, from the Committee on Internal Improvements, submitted the following:

MR. PRESIDENT:—The Committee on Internal Improvements, to whom was referred Senate File No. 125, have had the same under consideration, and have directed me to report the bill to the Senate without amendment, and recommend its passage.

C. G. BRIDGES, for Committee.

Ordered, that the report pass on file.

Senator Hart, from Special Committee, submitted the following:

Your Committee, to whom was referred Senate File No. 24, would respectfully report that they have had the same under consideration, and report the same back with the following substitute, and recommend the passage of the substitute.

L. W. HART,  
H. C. BULIS,  
B. T. HUNT,  
J. B. POWERS,  
J. F. McJUNKIN.

Ordered, that the report pass on file.

Senator Woolson, by consent, introduced the following resolution, which was adopted:

*Resolved*, That hereafter the Senate will each morning resume the order of business where the same was left off the preceding day, unless otherwise specially ordered.

Senator Doud, by consent, called up Senate File No. 41, a bill for an act to provide for a full settlement of all rights, claims, and liabilities between the State of Iowa and all parties having claims allowed by the Commissioners appointed under the act of March 3, 1860, and under the act approved March 28, 1864, with report of committee recommending the adoption of a substitute, and

moved that it be made a special order for Tuesday morning next, at 11 o'clock. The motion prevailed.

By consent, Senator Paulk called up Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, and moved that it be made a special order for Monday next, at 11 o'clock, A. M. The motion prevailed.

The House resolution relative to the death of Hon. D. A. Stockman, a member of the House of Representatives, from the 19th Representative District, was taken up.

Senator Sampson offered the following resolutions:

*Resolved*, That the Senate having been officially informed, by the message from the House, of the decease of the Hon. D. A. Stockman, a Representative elect from the 19th Representative District, does hereby express its deep regret at the sad dispensation which has prevented the deceased from taking part in the deliberations of this General Assembly, and heartily concurs with the House in giving this expression to its heartfelt sorrow at the decease of another of our brave soldiers, able and intelligent Representative elect, and respected citizen, the Hon. D. A. Stockman.

*Resolved*, That the Senate hereby tenders to the bereaved widow and family of the deceased, its heartfelt sympathy for the irreparable loss they have been called upon to sustain.

Senator Sampson pronounced the following eulogy upon the life of the deceased, after which the resolutions were adopted:

MR. PRESIDENT:—I would, on this occasion, when the name of my honored and respected fellow citizen appears, I presume for the last time upon the records of this General Assembly, say a few words in perpetuation of his memory.

Upon my last interview with the deceased, which was at his home in the town of Richland, he was then very unwell, but his bright intelligent face and glittering eye, bespoke a heart full of hope; he confidently expected to take his place in the Hall of Representatives, and there take part in the exciting and absorbing questions of the day; but the unrelenting hand of death has stricken his name from the joint roll of this General Assembly, and he meets us not here, but has gone a few days in advance, to join that mighty assembly, the pale nations of the dead.

His is but another name added to the long list of those who have sacrificed their lives to save the nation. In the army as a member of Company I, 40th Iowa Infantry, he contracted the disease, chronic bronchitis, which terminated his existence. His death has made another soldier's widow, and added three more to the swelling numbers of Soldiers' Orphans: but I trust that should it ever happen in the future, through the death of those who will now so kindly care for them, that these little fatherless ones shall want for food, raiment or habitation, that the Home for the soldiers' orphans,

founded by the benevolence of our citizens and State, may be always open to receive them.

He was untried in the new official position with which his fellow-citizens had honored him, but we feel confident that he would have made an able and efficient Representative. He was much beloved and highly respected throughout his acquaintance, and in his private life upright and irreproachable; but he has gone from his usefulness here, to that better land we trust, where peace eternally reigns, and may God kindly temper to the widow and fatherless, this their bereavement, and gently wipe away their tears.

Senator Hilsinger offered the following resolution which was adopted:

*Resolved*, That a copy of these resolutions, together with the remarks of the Hon. E. S. Sampson, made to the Senate on the character and death of the deceased, be forwarded by the Secretary to the widow and family of the deceased, and that they be entered upon the Journal of the Senate.

On motion of Senator Sampson, the Senate then, out of respect of the memory of the deceased, adjourned.

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2 O'CLOCK P. M.

Senate convened and was called to order by the President *pro tem*.

On motion of Senator Udell, the Senate resolved itself into Committee of the Whole for the consideration of the preamble and resolutions relative to the re-admission of the rebellious States, and substitute therefor, and after some time spent therein, the President resumed the chair, and Senator Leake reported that the Committee having had under consideration preamble and joint resolutions instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States and substitute therefor, but not having had time to go through the same, have directed me to report progress thereon and ask leave to sit again on Monday next at 2 o'clock P. M., which was granted.

On motion of Senator Stiles, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
February 26, 1866. }

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

Prayer by Rev. Mr. Phillips.

The Journal of Saturday was read and approved.

By consent, Senator Powers called up memorial and joint resolution instructing our Senators, and requesting our Representatives in Congress to use their influence to procure a grant of land in aid of the construction of the Iowa Central Railroad, with report of Committee recommending its adoption.

On motion of Senator Clarkson, the resolution was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Hillier, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Woolson, Young—41.

The nays were Senator Bassett—1.

Absent without excuse, Senators Clark, Paulk and Stiles.

So the bill passed, and on motion of Senator Henderson, the title was amended so as to read, memorial of the General Assembly of the State of Iowa, asking for grant of land to aid in the construction of the Iowa Central Railroad, and so amended was agreed to.

Senator Cutts asked and obtained leave of absence for Senator Hart for the day.

By consent Senator Udell presented the petition of T. M. Fee and thirty-nine others, citizens of Appanoose county, asking the passage of an act fixing specifically the fees of Justices of the Peace in civil and criminal cases, which was referred to the Special Committee on that subject.

By consent, Senator Stubbs presented the petition of Thos. D. Evans and fifty-three others, citizens of Jefferson county, upon the same subject, which was referred to the same Committee.

By consent, Senator Farwell presented the petition of J. C. Dietz and one hundred and twenty-three others, citizens of Jones county, upon the same subject, which was referred to the same Committee.

By consent, Senator Henderson presented three petitions signed by John M. Brainard and forty-seven others, citizens of Story, Boone and Marshall counties, upon the same subject, which were referred to the same Committee.

Senator Bassett obtained leave to introduce Senate File No. 152, A bill for an act apportioning the State of Iowa into Senatorial Districts.

Bill read the first and second times and referred to the Committee on Senatorial Districts.

The President announced that the hour for the special order had arrived, being the consideration of the "Memorial and Joint

Resolutions, asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad as has been granted to the Kansas Branch of the same road."

Senator Farwell offered the following amendment to the first resolution :

*Be it Resolved by the General Assembly of the State of Iowa,* That Congress be and is hereby memorialized to pass, and our Senators in Congress are hereby instructed and our Representatives requested to use their best endeavors to procure the passage of a law granting to the State of Iowa, and subject to the exclusive control of the General Assembly thereof, for the purpose of constructing the Iowa Branch of the Union Pacific Railroad the same aid, under the same restriction and limitation as has been granted to the Kansas Branch of the Union Pacific Railroad.

Upon the adoption of the amendment the yeas and nays were demanded, and

The yeas were, Senators Brayton, Clarkson, Cutts, Doud, Farwell, Larimer Marshman, Parvin, Paulk, Patterson, Robertson, Smith, Wharton, Woolson, Young—15.

The nays were, Senators Bassett, Bridges, Bulis, Cattell, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, McJunkin, McMillen, Meyer, Moore, Powers, Reed, Richards, Ross, Sampson, Stiles, Stubbs, Udell, Warren—28.

Absent but not excused, Senator Clark.

So the amendment was not adopted.

Senator Richards moved that the resolutions be recommitted to the Committee on Railroads, with instructions to insert a clause giving to the General Assembly the power to regulate and control said railroad.

The motion prevailed.

On motion of Senator Hunt, the special order for eleven o'clock, being Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, was taken up, and made a special order for to-morrow morning at 10 $\frac{1}{4}$  o'clock.

On motion of Senator Udell, the Senate then adjourned.

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#### AFTERNOON SESSION.

The Senate convened at 2 o'clock P. M.

On motion of Senator Hilsinger, the Senate then resolved itself into Committee of the Whole on the preamble and joint resolutions relative to the re-admission of the rebellious States, and after some time spent therein, the President resumed the chair, and Senator Hilsinger reported that the Committee having had under consider-

ation preamble and joint resolutions instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States, and substitute therefor, but not having time to go through the same, have directed me to report progress thereon and ask leave to sit again to-morrow at two o'clock P. M., which was granted.

By consent, Senator King presented the petition of Ed. A. Henry and sixty-seven others, citizens of Benton County, asking the passage of a law fixing specifically the fees of Justice of the Peace in civil and criminal cases, which was referred to the special committee on that subject.

By consent, Senator Ross introduced Senate File No. 153, A bill for an act to legalize the acts of Henry Temple, a Notary Public in Cass County, Iowa.

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

Senator Stubbs obtained leave to introduce Senate File No. 154, A bill for an act to amend that portion of Chapter 22 of the Revision of 1860, entitled "An Act creating a County Board of Supervisors, defining their duties, and the duties of certain county officers."

Bill read the first and second times, and referred to the Committee on Township and County Organizations.

Also, Senate File No. 155, A bill for an act to abolish the argument term of the Supreme Court at Davenport.

Bill read the first and second times and referred to the Committee on Judiciary.

By consent, Senator Moore, from the Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to which was referred Senate File No. 149, A bill for an act authorizing the Auditor to collect certain debts due the School Fund, have had the same under consideration and have instructed me to report the same back without amendment and recommend its passage.

MOORE, Chairman.

Ordered, that the report pass on file.

Senator Parvin, by consent, called up substitute for House Files Nos. 41 and 35, with substitute therefor, A bill for an act to amend Chapter 89 of the Acts of the Tenth General Assembly entitled an act for the relief of the families of soldiers and mariners in the service of the United States, with report of committee recommending amendments. The report was adopted.

On motion of Senator Parvin the bill was ordered to be engrossed and read a third time to-morrow.

On motion of Senator Brayton the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
 February 27, 1866. }

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

Prayer by Rev. Mr. Vernon.

The Journal of yesterday was read and approved.

Senator Reed, from the Committee on Railroads, obtained leave to submit the following report :

The Committee on Railroads, to whom was referred the "Memorial and Joint Resolution asking Congress to grant the same aid to the Iowa branch of the Union Pacific Railroad as has been granted to the Kansas branch of the same road," have instructed me to report the same back with the following amendment: At the end of the first resolution add the following words: "Granting also to the State of Iowa the right to regulate by its Legislature the rates of freight and fare upon such branch," and so amended they recommend its passage.

J. R. REED, for the Committee.

Ordered, that the report pass on file.

#### HOUSE MESSAGES ON FILE.

Joint resolution asking for additional mail facilities on mail route 11079; also joint resolution asking for additional mail facilities from Dennison to Sioux City; also joint resolution asking for additional mail facilities from Des Moines to Webster City, were taken up and referred to the Committee on Federal Relations.

House File No. 66, A bill for an act to provide for the distribution of the Adjutant General's Report of January 1st, 1866, was taken up, read the first and second times and referred to the Committee on Military Affairs.

House File No. 166, A bill for an act to fix the times of holding courts in the Ninth Judicial District, was taken up, read the first and second times and referred to a special committee consisting of the Senators from said district.

Senator Farwell obtained leave to introduce Senate File No. 156, A bill for an act to amend Section 3851 of Chapter 158 of the Revision of 1860.

Bill read the first and second times and referred to the Committee on Judiciary.

#### BILLS ON SECOND READING.

Senate File No. 8, A bill for an act to provide for establishing private roads in the State of Iowa, with report of committee recommending its passage, was taken up.

Pending the consideration of which the President announced that the hour for the special order had arrived, being the consideration of Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, with report of committee recommending amendments, and the same was taken up.

The first and second amendments recommended by the committee were adopted.

Senator Henderson moved to amend the third amendment recommended by the committee as follows :

Add at the end of the original Section 9, the words "and one day in addition for every twenty miles between the place of execution and the place of record." *Provided*, That nothing herein contained shall be construed to affect the rights of third parties who purchased without notice before compliance with the provisions of this Section.

Strike out all after the word "to" in the 3d line of amendment proposed by Committee and insert in lieu thereof, the following: "the State for use of the school fund, not less than five nor more than fifty dollars as a penalty for such neglect.

The motion did not prevail.

The third amendment recommended by the Committee was lost.

On motion of Senator Udell, all of the 9th Sec. was stricken out.

Senator Leake moved to amend the 4th amendment recommended by the Committee, by striking out the words "the District Clerk," and inserting the words "the Clerk of the Board of Supervisors in each county."

The motion prevailed, and the amendment as amended was adopted.

On motion of Senator Edwards, the 5th amendment recommended by the Committee was amended by striking out all after the word "act" in the 5th line.

On motion of Senator Woolson, the amendment was further amended, by striking out the words "are authorized to give to the Clerk of the District Court," and by inserting the words "shall pay to their Clerk."

Senator Stubbs moved that the special order for eleven o'clock, being Senate File No. 41, with substitute therefor, be taken up and be made a special order for to-morrow morning at eleven o'clock.

The motion prevailed.

On motion of Senator Paulk, Senate File No. 42, was postponed until to-morrow at 10½ o'clock, A. M., and was made a special order for that hour.

On motion of Senator Parvin, the Senate then adjourned.

## AFTERNOON SESSION.

2 O'CLOCK P. M.

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

Senator Parvin moved that the special order for this hour being preamble and joint resolution relative to the re-admission of the rebellious States be postponed until seven o'clock this evening.

Senator Wharton moved a call of the Senate, which was seconded.

The roll was called, and the following named Senators were found to be absent: Cattell, Clark, Clarkson, Edwards, Henderson, Leake, Marshman, McJunkin, Richards, Shippen, Stiles, Woolson and Young.

The Sergeant-at-Arms was directed to bring in the absentees.

Senator Hillyer asked and obtained leave of absence for Senator Cattell for the day.

Senator Knoll asked leave of absence for Senator Richards for the day. Granted.

Senator Larimer asked leave of absence for Senator Marshman for the day. Leave granted.

Senator Parvin moved to suspend further proceedings under the call.

The motion did not prevail.

Senator Hilsinger moved to reconsider the vote by which the Senate refused to suspend further proceedings under the call. Lost.

On motion of Senator Cutts, leave was granted to Senator Stiles to attend a Committee this afternoon.

On motion of Senator Paulk, further proceedings under the call of the Senate were suspended.

The question recurring upon the motion to postpone the special order until seven o'clock this evening. It prevailed.

Senator Paulk moved to reconsider the vote by which Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue, was made a special order for to-morrow morning at 10½ o'clock.

The motion prevailed.

The question being, "shall the bill be made a special order for to-morrow morning at 10½ o'clock?" it was decided in the negative.

Senator Meyer from the Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have had under consideration substitute for House File No. 41 and 35, with substitute therefor; and they have found the same correctly engrossed.

JOHN MEYER, Ch'n of Com.

By consent, Senator Patterson called up Senate File No. 97, A bill for an act authorizing the loan of the permanent school fund to township districts and independent districts, and moved its reference to a special committee of five.

The motion prevailed, and the bill was so referred.

On motion of Senator Wharton, the further consideration of Senate File No. 42, was resumed.

The question recurring upon the adoption of the 5th amendment as amended, it was lost.

Senator Paulk moved to amend Section 2, by adding the words "and entries upon the headings upon the transfer book proper, shall be in numerical order beginning with Section 1."

The motion prevailed.

On motion of Senator Paulk, the third line of Section 3, was amended by inserting after the word "mark," the words "in pencil."

Senator Ross moved to Section 6, by adding at the end thereof, the words "*Provided*, That said recorder in charging and receiving said fee, shall be subject to such regulations and restrictions as the General Assembly may hereafter impose."

The amendment was not adopted.

Senator Stubbs moved to amend Section 7, by adding at the end thereof, the words "for which the board of supervisors shall allow a proper compensation."

Senator Patterson moved to amend the amendment by striking out the words "a proper compensation," and inserting the words "as proper compensation, fifteen cents per hundred words."

The motion prevailed, and the amendment as amended was adopted.

On motion of Senator Paulk, 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 the Senate that the House has passed a concurrent resolution requiring the Joint Committee on the alleged diversion of certain Swamp Land Indemnity Warrants, to report by the 10th proximo. This resolution is herewith transmitted and the concurrence of the Senate respectfully asked. I also return the Senate "Joint Resolution in relation to lands granted to the State of Iowa to aid in the construction of Railroads," and also a "memorial of the General Assembly of the State of Iowa, asking for grant of land to aid in the construction of the Iowa Central Railroad," the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the House of Representatives, the Senate concurring.* That the Joint Committee appointed to investigate the alleged diversion of the Swamp Land Indemnity fund be and are hereby instructed to report to their respective Houses on or before the 10th day of March next.

Senator Parvin called up substitute for House File No. 41 and 35 with substitute therefor, entitled an act to amend Chapter 89, of the acts of the Tenth General Assembly, entitled "an act for the relief of the families of soldiers and mariners in the service of the United States," and moved that it be read a third time. The motion prevailed and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Clarkson, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, and Wharton—35.

The nays were, none.

Absent without excuse, Senators Clark, Edwards, Henderson, Powers, Udell, Woolson, and Young.

So the bill passed and the title was agreed to.

Senate File No. 8, A bill for an act to provide for establishing private roads in the State of Iowa, with report of Committee recommending the passage of the bill, was taken up, and on motion of Senator Hilsinger, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bridges, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Warren, Wharton, and Young—27.

The nays were Senators Bassett, Brayton, Bulis, Clarkson, Hollman, Knoll, and Stubbs—7.

Absent without excuse, Senators Clark, Cutts, Henderson, Hunt, Paulk, Udell, and Woolson.

So the bill passed and the title was agreed to.

Senate File No. 125, A bill for an act to amend Chapter 91 of the laws passed by the Tenth General Assembly, entitled "An act granting a right of way to open and drain coal mines," with report of Committee recommending the passage of the bill, was taken up.

On motion of Senator Paulk, the bill was read a third time, and the question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton, Young—38.

The nays were none.

Absent without excuse, Senators Clark, Henderson, Udell, and Woolson.

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

The House concurrent resolution relative to the establishment of a National Bureau of Education, with majority report of committee recommending an amendment, and minority report of committee recommending that the resolution be not adopted, was taken up, and the majority report was adopted, and the resolution, as amended, was concurred in.

Senate File No. 112, A bill for an act to amend an act entitled "An act to amend Section 432, Chapter 29, of the Revision of 1860," with report of committee recommending an amendment. was taken up, and the report was adopted, and on motion of Senator Hollman, the bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Clark-son, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Young—37.

The nays were none.

Absent without excuse, Senators Clark, Hunt, King and Woolson.

So the bill passed.

On motion of Senator Young, the title was amended by adding the words, "being an act fixing the salaries of Clerks of the District Courts in Counties having two county seats," and as amended, was agreed to.

Senate File No. 83, A bill for an act to provide for increasing the State Library, and to levy and collect taxes for that purpose, with majority report of Committee recommending that the bill be indefinitely postponed, and minority report of Committee recommending amendments was taken up.

Senator Farwell moved that the Senate do now adjourn.

The motion did not prevail.

Senator Brayton moved that the minority report be adopted, which was not agreed to.

On motion of Senator Cutts, the majority report was adopted, and the bill was indefinitely postponed.

By consent, Senator Brayton introduced Senate File No. 157, A bill for an act appropriating money for the State Library.

Bill read the 1st and 2d times, and referred to the Committee on Ways and Means.

On motion of Senator Farwell, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, )  
February 28, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Nash.

The journal of yesterday was read and approved.

Senator Hilsinger called up preamble and joint resolution relative to the re-admission of the rebellious States, and moved that it be made a special order for to-morrow at two o'clock P. M.

Senator Powers moved to amend by striking out "to-morrow" and inserting "Saturday."

The motion did not prevail.

The question recurring upon the original motion, it was agreed to.

Senator Sampson obtained leave to introduce the following "Memorial to Congress for a grant of land to aid in the construction of the St. Louis and Cedar Rapids Railway," which was read the first and second times, and referred to the Committee on Railroads.

*Memorial to Congress for a grant of land to aid in the construction of the St. Louis & Cedar Rapids Railway.*

Your memorialists, the General Assembly of the State of Iowa, would most respectfully represent, that the several Railroads running east and west through our State have had large and munificent grants of land to aid in their construction, in order to secure to the people of the State an outlet for their produce to the eastern markets. And your memorialists would further represent that a north and south road through the State, connecting Saint Paul on the north, with Saint Louis on the south, and thereby giving the people a choice of markets, would be equally beneficial to the State.

And as a Company was organized Sept. 27th, 1865, with this view, under the name and title of the St. Louis and Cedar Rapids Railway Company, for the purpose of building a Railroad from the terminus of the North Missouri Railroad, on the south line of our State, to the city of Cedar Rapids, there connecting with the Railroad now in process of construction up the Cedar Valley, to connect with the Railroad from the State line to St. Paul, and also connecting at Cedar Rapids with the Dubuque & South-Western Railroad; and, as the North Missouri Railway Company is anxious to co-operate with the St. Louis & Cedar Rapids Company, to secure the above mentioned connections, and as the people along the line of the said route have subscribed liberally of their money for the purpose of constructing said road, therefore,

*Resolved,* That our Senators in Congress be instructed and our Representatives requested, to use their influence to procure a lib-

eral grant of land from the Government in such manner and under such restrictions as they may deem proper to secure the objects specified in the foregoing memorial.

*Resolved*, That the Secretary of State be directed to forward a copy of this memorial and resolutions to each of our Senators and Representatives in Congress.

Senator Reed obtained leave to present the petition of J. Perkins and seventy-seven others, asking the repeal of the law legalizing the manufacture and sale of beer, wine and cider, which was referred to the Committee on Liquor Law.

Senator Hollman obtained leave to present the petition of John Van Valkenburg and sixty-four others, citizens of Lee county, asking the passage of an act fixing specifically the fees of Justices of the Peace in civil and criminal cases, which was referred to the special committee on that subject.

Senator Edwards obtained leave to present the petition of T. A. Stewart and eighty others, citizens of Lucas county, upon the same subject, which was referred to the same committee.

Senator Sampson obtained leave to present the petition of T. C. S. Cooper and twelve others, citizens of Keokuk county, upon the same subject, which was referred to the same committee.

Senator McMillan obtained leave to present the petition of O. B. Ayres, and thirty others, citizens of Marion county, upon the same subject, which was referred to the same committee.

Senator Reed obtained leave to present the petition of S. J. Garoutte, and nineteen others, citizens of Dallas county, upon the same subject, which was referred to the same committee.

Senator Stubbs obtained leave to present the petition of A. Arline, and twelve others, citizens of Jefferson county, asking an increase of fees of county Surveyors, which was referred to the Committee on Township and County Organizations.

Senator Powers obtained leave to present the petition of Wm. H. McClure, and one hundred and fifty others, citizens of Black Hawk county, asking the passage of a law compelling the owners of dams on the Cedar river to construct in said dams an opening which will permit the passage of fish through or over them, which was referred to the Committee on Commerce.

Senator Knoll, by consent, introduced Senate File No. 158, A bill for an act to repeal an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs.

Bill read the first and second times and referred to the Committee on Banks.

Also Senate File No. 159: A bill for an act to repeal an act entitled an act authorizing general banking in the State of Iowa, passed March 22d, 1858.

Bill read the first and second times and referred to the Committee on Banks.

BILLS ON SECOND READING.

Senate File No. 49, A bill for an act to amend Section 2704 of the Revision of 1860, with report of committee recommending that the bill be indefinitely postponed, was taken up.

The question being upon the adoption of the report, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, and Young—42.

The nays were Senators Hart, Lakin, Woolson—3.

So the report was adopted, and the bill was indefinitely postponed.

Senator Stiles from Special Committee to visit the penitentiary, obtained leave to submit the following report, which was ordered to lie on the table, and be printed.

The undersigned Committee, to whom was assigned the duty of visiting and inspecting the Penitentiary, beg leave to submit the following report:

Your Committee investigated the manner in which the appropriations made by the Tenth General Assembly have been expended and applied, and also the expediency of the improvements suggested in the Warden's report. The Tenth General Assembly made the following appropriations:

For hospital buildings.....	\$8,100 00
For completing yard wall.....	6,796 00
For building Warden's house.....	5,000 00
For furnishing cells.....	2,002 00
For safe.....	250 00

The hospital building is a substantial two story brick edifice, containing kitchen and dining room below, and Hospital and Chapel above. Except sealing the Chapel, the building is completed. The money appropriated will complete the work.

The appropriation for completing the yard wall has been expended for that purpose, and the entire wall is completed, with the exception of about 26 perch of cut stone coping.

The amount appropriated for the Warden's house has been applied to the erection of a handsome and convenient brick dwelling containing fourteen rooms. The building is substantial and in good taste.

The amount appropriated for completing the third tier of cells, will be sufficient to finish the work, making in the aggregate 162 cells.

The amount received by the Warden from the State for the con-

struction of a safe, was applied to the Warden's house fund, and in connection with that building a Clerk's office and substantial vault were built. In the vault is kept the safe containing the books and papers of the prison.

Your committee unite in the opinion that all the appropriations made by the 10th General Assembly for purposes connected with the State Prison have been faithfully applied to their several objects with due regard to the best interests of the State.

Your committee have investigated the expediency of the several improvements for which appropriations are asked in the Warden's Report. And while we agree with the Warden in the propriety of the improvements suggested, yet, in view of the present high rates of taxation and public expense, we are of the opinion that some of the appropriations may be postponed until the next General Assembly without serious detriment to the State.

We recommend the following appropriations:

For apparatus for heating and lighting cell building,	\$3,100 00
For finishing pointing walls.....	1,000 00
For slate roof on cell building.....	4,000 00
For furnishing Warden's house.....	1,000 00
For extending sewer.....	8,000 00
For protection against fire.....	10,000 00

The cell building is badly warmed and lighted. On this point we fully concur with the committee appointed by the 10th General Assembly, expressed in their report as follows:

"The building is poorly lighted, and *not warmed at all*, the apparatus used for heating being common stoves, which are set at such a distance from the chimneys as to require about one hundred feet of pipe, fixed with an occasional drum, so as to keep up a great deal more smoke than heat." If vengeful punishment is the only object sought, the cell-room should remain as it is, cold and dark. But if any reformation in the character of those imprisoned is desired, a change should be made. Your committee therefore recommend that an appropriation be made for properly lighting and warming the cell-room.

The old wall needs pointing with mortar, to place it in a good state of preservation. We therefore recommend an appropriation for that purpose.

The cell-building is covered with an old shingle-roof, worthless, and liable to take fire at any time. In view of the fact that no insurance can be obtained on prison property, we recommend that a slate roof be substituted.

From the fact that the Warden is elected for only two years, he cannot, at the salary he receives, afford to furnish the Warden's house. An appropriation of one thousand dollars is therefore recommended.

There is a tract of unbroken land between the prison and the Mississippi river, containing about twelve acres. On this ground

are three dwelling houses and a distillery. The creek into which the prison sewer empties runs across this land, and the owners have offered to sell the property to the State for twelve thousand dollars. Unless the State buys the land, it will be necessary to inclose the sewer to the river, a distance of 950 feet, at an estimated cost of eight thousand dollars. The purchase of this property will also greatly reduce the cost of providing the penitentiary with proper protection against fire; and this for the reason that a reservoir can easily be constructed on a hill situated immediately in rear, and above the prison, into which water can be forced by an engine erected on this property. The engine is in good order, and is well adapted to the use suggested. The water can be easily conducted by pipes, from the river to all parts of the prison, and thus afford easy means of extinguishing fires, without the necessity of turning out the convicts, and thereby offering them chances of escape.

Your committee are of the opinion, therefore, that it would be to the interest of the State to buy the land, and also appropriate three thousand dollars to complete the arrangements; for in this way the State can possess the land and accomplish the same ends at a less expense than would be required to extend the sewer and protect the prison from fires in any other manner.

In conclusion, your committee beg leave to report that they found the management, discipline, and sanitary condition of the prison most excellent, there having been no escapes, and but one death, in five years.

All of which is respectfully submitted.

(Signed)

EDWARD H. STILES, }  
 J. H. BROWN, } Committee.  
 M. M. WALDEN, }

The President announced that the hour for the special order had arrived, being the consideration of Substitute for Senate File No. 41, A bill for an act supplemental to chapter 108 of the laws of the tenth General Assembly, and the same was taken up.

Senator Bassett moved to amend Sec. 1, as follows: Strike out all after the word "follows" in the 4th line, to the word "sale," inclusive and insert.

1st. "The expenses of such classification, appraisment, advertisement and sale."

2d. "Sums due the State for moneys advanced, or due other parties as mentioned in Section nine, of the act to which this act is supplemental."

Pending the consideration of which Senator Ross moved that the further consideration of the bill be postponed until to-morrow morning at ten and a half o'clock, and be made a special order for that hour.

The motion prevailed.

On motion of Senator King, Senators Cutts and Young were added to the Committee on Railroads.

Senato Meyer, from the Committee on engrossed bills, submitted the following report :

MR. PRESIDENT: The Committee on Engrossed bills have had under consideration Senate File No. 42, and they have the honor to report the same back correctly engrossed.

JOHN MEYER, Chairman of the Committee.

Senator Patterson moved that Senate File No. 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of Revenue, be read a third time now.

The motion prevailed and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Paulk, Patterson, Powers, Reed, Ross, Sampson, Shippen, Stiles, Udell, Warren—34.

The nays were Senators Clarkson, Cutts, Hart, McJunkin, Parvin, Richards, Robertson, Smith, Stubbs, Wharton, Woolson—11.

Absent without excuse, Senator Young.

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

Senator Henderson from the Special Committee to visit the Blind Asylum, obtained leave to submit the following report, which was, on motion of Senator Woolson laid on the table, and ordered to be printed.

*To the General Assembly of the State of Iowa :*

Your Committee appointed in pursuance of the Joint Resolution of the General Assembly to visit the Iowa Institution for the Education of the Blind, located at Vinton, in Benton county, have performed that duty, and beg leave to submit the following report :

BUILDINGS AND GROUNDS.

We found the principal building commodious and well adapted to the purpose for which it was erected. It was in as good order as we could have expected to find it, considering the state of the weather, and the facilities afforded for furnishing and heating the house. The workshop which has been erected recently, is not quite finished, but is being used as a broom factory. It is rather small, and will doubtless have to be enlarged at no distant day. The grounds surrounding the building and belonging to the Institution, consist of forty acres. They are tastefully laid out, well fenced in convenient lots, and in good order. About nineteen acres are in cultivation, more than half of which were devoted to

the production of broom-corn, to be used in the workshop connected with the Institution.

#### THE MANAGEMENT.

We found the officers and teachers courteous and attentive, tender and considerate of the welfare of the unfortunate persons under their supervision, and exhibiting evidences of skill and deep interest in the performance of their duties. The inmates, fifty-eight in number, were cheerful and contented, and seemed to be making fair progress in their studies.

Your Committee cannot refrain from expressing their gratification that this noble charity has been so well administered, and that the management seems to be lodged in such competent hands.

#### INDUSTRIAL PURSUITS.

The mechanical department, consisting simply of a broom factory, is under the direction of John Cisna, himself blind, and we saw specimens of brooms made by the inmates exhibiting superior skill. One John Thompson, aged thirty-nine years, and who has been blind for three years, came to the Institution last September, and has already learned to make a pretty good broom, besides making some progress in intellectual studies, thus showing the advantages of the institution to persons considerably advanced in years. From being a burden to his county, in one year he will be provided with the means of making a comfortable support. This opportunity seems to be a light to him in his darkness, and an oasis in his desert life. Instead of being a barren waste, these people by being taught thus to "see with their fingers," will find their life not altogether destitute of blessings and usefulness.

In the female department we observed a large number of specimens of bead work, both ornamental and useful. Some of these specimens were, indeed, very fine, and would do credit to skillful fingers, aided by practiced vision.

#### MUSIC.

Nearly all the inmates are passionately fond of music, both vocal and instrumental, and many of them have made considerable proficiency in this elegant science. As this branch of the institution is their only source of amusement, and may become the means of obtaining a livelihood to many of them, and inasmuch as music exercises so elevating and refining an influence upon the mind and heart, special attention should be given to it, and liberal provision made for furnishing teachers and instruments.

## LIBRARY.

It is the custom of the teachers to assemble the inmates, and read to them from standard authors on history, biography, &c., and also the news of the day. This is wise and largely beneficial, and should be encouraged by supplying the necessary books and papers. Our attention was particularly directed to the scanty library, and the fact that the few books in it are much worn, and out of date. Liberal provisions should be made for supplying new and standard works.

## THE TABLE

Was well supplied with substantial provisions, but we are assured by the Superintendent that the allowance for the table expenses had been found too small, and it required extraordinary economy to make it meet the wants of the institution. It is thought necessary, and your Committee would recommend, that the allowance to each inmate be forty dollars per quarter, being ten dollars more than the present rate.

## CLOTHING.

We observe a necessity for making some allowance for furnishing suitable clothing for some of the inmates. The unfortunate persons, for whose benefit the institution is established, often belong to poor families whose scanty means afford a very small margin for supplying the necessary clothing from home. We regard it as the duty of the State in such cases to supply this need.

## INSURANCE.

The buildings should be kept insured, but we are informed that no provision by law has been made for this purpose, and the Trustees deem such authority and an appropriation to meet the expense thereof necessary.

## THE WANTS OF THE INSTITUTION.

We regret to have found the building inadequately furnished and heated. Chairs, carpets, and bedsteads are greatly needed. The bedding is not only insufficient in quantity, but of inferior quality, and much worn. The musical instruments are battered and worn, and many of them, especially the pianos, ought as soon as practicable to be replaced with new ones; and a number of instruments for the band should be supplied.

Your Committee deem good furnaces for heating the buildings

absolutely indispensable to the comfort of the inmates, and the safety of the property. So large a building cannot be comfortably warmed with stoves. A sufficient number of stoves would consume enormous quantities of fuel, and require the employment of firemen who can see. Owing to the fact that the inmates cannot see the coals that occasionally fall from the stoves, the floors are scorched, and in some instances holes are burned quite through them; and the girls' dresses, coming in contact with hot stoves, are constantly endangering the lives of the inmates and the security of the property. The halls are large and in midwinter very cold, and the dormitories entirely destitute of heating facilities. It is unsafe to permit stoves in the sleeping apartments. We cannot contemplate without horror the disaster that would result from the burning of such a building filled with sleeping inmates, unblessed with the sense of sight. On the other hand it makes one shudder to think of three score persons, whose condition makes them tardy retiring to or rising from their icy beds in midwinter in the third story of a high, isolated stone building.

If good furnaces were supplied, the heat rising from the registers in the halls would impart sufficient warmth to the dormitories and rooms not otherwise supplied, and add greatly to the comfort and health of all the inmates. The halls were nearly as cold as the open air, and when your Committee visited the Institution, water would turn to ice instantly on coming in contact with the floor of the halls, and rooms not supplied with stoves, making it impracticable to wash and keep them in proper order. On opening the doors of the rooms heated by stoves, the cold rushes in almost as much as if the communication was with the open air. Economy, safety and comfort alike demand the speedy erection of furnaces.

It is manifest that at least a team of horses for use of officers and inmates, and to aid in cultivating the farm, and a number of milch cows are indispensable. Milk is an indispensable article, and furnished in liberal quantities, adds very much to the comforts of the table, and the economy of the culinary department. The mere mention of these subjects is sufficient to indicate the necessity for a good barn to shelter the stock and store their provinder.

A woodshed is also much needed. Additional machinery is much needed in the workshop, and provision for enlarging the shop should be made, to meet the growing demands of the Institution. The library should be at once replenished, and necessary musical instruments furnished.

#### CONCLUSION.

The Committee deem it a duty they owe to the State, and the unfortunate class of persons for whose benefit this exalted charity is dispensed, to recommend that liberal appropriations be made

for the support of the Institution, and for procuring the furniture and improvements to which we have alluded in this report, that the Institution may be an honor to the State and a blessing to those who, being deprived of the light of Heaven, may, through the means thus furnished by the fostering care of the State, have their minds released from the prevailing darkness, and their fingers taught the curious handicraft that will make them useful members of society, and afford them the means of procuring for themselves a comfortable support.

Such a charity should not be dispensed with a parsimonious hand.

All of which is respectfully submitted.

D. G. GOODRICH,

C. CLOSE,

On the part of the House.

H. C. HENDERSON,

On the part of the Senate.

Senator Leake moved to adjourn until ten o'clock to-morrow morning.

Senator Woolson moved that the Senate do now adjourn.

The motion did not prevail.

The question recurring upon the motion of Senator Leake, the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Clark, Clarkson, Doud, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Lakin, Leake, McJunkin, Meyer, Moore, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Stiles, Stubbs, Udell, and Warren—23.

The nays were Senators Brayton, Bulis, Cutts, Farwell, Hart, King, Knoll, Larimer, Marshman, McMillan, Parvin, Ross, Shippen, Smith, Wharton, and Woolson—16.

Absent without excuse, Senator Young.

So the motion prevailed, and the Senate adjourned.

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SENATE CHAMBER, DES MOINES, ( )  
March 1, 1866. )

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

The President in the chair.

Prayer by the Rev. Mr. McCague.

The Journal of yesterday was read and approved.

Senator Hart, from the special committee appointed to visit the Soldiers' Orphans' Home, obtained leave to submit the following report, which was, on motion of Senator Parvin, laid on the table and one thousand copies ordered printed :

*To the General Assembly of the State of Iowa :*

Your Joint Committee appointed to visit the "Iowa Soldiers' Orphans' Home," beg leave to report the following :

That on the 13th and 14th of February, 1866, they visited the Home, or a branch of the same, situated at Cedar Falls, in Black Hawk county, on the Dubuque & Sioux City Railroad, one hundred miles west of Dubuque.

This branch of the Institution was commenced on the 28th of September, 1865, with five soldiers' orphan children, and has continued to increase and prosper to this time; and now has under its care one hundred and two such orphans, from the following named counties :

Benton, 13; Black Hawk, 20; Butler, 9; Clayton, 19; Cerro Gordo, 2; Delaware, 8; Dubuque, 4; Floyd, 3; Franklin, 9; Fayette, 4; Hardin, 3; Jackson, 4; Marshall, 3; Mahaska, 2; Pottawattamie, 1; county not known, 5. Total, 109.

This branch is under the management of Arthur Morrison, as superintendent, and Mrs. E. G. Platt, as matron. Besides these, there are one male and nine female employees. Of these, the pay is now: Superintendent, per month, \$83 $\frac{1}{2}$ —\$1,000 per year; matron, per month, \$50; steward, per month, \$20; first teacher, per month, \$20; music teacher, per month, \$20; seamstress, per month, \$14; two employees, each \$12 per month, \$24; four employees, each \$10 per month, \$40. Whole amount for employees, \$271 $\frac{1}{2}$  per month, or the gross amount of \$3,256 per year. The gross expenditures of this branch for the month of January, 1866, were \$872.33, on an average of about ninety orphans, which is at the rate of a little over \$100 per head per year.

The building occupied by this Home was originally built and used as a hotel; the front part is built of brick, 30  $\times$  62 feet, three stories, with two projections from the rear, 28  $\times$  40 feet, two stories, and built of wood. This building is upon Main street in the city of Cedar Falls, upon a plat of ground 8  $\times$  16 rods extending in the rear of the building. There is upon this plat of ground another brick building 32  $\times$  40 feet, two stories high, not now occupied by the Home, but will be. These premises are all now rented by the Home corporation for the term of three years for \$1,100, seven hundred of which may be expended on the premises in repairs and improvements, and about two years' rent is already paid in this manner. This building is not the most conveniently arranged for this purpose, nevertheless it serves a good purpose. Many of the rooms are furnished in a good, plain, comfortable manner by the Ladies' Aid Societies of Black Hawk and surrounding counties. Others are furnished equally well by the Institution, much of the furniture, particularly the beds and bedding, being that once belonging to the Government, and donated, in part, to the Home for this purpose. This branch can accommodate, when the building

and rooms are all prepared and furnished, about 150 children. It is the rule of this Home to receive orphans from two to sixteen years of age, though this rule is frequently varied in those cases where the child has lost both parents. The children at this Home will compare favorably with an equal number of children gathered promiscuously anywhere. They are all plainly but comfortably clad, and in appearance are bright and cheerful, and happy. We found none sick, and there have been no deaths at this Home. We believe this institution is well conducted, and very successful. We find among the citizens of Cedar Falls a very friendly and sympathetic feeling toward this branch of the Home, and an earnest desire that it may be continued and supported at that place. Constant applications are coming in for places, and from the best information we can gather, the institution will be filled to its utmost capacity in six months to come. There is an excellent school connected with this institution, conducted by a teacher with whom one of your committee has been personally acquainted for the last five years, and knows her to be superior in this capacity. All children that are old enough are required to attend school, and on the Sabbath, the Sabbath School and Church. They are allowed to attend the church where the parent or guardian prefers.

Your committee further report that on the 20th and 21st of February, they visited the Home at Davenport, in Scott county.

This Home embraces what was formerly Camp Kinsman, with all its buildings, and thirty-three and one-half acres of ground. The buildings are situated in the form of a hollow square. What was the officers head-quarters, upon the east side of the square, is occupied and used by the Superintendent, and some other officers of the Institution, and for store rooms. At the right and left of this, across the north and south sides of the square, are eighteen buildings now called cottages, and occupied by the children. Since the camp has been occupied as a Home, the cottage buildings have been partitioned, and lathed and plastered, and are now very comfortable. Each of thirteen of these cottages is occupied with about 28 children, and a cottage manager. They are nearly uniform in their arrangement inside, having a sitting room with fire; a bed room for manager; a clothes press for their garments, and one large sleeping room; some are occupied by boys, others by girls exclusively. These buildings are all built of good pine lumber, with first quality pine shingle roof on each. On the west side of the square are situated 24 well built and capacious buildings, formerly used as stables, not now in use at all, but may be renovated and fitted up as cottages, should occasion ever require. In the south-west of the square is the spacious room, formerly a drill room, fifty by one hundred feet, now fitted up, finished and furnished as a dining hall, supplied with seventy-five tables and other suitable furniture, where all the children and managers together take their meals; and following in the rear and outside of this hall

is an extensive kitchen and kitchen arrangements, and a complete bakery; and further on a laundry, a drying room, and an ironing room, all connected and well arranged. In the south-east of this village of cottages and other buildings, at a distance of from twenty to thirty rods are four good and well fitted school rooms, in one building, with schools in operation under competent and experienced teachers.

There are now at this Home 331 soldiers' orphans. Of these, 38 are over 13 years of age; and 63 between 10 and 13 years; the remainder under 10 years.

These children are from various counties, as follows: Appanoose, 16; Boone, 4; Clinton, 13; Muscatine, 22; Clarke, 3; Carroll, 3; Dallas, 3; Des Moines, 3; Decatur, 8; Davis, 18; Fayette, 3; Clayton, 1; Greene, 2; Henry, 11; Jones, 15; Johnson, 11; Jasper, 20; Jackson, 6; Jefferson, 12; Keokuk, 6; Lee, 7; Linn, 17; Louisa, 1; Mahaska, 11; Madison, 2; Marion, 11; Monroe, 4; Polk, 30; Pottawattamie, 1; Poweshiek, 6; Scott, 6; Story, 4; Union, 4; Van Buren, 5; Wapello, 9; Warren, 2; Washington, 4; Wayne, 11. From fifteen to twenty have been received since this report was made by counties, and the number is constantly increasing.

This institution is now under the management of Rufus Hubbard, as Superintendent, and Mrs. L. B. Ely, as Matron, and forty other employees, with pay as follows: Superintendent, per month, \$100; Matron, per month, \$50; one teacher, per month, \$25; three teachers, \$20 per month each, \$60; fourteen cottage-managers, \$20 per month each, \$280; one seamstress, per month, \$25; two seamstresses, \$12 per month each, \$24; one in linen room, per month, \$15; six in laundry, \$12 per month each, \$72; one baker, per month, \$50; one chief cook, per month, \$50; two cooks, \$12 per month each, \$24; two dish-washers, \$12 per month each, \$24; one in dining-room, per month, \$12; one commissary, per month, \$20; one water man, &c., per month, \$20; one fireman, &c., per month, \$30; one in kitchen, per month, \$12; one night-watch, per month, \$20; five extra help, \$12 per month each, \$60. Whole expense for help, \$973 per month; whole expense for help, \$11,676 per year, at present rates.

Your committee found many of the inmates of this institution suffering from measles, of which there were reported 130 cases; that the item of extra help is on this account. This disease has passed entirely through the institution, and nearly all are now convalescent. At the time your committee were visiting, four cases only had proved fatal; these children are said to have been weakly and sickly when they came to the Home. This is a much smaller percentage of deaths than occurs from this disease outside of the institution, as reported by the physician. Aside from measles we report no cases of sickness. The best of care and the kindest attentions are bestowed by all concerned, on these suffering children.

The citizens of Davenport deserve commendation for their kindness in volunteering to nurse the sick. This Home property is now estimated at \$85,353; of this amount \$1,211 was paid for the land; \$16,542 for improvements; the balance was donated by the Government, by joint resolution of Congress; of this we are assured by correspondence of Hon. Hiram Price; the land was deeded in fee to the Association by private individuals, and properly evidenced by title deeds and records.

The removal of this Home from Farmington late in the fall and early part of winter, and fitting up of this place was attended with extraordinary expenses, which will not again occur.

The capacity of this institution may be extended to about one thousand children by fitting up all the buildings now on the premises. Applications are quite frequent for places for orphans at this institution, and it is estimated by your committee that in the course of this year the number at this institution will reach at least 450 or 500 orphans, and here, as at Cedar Falls, it is estimate that \$100 per head per annum, is as small an amount as will feed, clothe, and educate each child. On this estimate they will have at both these institutions, within the next year 600 orphan children, at an estimated expense of \$60,000 or \$65,000.

The available means as reported, of the corporation is about \$37,400 in Government bonds, and about \$40,000 on subscriptions, this they hope to collect, and in cash \$2,223. Additional subscriptions and donations are now very difficult to obtain, and as a private enterprise, this institution cannot be maintained much, if any, to exceed another year; the question then arises, shall the institution be suffered to go down?

Your committee beg leave to say, that as a general rule, they have found the institution well and systematically managed; that these orphans are cheerful, happy, and contented, and on this point your committee made especial inquiry and investigation; that all those who are old enough and able, are required to assist in the work of the institution; that they are all required to attend day schools, Sabbath schools, and religious services; \* that in the opinion of your committee, the great majority of these children are better cared for, and are under better influences than ever before, or than they would be again were they turned out upon the world; that as they are the children of those who saved us and our country, it is our privilege and duty, and ought to be our pleasure, to save them from sin, from ignorance, and from vice, and make them the brightest ornaments of society, and to this end we believe the State should lend a helping hand, that this noble institution should not now be suffered to fall into decay, but that the whole property of the State should be taxed in some judicious manner for its support.

\* The four school rooms at this Home are so arranged that on the Sabbath they can be opened into one room, where religious services are held.

Your committee would further report that they find the "Soldiers' Orphans' Home," under the control of a private corporation, styled the "Iowa Soldiers' Orphans' Home," of which the following are the officers :

President—Hon. C. C. Cole.

Vice Presidents—Hon. R. P. Lowe, Hon. J. A. Parvin, Hon. William Vandever, Mrs. J. Meyer, Hon. J. W. Cattell, Hon. P. Melendy.

Corresponding Secretary and Gen'l Agent—Rev. P. P. Ingalls.  
Recording Secretary—Mary Kibben.

Treasurer—B. F. Allen.

Board of Trustees, 1st District—Mrs. C. B. Darwin, Mrs. Annie Whittenmyer.

2d Dist.—Hon. Hiram Price, Mrs. L. B. Stevens.

3d Dist.—Hon. J. A. Elliott, Hon. Z. D. Scoby.

4th Dist.—Hon. J. R. Needham, Mrs. N. H. Brainard.

5th Dist.—Hon. James Wright, Hon. T. H. Benton.

6th Dist.—Hon. G. M. Woodbury, Hon. Isaac Pendleton.

With this report, we submit a copy of the Articles of Incorporation, and its by-laws, for the information of the General Assembly on the subjects contained in the same.

At the last meeting of this association, a committee was appointed, consisting of the Judges of the Supreme Court, and Judge Woodward, to confer with this General Assembly on the subject of State appropriations for the benefit of the Home, and we are assured by said committee that the association will accede, on their part, to all reasonable requirements of the Legislature, in regard to the management of the funds, or the conduct of the association, should they see proper to make an appropriation; that they will be willing to concede to the State the choice of a majority of managing officers of the association. And your committee are assured that no benefits accruing from any legislation on the part of the State, is sought for, or expected, on the part of the association, unless they shall comply with all the requirements and conditions that may be imposed. Your committee would suggest that, should an appropriation be made, it be accompanied with a proviso that the same be not used until such association shall accept, formally and officially, of the conditions imposed; and in this manner we may be assured of the proper application of the funds. The officers of the association report to your committee that about \$132,000 has been subscribed for the purposes of this institution, and that there has been paid on such subscription the sum of eighty thousand dollars. The moneys for this association have been received by the General Agent, P. P. Ingalls, B. F. Allen, Treasurer, and by local Co. Treasurers in those counties where such societies have been organized.

The Treasurer is now absent from the State, and your Committee are unable to ascertain and report the exact condition of the

finances. Some moneys are yet in hands of County Treasurers, and we are not able to ascertain this amount. All of these officers are reported to have given approved security, as provided by the association. The General Agent gives bonds in the amount of \$5,000; the Treasurer in the sum of \$50,000; local agents, such bond as is required by local associations. These bonds are all conditioned for the faithful application of the fund collected for the purposes of the Orphans' Home. The Treasurer receipts for all moneys received by him, and pays out the same on the order of the President, countersigned by the Secretary. To the Superintendent of the Home money is paid, on presentation of estimates approved by a visiting committee; vouchers for all moneys expended are taken and filed in the office of the Secretary. The Superintendent is under bonds for the faithful application of all moneys and property in his hands; this bond is in the sum of \$2,000, which, in the judgment of your Committee, is insufficient. We are assured, however, that measures are taken to raise the same to the sum of five thousand dollars. The President, Trustees, Executive Committee, and Recording Secretary of this Association are all without compensation. The only officer of the Association receiving pay is the General Agent and Corresponding Secretary. This officer informs your Committee that his expenses of travel and correspondence have been paid, and that the amount of his salary is to be determined by the Trustees. No amount has ever been fixed; he only claims what is reasonable and just in the judgment of the Trustees.

Your Committee are clearly of the opinion that the "Iowa Soldiers' Orphans' Home" is in good hands, and that it has been well and economically managed; and that its originators are its present managers, and that they have proved themselves among the dearest and truest friends of humanity, and have enshrined their memories in the hearts of all the true friends of the soldiers throughout our State.

Your Committee are decidedly of the opinion that this institution should be sustained, and that the State should render assistance.

All of which is respectfully submitted without further recommendation.

L. W. HART.  
A. M. LARIMER.  
R. M. BURNETT.  
H. M. THOMPSON.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate amendments to House File No. 69.

I also return herewith Senate File No. 87, A bill for an act to amend Section 1, of Chapter 128, of the acts of the 10th General Assembly; and Senate File No. 117, A bill for an act to amend

Chapter 9, of the laws of the 11th General Assembly, the same having passed the House without amendment.

I am also directed to inform the Senate that the House has ordered printed the usual number of copies of the report of the Committee appointed to visit the Blind Asylum.

CHAS. ALDRICH, Chief Clerk.

The President announced that the hour for the special order had arrived, being the consideration of substitute for Senate File No. 41, A bill for an act supplemental to Chapter 108 of the laws of the Tenth General Assembly, and the same was taken up.

The question recurring upon the amendment to Section 1, it was adopted.

Senator Stubbs moved to amend Section 2, by striking out of the 3d line thereof the words "following claims" and inserting "claims of the following persons or their assigns."

The motion prevailed.

On motion of Senator Dond, the 1st Section was amended by adding in the 4th line before the word "he" the figure "3d."

On motion of Senator Woolson, Section 2 was further amended by adding at the end thereof the following: "Provided such warrants shall not be construed as rendering the State liable to pay the said warrants, except out of the aforesaid fund."

Senator Cutts moved to amend section five by adding thereto the following:

"Provided, however, that no part of the lands mentioned in this act or in the act to which this is supplemental, shall be conveyed to said Railroad Company until all of said warrants shall have been paid."

Pending the consideration of which, Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills beg to report that they have examined a memorial asking from Congress a grant of land to aid in the construction of the Iowa Central Railroad; also, Senate Joint Resolution in relation to lands granted to the State of Iowa to aid in the construction of railroads; also Senate File 87. The same are correctly enrolled.

W. B. LAKIN.

CHAS. PAULK.

On motion of Senator Bulis, the further consideration of the bill under consideration was postponed until to-morrow at ten and a half o'clock A. M., and made a special order for that hour.

Senator Stiles asked and obtained leave of absence for Senator Hunt.

On motion of Senator Bulis, the Senate then adjourned.

## AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened at 2 o'clock.

By consent, Senator Paulk introduced Senate File No. 160, A bill for an act to amend Sections 13 and 14, Chapter 173 of the Acts of the Ninth General Assembly, being an act in relation to revenue.

Bill read the first and second times and referred to the Committee on Ways and Means.

The President announced that the hour for the special order had arrived, being the consideration of preamble and joint resolution relative to the re-admission of the rebellious States, and the same was taken up.

On motion of Senator Parvin, the Senate resolved itself into committee of the whole thereon, and after some time spent therein, the President resumed the chair, and Senator Clark reported that the Committee, having had under consideration preamble and joint resolutions instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States and substitute therefor, had directed him to report thereon and ask that the resolutions and substitutes be referred to a special committee of seven.

The report of the Committee was adopted, and the resolutions were so referred.

The President announced Senators Leake, Parvin, Hunt, Clarkson, Hilsinger, Moore and Stiles, as such Committee.

Senator Parvin from the Committee on Liquor Law, obtained leave to submit the following report :

The Special Committee on the Liquor Law, to whom was referred Senate File No. 110, A bill for an act authorizing incorporated cities to regulate the traffic in malt and spirituous liquors, and other purposes, have had the same under consideration, and a majority of said Committee have instructed me to report said bill back to the Senate and recommend the indefinite postponement of the same.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

By consent, Senator Bassett introduced Senate File, No. 161, A bill for an act to extend the time for the completion of the Dubuque and Sioux City Railroad, and providing for the release of certain lands.

Bill read the first and second times and referred to the Committee on Railroads and ordered to be printed.

Senator Moore obtained leave to introduce Senate File No. 162, A bill for an act to amend Section 1082, of the Revision of 1860, so as to provide for the case of absence and other disabilities of mayors in incorporated towns.

Bill read the first and second time and referred to the Committee on Judiciary.

Senator Powers from the Special Committee obtained leave to submit the following report :

*To the Senate* :—Your Committee to whom was referred House File No. 166, being a bill for an act to change the terms of Court in the 9th Judicial District, report that they have had under consideration said bill and report and recommend the passage of the following substitute.

J. B. POWERS, Chairman.

On motion of Senator Powers the report was adopted, and the substitute bill was read the first and second times.

On motion of Senator Hart the 11th rule was suspended and the bill was read a third time. The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Young—43.

The nays were none.

Absent but not excused, Senator Stiles.

So the bill passed and the title was agreed to.

Senator Bulis asked and obtained leave of absence for Senator Woolson for the remainder of the day.

At the request of Senator Wharton leave of absence was granted to Senator Marshman for the remainder of the day.

Senator Richards asked leave of absence for Senator Knoll for the remainder of the day. Leave granted.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills report that they have examined Senate File No. 117 and find the same correctly enrolled.

W. B. LAKIN, Chairman.

CHAS. PAULK.

On motion of Senator Hunt, Senators Richards and Hollman were added to the special committee to which was referred preamble and joint resolutions relative to the re-admission of the rebellious States.

At the request of Senator Henderson leave of absence was granted to the Committee on Schools and School Lands for the remainder of the day.

Senator Ross obtained leave to call up "Memorial and joint resolutions asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad as has been granted to the

Kansas Branch of the same road," with report of committee recommending an amendment.

Senator Cutts moved to amend the report by striking out the words "granting also to the State of Iowa the right to regulate by its Legislature the rates of freight and fare upon such branch" and inserting the following:

*Provided*, That the company that shall accept the grant shall be subject to such rules and restrictions as shall be imposed by the General Assembly of Iowa.

Upon the adoption of the amendment the yeas and nays were demanded, and

The yeas were Senators Clark, Clarkson, Crookham, Cutts, Doud, Farwell, King, Knoll, Larimer, Leake, McJunkin, McMillan, Parvin, Patterson, Richards, Smith, Stubbs, Wharton, Young—19.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Edwards, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Lakin, Meyer, Moore, Powers, Reed, Ross, Sampson, Warren—20.

Absent but not excused, Senators Shippen and Udell.

So the motion did not prevail.

The question recurring upon the adoption of the report, the yeas and nays were demanded, and

The yeas were Senators Cutts, Farwell, Lakin, Parvin, Smith, Stubbs, Wharton, Young—8.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Patterson, Powers, Reed, Richards, Ross, Sampson, Warren—31.

Absent, but not excused, Senators Shippen and Udell.

So the report was not adopted.

On motion of Senator Ross, the resolutions were read a third time.

The question being "shall the resolutions pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Doud, Edwards, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Patterson, Powers, Reed, Richards, Ross, Sampson, Shippen, Stubbs, Warren—30.

The nays were Senators Clarkson, Cutts, Farwell, King, Larimer, Parvin, Smith, Wharton, Young—9.

Absent, but not excused, Senator Udell.

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

On motion of Senator Larimer, the Senate adjourned.

SENATE CHAMBER, DES MOINES, }  
 March 2, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Geiger.

The Journal of yesterday read and approved.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature House File No. 69, "A bill for an act providing for the settlement of all liabilities of the State and University, growing out of the sale of certain lands in Appanoose county, sold as Saline Lands," the same having passed both Branches of the General Assembly and been duly enrolled and signed by the Speaker.

CHAS. ALDRICH, Chief Clerk.

Senator Young obtained leave to offer the following resolution :

*Resolved*, That the Committee on Railroads be and are hereby instructed to prepare and report one or more bills providing for the resumption of all lands heretofore granted by the State to railroad companies to aid in the construction of railroads within this State, where the same have been forfeited by reason of non-compliance with the conditions respectively annexed to such grants to the end that in the future disposition of said lands, ample provisions may be made securing to the State the right of ultimate control of the railroad corporations to which the said lands may be granted, in the matter of regulating the rate of tariffs to be charged by said corporations for the carriage of passengers and freight.

Senator Henderson moved that the consideration thereof be made a special order for Thursday the 8th inst., at 10 o'clock, A. M.

Pending the consideration of which, the President announced that the hour for the special order had arrived, being substitute for Senate File No. 41, A bill for an act supplemental to Chapter 108 of the laws of the Tenth General Assembly. Before it was taken up Senator Stiles obtained leave to call up Senate File No. 126, A bill for an act to repeal Section 4145 of the Revision, and to provide a substitute therefor, regulating the fees of sheriffs, and it was referred to the Judiciary Committee.

The special order was then taken up.

The question recurring upon the amendment to Sec. 5, Senator Stiles moved the previous question, which was seconded and the main question ordered and put, viz.: "Shall the amendment be adopted?" and upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Meyer, Parvin, Paulk, Patterson, Powers, Robertson, Stiles, Stubbs, Udell, Wharton, Young—27.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Crook-

ham, Hart, Henderson, Lakin, McJunkin, Moore, Reed, Richards, Ross, Sampson, Shippen, Smith, Warren, Woolson—18.

Absent but not excused, Senators McMillan and Oliver.

So the amendment was adopted.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your honorable body that the House has passed the Senate substitute for House File No. 116, A bill for an act to change the terms of Court in the Ninth Judicial District.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Stiles, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened and was called to order by the President.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform the Senate that the House has ordered printed the usual number of copies of the majority and minority reports of the select committee to whom was referred House File No. 112, A bill for an act limiting the value of homesteads exempt from execution.

I am also directed to inform the Senate that the House has indefinitely postponed Senate File No. 19, A bill for an act to repeal Section 2, Chapter 43, of laws of the Tenth General Assembly and Section 3, Chapter 17, of the laws of the regular session of the Ninth General Assembly.

CHAS. ALDRICH, Chief Clerk.

The further consideration of substitute for Senate File No. 41, was resumed.

Senator Bassett moved to amend Section 7, by adding thereto the following: "Provided that said lands shall not be sold at a price less than \$2.50 per acre."

Senator Paulk moved to amend by striking out "\$2.50" and inserting "\$1.25."

The motion prevailed and the amendment as amended was adopted.

On motion of Senator Bassett, the seventh Section was further amended by adding thereto the following: "and provided said Register shall first give thirty days notice by publication in the *State Register* and the *Iowa North-West*, of the time of said sale at such reduced price."

Senator Patterson moved to further amend Section 7, by adding thereto the following: "*Provided further*, The Register of the State Land Office shall not certify to the Des Moines Valley Rail-

road Company any of the reserved lands provided for in Section 4 of the act to which this act is supplementary, nor shall any moneys arising from the sale of such lands be paid over to the Des Moines Valley Railroad Company, or any other person except the payment of the claims herein provided for until after the next regular session of the General Assembly of the State of Iowa."

The amendment was not adopted.

Senator Bassett moved to further amend the bill by adding:

SEC. 8. All person who may at the date of the passage of this act, be in actual occupation and possession of any portion of said lands shall have a prior right to purchase the same at \$2.50 per acre not exceeding 160 acres to any one settler.

The amendment was adopted.

No further amendments being offered,

Ordered that the bill be engrossed and read a third time to-morrow.

#### BILLS ON SECOND READING.

Senate File No. 102, A bill for an act to provide for acquiring title to the land selected as a site for school houses in District Townships and Independent Districts in certain cases, with report of Committee recommending amendments, was taken up.

Senator Young moved that the bill be indefinitely postponed.

Senator Powers moved that the bill be recommitted to the Committee on Schools and School Lands, which prevailed and the bill was recommitted.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature, the following acts and joint resolutions, which have passed both branches of the General Assembly, been duly enrolled and signed by the Speaker of the House, viz.:

Senate File No. 87, An act to amend Section 1, of Chapter 128, of acts of the 10th General Assembly.

Senate File No. 117, An act to amend Chapter 9, of the laws of the 11th General Assembly.

Joint Resolution in relation to lands granted to the State of Iowa to aid in the construction of railroads, and memorial of the General Assembly of the State of Iowa, asking for grant of land to aid in the construction of Iowa Central Railroad.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, the following, to-wit: Senate Files No. 87 and 117, and a memorial asking of Congress a grant of land to aid in the construction of the Iowa Central

Railroad; also a Joint resolution in relation to lands granted to the State of Iowa to aid in the construction of railroads.

W. B. LAKIN,  
CHAS. PAULK.

Senator Paulk obtained leave to offer the following resolution, which was adopted :

*Resolved* That the Secretary of State be directed to furnish each member of the Senate with a copy of Adjutant General's Report of 1862 and 1863.

Senator Oliver obtained leave to present the memorial of Addison Dimmick and forty-seven others, citizens of Monona county, asking that the State withhold its consent from a diversion of the Cedar Rapids and Missouri River Railroad Company, from its original route, which was referred to the Committee on Railroads.

Senator Young obtained leave to call up House File No. 90, A bill for an act to amend Section 10, of Chapter 22, of the acts of Tenth General Assembly, with report of Committee recommending an amendment.

The report was adopted, and on motion of Senator Young, the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Clark, Clarkson, Crookham, Cutts, Dond, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hunt, Knoll, Lakin, Larimer, Leake, McJunkin, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Wharton, Young—34.

The nays were Senators Cattell, Hart, Hollman, King, Richards, Smith—6.

Absent, but not excused, Senators Bridges, Henderson, McMillan, Stiles, Udell, Warren and Woolson.

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

Senator Henderson obtained leave to introduce the following Concurrent Resolution fixing time of final adjournment of the General Assembly :

*Resolved by the Senate, the House concurring,* That the present session of the General Assembly of the State of Iowa, will adjourn *sine die* on the 24th day of March instant.

Also the following :

*Resolved,* That no new bills shall be introduced in the Senate without unanimous consent, after the tenth day of March instant,

And moved that the consideration thereof be postponed until Monday next at 10½ o'clock A. M., and be made a special order at that hour.

The motion did not prevail.

On motion of Senator Meyer the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
 March 3, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Senator Shippen.

The journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT :—I herewith return Senate File No. 105, A bill for an act to legalize certain official acts of Elias Topliff, and for the relief of the administrators of said Topliff and of their grantees, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Woolson the concurrent resolution relative to holding a joint convention on Saturday the 24th inst., was taken from the table.

Senator Hilsinger moved to amend by striking out the words "to transact such other business as may come before such joint convention" and insert "three Trustees of the State University and Bank Commissioners."

The motion prevailed.

On motion of Senator Stubbs the resolution was further amended by striking out "24th" and inserting "10th."

The resolution, as amended, was adopted.

Senator Hollman obtained leave to present the memorial of the officers and guards of the State Penitentiary asking an increase of pay, and on motion of Senator Leake it was referred to the Committee on Charitable Institutions.

Senator Patterson obtained leave to introduce Senate File No. 163, A bill for act providing for the punishment of the crime of cheating by false pretenses and fraudulent conveyances.

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

Senator Meyer obtained leave to introduce Senate File No. 164, A bill for an act to amend Section 1788 of the Revision of 1860 regulating interest on banks.

Bill read the first and second times and referred to the Committee on Banks.

Senator Meyer, from the Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have had under consideration substitute for Senate File No. 41, A bill for an act supplemental to Chapter 108 of the laws of the Tenth General Assembly, and they have found the same correctly engrossed.

JOHN MEYER, Chairman.

Senator Bulis obtained leave to introduced Senate File No. 165, A bill for an act to amend Chapter 112 of the acts of the Ninth

General Assembly entitled "An act to amend Chapter 46 of the Revision of 1860 in relation to bridges."

Bill read the first and second times, and referred to the Committee on Roads.

Senator Sampson obtained leave to introduce Senate File No. 166, A bill for an act to prevent netting or ensnaring of quails.

Bill read the first and second times, and referred to the Committee on Agriculture.

Senator Moore obtained leave to introduce Senate File No. 167, A bill for an act to amend Section 1064 of the Revision of 1860, in relation to road districts.

Bill read the first and second times, and referred to the Committee on Incorporations.

Senator Cattell obtained leave to introduce Senate File No. 168, A bill for an act fixing the time for the assessment of taxes on lands therein referred to.

Bill read the first and second times and referred to the Committee on Ways and Means.

Senator Parvin obtained leave to present the petition of Ed. E. Bacon and sixty-eight others, citizens of Wilton, Muscatine county, asking the passage of a law making said town an independent road district, which was referred to the Committee on Incorporations.

Senator Edwards obtained leave to introduce Senate File No. 169, A bill for an act to prevent fishing with seines and continuous nets.

Bill read the first and second times and referred to the Committee on Commerce.

Senator Larimer obtained leave to present the petition of Wm. Elliott and eighty-nine others, citizens of Blainstown, asking a repeal of the Prohibitory Liquor Law, and the enactment of a License Law instead, which was referred to the Committee on Liquor Law.

Senator Woolson obtained leave to present the remonstrance of Joseph A. Dugdale and others, a committee of the Society of Friends in Henry county, against the repeal of the Prohibitory Liquor Law, which was referred to the Committee on Liquor Law.

Senator McJunkin obtained leave to present two remonstrances, signed by J. H. Lewis and others, citizens of Washington county, upon the same subject, which were referred to the same Committee.

Senator Parvin from the Committee on Liquor Law, obtained leave to submit the following report:

The Select Committee on the Liquor Law, to whom was referred Senate File No. 144, A bill for an act to license the sale of intoxicating liquors, have had the same under consideration, and a majority of said Committee have instructed me to make the following report:

A majority of your Committee consider the licensing of the sale

of intoxicating liquors to be drank as a beverage, not called for by the people, would be injurious to the State, a step backwards in the march of good morals, an outrage on christian principles, inconsistent with the light of the present age, and entirely uncalled for. The majority therefore recommend the indefinite postponement of said bill.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

Senator Bassett, from the Committee on Railroads, obtained leave to submit the following report:

The Committee on Railroads, to whom was referred a "Memorial to Congress for a grant of lands to aid in the construction of the St. Louis & Cedar Rapids Railway," have had the same under consideration and have instructed me to report the same back without amendment and recommend its adoption.

GEO. W. BASSETT, Chairman.

Ordered, that the report pass on file.

Senator Young, from the Committee on Charitable Institutions, obtained leave to submit the following report:

The Committee on Charitable Institutions, to whom was referred the House joint resolution providing for the appointment of Trustees of the Blind Asylum, have had the same under consideration and have instructed me to report the same back to the Senate with a recommendation that the resolution be adopted.

J. B. YOUNG, Chairman.

Ordered, that the report pass on file.

Senator Moore, from the Committee on Military Affairs, obtained leave to submit the following report:

MR. PRESIDENT:—The Committee on Military Affairs, to whom was referred House File No. 66, "A bill for an act providing for the distribution of the Adjutant-General's Report of January, 1866," have duly considered the same and recommend the following amendment, to-wit:

Add after the words "General Assembly," in the twentieth line of the third section, as follows, to-wit: "to be transmitted by the Secretary of State to each at the expense of the State."

So amended, they recommend that the bill do pass.

MOORE, Chairman.

Ordered, that the report pass on file.

Senator Udell, from the Committee on Ways and Means obtained leave to submit the following report:

A majority of the Committee on Ways and Means have authorized me to report Senate File 142, An act fixing the salaries of certain State officers, with the following amendments: Amend the title by striking out "and for other purposes;" amend Sec. 1 by striking out "Secretary of State, Auditor of State," and striking out all of Sec. 2, and thus amended recommend its passage.

Also Senate File No. 157, An act appropriating money for the

State Library, with the following amendment in Sec. 1: Fill the blank with "three," and thus amended recommend its passage.

Ordered, that the report pass on file.

Senator Bulis, from Special Committee, obtained leave to submit the following report:

Your committee to which was referred Senate File No. 140, being "a bill for an act to amend Chapter 98 of the Acts of the Tenth General Assembly, changing the time of holding District Court in Winneshiek county," having had the same under consideration, instruct me to report it back without amendment and recommend its passage.

BULIS, for Committee.

Ordered, that the report pass on file.

Senator Ross, from Committee on Public Lands, obtained leave to submit the following report:

The Committee on Public Lands have had House File No. 63, A bill for an act to secure to certain persons, residents of Harrison county, their homes at the price of \$1.25 per acre of lands known as the excess 500,000 grant, have had the same under consideration and have instructed me to report the same without amendment and recommend its passage.

L. W. ROSS, Chairman.

Ordered, that the report pass on file.

Also the following:

A majority of the Committee on Public Lands have had Senate File 118 under consideration, and report the same back without amendment and recommend its passage.

L. W. ROSS, for majority.

Ordered, that the report pass on file.

Senator Clarkson, from the Committee on Agriculture, obtained leave to submit the following report:

The Committee on Agriculture, to which was referred Senate File No. 65, An act to amend Sec. 18, Chap. 102, of Acts of the 9th General Assembly, in relation to estrays, have had the same under consideration, and have made the following amendments, to-wit: In the 5th line strike out the word "fifty" and insert the words "seventy-five." Strike out all of the section after the word "misdemeanor" in the 37th line. As thus amended, the committee recommend that the bill pass.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Moore from the Committee on Military Affairs, obtained leave to submit the following report:

MR. PRESIDENT:—The Committee on Military affairs to which was referred a joint resolution relative to the capture of Major-General Marmaduke of the rebel army, by James D. Dunlavy, a private in Company D, 3d Iowa Cavalry, have had the same under

consideration, and directed me to report the accompanying substitute and recommend its adoption.

MOORE, Chairman.

Substitute for joint resolution relative to the capture of Major-General Marmaduke.

WHEREAS, James D. Dunlavy, a private of Company D, 3d Iowa Cavalry, in the battle of Osage, on the 25th day of October, 1864, did capture and take prisoner Major-General Marmaduke, and

WHEREAS, The said James D. Dunlavy, suffering as he was suffering, at the time of the capture, from a severe wound received in said battle, and being separated from his regiment by a portion of the rebel army, disguised by being clothed in federal uniform, exhibited in a high degree, that coolness, self-possession, prompt action and bravery which mark the actions of a good soldier; Therefore,

*Resolved by the General Assembly of the State of Iowa, That James D. Dunlavy, late a private in Company D, 3d Iowa Cavalry, is entitled to the thanks of this General Assembly, and that the Secretary of State is hereby directed to engross on parchment a copy of these resolutions, and transmit the same to the said James D. Dunlavy.*

Ordered that the report pass on file.

Senator Patterson from the Committee on Township and County Organizations obtained leave to submit the following report:

Your Committee on Township and County Organizations have had under consideration Senate File No. 134, An act to amend Section 6, of Chapter 129, of the 10th General Assembly, and direct me to report the same back without amendment, and recommend its passage.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

Senator Brayton from the Committee on Township and County Organization obtained leave to submit the following report:

MR. PRESIDENT:—The Committee on Township and County Organizations to whom were referred the several petitions in relation to the fees of County Surveyors have had the same under consideration and have instructed me to report the same back to the Senate with the accompanying bill and recommend the passage of the bill.

J. M. BRAYTON, of Committee.

Ordered that the report pass on file.

The President announced as the Special Committee on Senate File No. 97, A bill for an act authorizing the loan of the Permanent School Fund, to Independent Districts, and Township Districts, Senators Patterson, Marshman, and Smith.

## BILLS ON SECOND READING.

Senate File No. 127, A bill for an act to amend Sec. 785 of the Revision of 1860, in relation to lands erroneously sold for taxes, with report of Committee recommending that the bill be indefinitely postponed, was taken up.

The report was adopted, and the bill was indefinitely postponed.

By consent, Senator Doud called up Substitute for Senate File No. 41, A bill for an act supplemental to Chapter 108, of the laws of the Tenth General Assembly, and it was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Cattell, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hedges, Hilsinger, Hillyer, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Wharton, and Young—33.

The nays were Senators Bassett, Bulis, Crookham, Henderson, Moore, Reed, Richards, Warren, and Woolson—9.

Absent but not excused, Senators Hart, Holliman, Hunt, and Stiles.

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

Senator Hillyer asked and obtained leave of absence for Senator Bridges.

Senator Leake, from the Judiciary Committee, obtained leave to submit the following report:

*To the Senate of Iowa*:—The Judiciary Committee, to whom was referred the bills hereinafter named, have had the same under consideration and have directed me to report thereon as follows, to-wit:

1. Senate File No. 92, A bill for an act to amend Chapter 208 of the Revision of 1860.

The Committee recommends that the bill be indefinitely postponed.

2. Senate File No. 111, A bill for an act relating to the Keokuk & Des Moines Valley Plank Road in the county of Lee.

The Constitution prohibits the General Assembly from passing such bills, and the Committee therefore recommends that the bill be indefinitely postponed.

3. Senate File No. 115, A bill for an act to amend Section 2564 of the Revision of 1860 relating to foreign guardians.

The Committee recommends that the second section be stricken out, and that so amended the bill do pass.

4. Senate File No. 116, A bill for an act to amend Section 2460 of the Revision of 1860.

The Committee recommends that the bill be indefinitely postponed.

5. Senate File 143, A bill for an act to re-invest County Courts with power to establish roads.

The Committee recommends that the bill do pass.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

Senator Powers from the Judiciary Committee obtained leave to submit the following report :

The Judiciary Committee, to whom was referred Senate File No. 62, report that they have examined the same, which they recommend the Senate to pass.

J. B. POWERS, for Judiciary Com.

Ordered, that the report pass on file.

Senate File No. 26, A bill for an act to make the District and Supreme Judges, commissioners of legal inquiry, and to repeal Sections 2675, 2676, 2677, and 2678, of the Revision of 1860, with report of Committee recommending that the bill be indefinitely postponed, was taken up.

The report was adopted, and the bill was indefinitely postponed.

Senate File No. 113, A bill for an act to legalize and make valid the acts of the County Treasurer of Jasper county, Iowa, in collecting the taxes on the tax list of said county for the year 1860, with report of Committee recommending that the bill do pass, was taken up.

Senator Leake moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

The nays were none.

Absent, but not excused, Senators Hart, Hedges, Hunt, Paulk, Ross and Stiles.

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

Senate File No. 122, A bill for an act to legalize the acts of the Board of Supervisor, of Cass County, in relation to the survey and plat of the town of Lewis in said County, with report of Committee recommending that the bill do pass, was taken up.

On motion of Senator Ross the first blank in Section 1, was filled by inserting the letter "F," and the second blank in the same Section was filled by inserting "369, 370, 371 and 372."

Senator Leake moved that the bill be read a third time now.

The motion prevailed and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk,

Patterson, Powers, Reed, Richards, Robertson, Ross, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Young—40.

The nays were none.

Absent but not excused Senators Hedges, Henderson, Hunt, Sampson, Stiles and Woolson.

So the bill passed and the title was agreed to.

Senate File No. 136, A bill for an act legalizing the acts of James Foster, Justice of the Peace of Guthrie county, Iowa, with report of Committee recommending that the bill do pass, was taken up.

Senator Reed moved that the bill be read a third time now.

The motion prevailed and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hollman, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Woolson—37.

The nays were Senator Knoll—1.

Absent, but not excused, Senators Clark, Hedges, Henderson, Hunt, Oliver, Ross, Stiles and Young.

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

Senator Ross from the Special Committee to visit the Hospital for the Insane, obtained leave to submit the following report, which was laid on the table, and ordered to be printed :

Your committee appointed in pursuance to the following joint resolution :

*"Resolved by the House of Representatives, the Senate concurring,* That there be a committee of two members on the part of the House and one on the part of the Senate to visit the Insane Asylum at Mt. Pleasant, Iowa, and examine into its condition and wants, and report by the — day of February next"—beg leave to submit the following report :

Your committee have visited the Hospital for the Insane, located at Mt. Pleasant, and examined the same with care and minuteness, and cannot speak in too high terms of the condition of the institution. It is in a state of perfect cleanliness from basement to attic, and apparently conducted with the most thorough system and order, in all its various wards and departments.

The rules and regulations, while necessarily very strict, are marked with the utmost kindness, and the treatment of the patients is all their friends could ask or desire. The general health of the unfortunate inmates is good and none so insane as to require constant close confinement. The culinary department is conducted in a very satisfactory manner, and the diet served up to the inmates healthful and palatable. There are now in the Hospital three hundred and eight patients, exhibiting almost all phases

of mental derangement, yet there is quite a general feeling of contentment, with but little complaining, which must be attributable, in a great degree, to the successful effort to make their stay as pleasant and agreeable as possible.

The building is in good condition, with the exception of a few indications of settling in the foundation which seem to be caused in part by the use of bad material in its construction, and by water following down and penetrating the wall. Some of the stones are crumbling away, apparently from incessant moisture.

Your Committee fully concur in the recommendation of the Board of Trustees, that some measures must be immediately taken for the protection of the foundation wall, and think their suggestions as to the construction of a drain around the entire building at a proper distance from the wall, and of sufficient depth, would produce the desired result. If it is found insufficient, then the pavement recommended by Dr. Patterson might be easily added. This improvement must not be delayed, as the building has already suffered to some extent, and the appropriation of seven hundred dollars, asked for by the Board for this purpose, is respectfully recommended.

The present method of lighting the institution is, in the opinion of your Committee, a very hazardous one, and should be changed as soon as possible.

Accidents from the use of kerosene oil lamps are of too frequent occurrence, and too terrible in their consequences, to make it necessary to dwell on this point. We cannot contemplate without a shudder the results that might follow such an accident in this institution. The proposition contained in the report of the Board to introduce "Automatic gas apparatus," is, in the opinion of your committee, the only feasible plan for remedying this evil, at the present time, as there are no gas works near the building. This automatic apparatus has given satisfaction wherever used, so far as your committee are informed, and although it will be no saving in expenditure, it will go far to insure the safety of the building and the inmates, which is certainly a paramount consideration. The sum of eighteen hundred dollars, it is estimated, will be sufficient for this purpose, and an appropriation of that amount is recommended.

The system of sewerage connected with the building requires immediate attention, and should, in the opinion of your committee, be materially changed.

There are at present three principal sewers, constructed of brick. They pass under the ventilating air-chambers in the building, and when out of repair, as they frequently are, render the air forced into the apartments almost intolerable. It is considered necessary to reconstruct these sewers, and in so doing use iron pipes where they pass under the building. After they leave the building brick may be used. As now constructed, these sewers discharge at

three points, one west of the building, one east and one south, thereby befouling and destroying the only streams of water on the hospital farm, and during the warm summer months the noxious exhalations from these discharges are extremely disagreeable at the hospital and must be unhealthy. And especially just at this time, when a visit from that terrible plague, the cholera, is so confidently expected, we should be careful to remove every thing that might prove its ally, and to place this institution in such a condition as would leave us no grounds for self-reproach should it not escape the scourge, and your committee have no hesitancy in urging the appropriation of two thousand five hundred dollars for this purpose.

There was a great mistake in the location of the Hospital, in not selecting a site with reference to a sufficient supply of good water, and this question has now become quite a perplexing one. Most of the water thus far used in the institution has been obtained from the artesian well, and is likely to prove rather expensive. In consequence of the mineral substances which it contains, it is very destructive to the metallic pipes used in heating the building and for numerous other purposes, and unless the use of this water is dispensed with, the vast system of pipes for the entire building will very shortly have to be replaced at a great expense to the State. Again, the use of this water in the culinary department is thought to be very detrimental to the general health of the patients, and has been conducive, to a great degree, of diarrhea, which has at times been quite common and fatal among the inmates. It is very evident to your committee that the artesian well must be abandoned entirely, at least so far as the water from it may be used for any purpose connected with the boilers and pipes or in the culinary department.

The plan proposed by Dr. Mark Ranny in his supplemental report to the Board, hereto attached, is in the judgment of your committee, feasible. For full particulars, reference is made to said report; and although it may involve a heavy expenditure, it will be a permanent improvement, and furnish a reliable supply of good water, so indispensable to an institution of this character.

The appropriation for this purpose suggested by Dr. Ranny is urgently recommended by your committee.

Attention is also directed to the suggestion of Dr. Ranney contained in said report, in regard to the purchase of a certain tract of real estate adjoining the Hospital farm on the south. And while your committee heartily concur in the general statement that more land is needed, still they cannot think it necessary at the present time, to procure so large a tract, but would recommend the purchase of about one-half the number of acres contained in the plat alluded to, which will give to the institution perhaps all the arable land now needed, besides additional pasturage and a

good growth of timber. For this purpose, an appropriation of eight thousand dollars will be necessary.

Your committee were unable to examine personally the roof of the building, but have every reason to believe, from the best information they could obtain, that it is in a bad condition, leaking in many places and greatly needing repairs, and unless something is soon done, an entire new roof will be necessary. Your committee would recommend an appropriation of the amount asked for, for this purpose.

The remaining appropriations asked for by the Board of Trustees (except two thousand five hundred dollars for cistern,) your Committee consider reasonable and indispensable, and would recommend that they be made.

To recapitulate your Committee presents the following statement of the appropriations recommended for this institution :

For construction of reservoir with necessary pumps, pipes, &c. ....	\$10,000
For purchase of real estate.....	8,000
For digging drain.....	700
For reconstructing sewers.....	2,500
For painting and repairing roofs.....	1,800
For repainting wards.....	850
For furniture.....	2,500
For grounds, fencing and shrubbery.....	1,500
For apparatus for lighting.....	1,800
For contingent expenses.....	1,500
	<hr/>
Total.....	\$31,150

Your Committee have considered it unnecessary to dwell more at length on the different purposes for which these several appropriations are asked, inasmuch as the various wants of the institution have been so ably presented by the Board of Trustees and Dr. Ranney, the Superintendent, in their reports.

The financial and agricultural affairs of the Institution are managed in a very satisfactory manner. The total number of employees of all kinds is fifty-eight; twenty-nine males and twenty-nine females, with an average pay per month for males of \$27, and females \$11.60.

This average does not include the pay of Engineer and Assistant Engineer, who receive respectively \$50 and \$40.

There are now on the farm twenty head of milch cows, twenty-two head of stock cattle, eight head of horses, two head of mules and seventy-five head of hogs. There have been butchered during the winter for the use of the Hospital fifty head of hogs, raised and fattened on the farm.

There are now on the farm over three hundred shade and ornamental trees; one hundred and fifty apple trees; two hundred and fifty grape vines of different varieties; two hundred and fifty cur-

rant bushes and not less than one-half acre of strawberry plants.

There is a great want of reading matter for the inmates, and your Committee (hoping that the friends of the Institution will remember it with liberal donations) would urgently recommend that in the distribution of books and documents by the General Assembly the wants of this important Hospital for the most unfortunate portion of our citizens, may not be overlooked or neglected.

All of which is respectfully submitted.

L. W. ROSS,  
G. G. BENNETT,  
A. BOOMER.

*To the Honorable Senate and House of*

*Representatives of the State of Iowa :*

The undersigned, Trustees of the Iowa Hospital for the Insane, respectfully submit, herewith, to your Honorable Body, a communication of Dr. Mark Ranney, Superintendent of the Hospital, made to the Board of Trustees since their annual meeting in December last, respecting the action of the water of the Artesian well at the Hospital on the steam boilers and the iron tubing connected with them, and the importance of acquiring additional land for the use of the Hospital; and placing full confidence in the representations contained in the communication, we respectfully recommend such legislative action as may be necessary to carry out, substantially, its suggestions.

M. L. EDWARDS,  
A. W. McCCLURE,  
LUKE PALMER,  
J. M. SHAFFER,  
JOSEPH H. MERRILL,  
JNO. R. NEEDHAM.

February, 1866.

*To the Board of Trustees :*

GENTLEMEN:—At the date of the last biennial report to your Board, my official connection with the Hospital had been too brief to enable me to become fully acquainted with its practical workings. Further experience has convinced me of some important defects, which call for a considerable appropriation, and in view of these facts, I beg leave to present the following supplementary report :

The question of a supply of pure water for the use of the Hospital, is one of great importance. The Artesian well yields a sufficient supply, but as you well know, of such a quality as to render it wholly unfit for most purposes. In consequence of having but a small supply of any other water, it has been used generally for culinary purposes, bathing, washing and cleaning, and for generating steam for warming the whole building. Sometimes it will be

used for drinking by patients who cannot well discriminate, notwithstanding constant vigilance on the part of the attendants, and when thus used, is productive of serious or fatal disorders.

It has been used for generating steam, greatly to the cost of the State, as may be seen by the present condition of the heating apparatus. This apparatus was erected at a cost of \$20,000, and under ordinary circumstances should last twelve or fifteen years, at least; whereas, some portions of it are already worn out, after only five years' service, and an appropriation by the next Legislature for its entire renewal may become necessary. This is owing to the fact that the well water is so highly charged with salts of lime and magnesia, that its chemical action on steam and water pipes is very rapid, and a considerable portion of these pipes are so deeply honey-combed, or corroded, that they must be replaced during the coming season. By a recent careful estimate, I find that about \$4,000 will be required for this purpose. Upon the inside of the boilers, the salts held by the water are precipitated, and form solid flakes of rock like consistence, of such non-conducting quality that the boilers burn out rapidly; they have already been patched several times in the most exposed places, and must be replaced by new boilers before long. Precipitation of a similar kind occurs in and upon the steam pipes, and interferes in a greater or less degree with their radiating or heating property. The boilers and pipes are cleaned as often as circumstances will permit, but there are times when their use cannot be dispensed with for this purpose, till they are ready to give out.

For purposes of washing and cleaning, this water is of the worst quality. In order to be able to wash at all, a large quantity of soda and an extravagant quantity of soap is necessary; and even then, it has been impossible to have this branch of service done in a satisfactory manner.

For culinary and all hygienic purposes, it is even less satisfactory, and, I think, positively baneful. This is a question of the highest consideration as it involves the highest interests of humanity and the State, and may seriously affect any household. I hazard nothing in asserting that recovery or dementia, life or death, may hang upon the issues involved in this subject.

The action of this water upon iron pipes suggests to my mind the possible calamity of the temporary or permanent extinction of the well from which it is derived. I cannot contemplate this possibility without a shudder. For this large household to be deprived of abundant water of some kind would be a calamity that must seriously disturb the equanimity of any one at all acquainted with its imperative necessities. I need only mention the danger from fire under such circumstances, and the great interest the State has at stake. Six hospitals in this country have been burned or extensively damaged by fire during the last twelve years, and in some instances there proved to be great deficiency of water.

The reason for this fear is this: In sinking the artesian well it was found necessary to tube it to a great depth on account of the nature of some of the strata successively penetrated, to prevent a constant filling up of the shaft with the loose material of which some of the strata are composed. It has been ascertained that the action of the water upon iron pipes in the well is full as rapid as when heated in the boilers or converted into steam. From such observations as we have been able to make, the conclusion must be drawn, I think, that the well cannot last longer than the iron pipe that has so far supported it and is necessary for its existence, and the rapid destruction of iron by this highly charged water seems to show that it cannot last many years longer.

Upon full examination of the matter there seems to be a ready remedy for this unfortunate state of things by availing ourselves of the natural facilities of our own premises. Two "branches" or small streams run through our premises from the north-west and north-east, the latter fed by a living spring, uniting near the present south-eastern boundary of the Hospital grounds. Either or both of these "branches" may be converted into a reservoir capable of holding sufficient water for a full supply during any probable dry season when these streams may be dry. Or, if it should be thought best by some competent engineer, a smaller and inexpensive reservoir or dam may be constructed, and the water pumped into a reservoir of durable structure, for permanent purposes, situated near the Hospital, capable of holding about two and a half millions of gallons—a quantity capable of resisting a drouth of the longest probable duration. This latter method is probably to be preferred on account of the desirableness of having a large quantity of water contiguous to the Hospital for security against fire. A system of this kind, with a capacious reservoir, has been in successful operation at the Illinois State Hospital for the Insane, and has relieved them completely from the embarrassment from which they had long suffered.

Such arrangements of a character and permanence to last a century have cost the Illinois Hospital less than \$10,000, and they have no doubt of the wisdom of the investment. In this connection I cannot do better than to quote the words of Dr. McFarland, the accomplished Superintendent of that Hospital. He says in the seventh biennial report: "No industry of skill can compensate the lack of an element so completely vital. After enumerating the common domestic uses of water in cooking, washing and ordinary cleaning, the great purposes of water required here are yet untouched. There is no means in the treatment of insanity so positively indispensable as the water-bath in its various forms and temperatures. It meets numberless exigencies in the daily condition of patients, and no remedy is so invariably acceptable to those who require it. There is no agency in the proper treatment of the insane, whose absence makes itself so unmistakably felt." This, of

course, has reference to pure water, of which we have had hitherto a most inadequate supply.

As so much of the work in the construction of such a reservoir can be done by ourselves, I presume the cost will be found to be somewhat less than the cost of the Illinois hospital reservoir, notwithstanding the increased cost of labor and materials. But, as any expenditure will be made under your direction, I would suggest that the above sum be asked for, in order that we may not be embarrassed by any unforeseen contingency. If this plan is adopted, the cistern, for which an appropriation of \$2,500 was asked in the biennial report, will not be necessary.

The farm connected with the hospital appears to be altogether too small for the best interests of the institution. The present farm consists of 173 acres. About one-half of which is sparsely wooded, and not very fertile. A good opportunity will soon be offered to purchase a fine tract of land adjoining the hospital farm, and there are many reasons which make this purchase peculiarly desirable. The advantages are of both present and prospective importance, and should be secured while it is possible. This tract of land contains about 350 acres, and while the whole is desirable, such part of it can be probably purchased or such part of the whole be retained as may be deemed expedient or best for the hospital.

To a consideration of this matter I will devote the remainder of this report.

Most of the meat used in the hospital is obtained from animals killed on the premises, at an estimated saving of about \$2,000 per year. The number of head of cattle required for yearly consumption is about one hundred and fifty. With our present farm we can scarcely keep more stock than will afford a scanty supply of milk, and therefore we must buy our cattle, a few at a time, at the market prices that may happen to prevail at the time. Whereas, with the additional land in the contemplated purchase, advantage could be taken of the lower prices that prevail at some seasons of the year, to buy and support a considerable herd, at a still further saving to the institution.

At present we are not able to keep a sufficient number of cows for the necessary supply of milk. It is a fact too clear and well known to need demonstration, that milk is a most healthy and economical article of food. If we had room and feed we should produce and use much more milk than we can now do, both to the welfare of patients and a saving of expenditure. As we can hardly supply ourselves with the necessary quantity of milk we can make no butter or cheese, two articles of almost indispensable necessity. For these articles we are paying about \$4,000 a year. Though the best that can be obtained except at prices deemed extravagant and beyond our means, they are of a rather indifferent quality. Poor butter and cheese are poor things indeed, and yet they must be had, of some quality and price. Unless pure, or sweet and fresh,

I regard them as most unhealthy articles of diet. With proper facilities I see no reason why we cannot make an excellent quality of butter and cheese far cheaper than they can be procured in the markets, to which we have access.

There are several other good reasons for adding these acres to those already belonging to the hospital, but I will only mention two or three without dwelling upon them at length.

Nearly one-third of this land is pretty well wooded and this portion, if properly treated, will yield annually a large income on the sum expended. When it is considered that we use a large amount of wood every year, the question of a supply is one of importance, and here I see a fine opportunity through forest culture to supply ourselves wholly, or in large part, with one of our indispensable necessities.

Additional employment is needed for patients, which will be afforded by this purchase. I think it is certain that these wants will be felt more and more from year to year, and the purchase can probably be made at better advantage now than hereafter.

There is little risk in possessing too much land in connection with the hospital, and, if it is properly managed, it can but be remunerative. Many acres of the present farm will be required in the future for exercise, pleasure grounds, and landscape gardening, and just so far as they are required and used for these purposes, will our present agricultural resources be curtailed. Strictly speaking no ground has yet been occupied for such purposes, but the want is much felt and the first steps in this direction have just been taken. The cultivation of the farm, garden, and assistance in the improvement of pleasure grounds afford the most desirable forms of labor for most patients. Such employment is sufficiently varied without being too laborious, and many will engage in some divisions of it who could not be induced to engage in other kinds of employment.

Several years' connection with two important Hospitals for the insane, differing widely in extent and capacity of their pleasure grounds, and the amount available for agricultural purposes has enabled me to see the serious disadvantages resulting from defective arrangement in these particulars. Plenty of land of the right kind, with a good supply of pure water, are two things of the highest importance in an institution of this kind. Possessing these, with the natural advantages and capabilities for improvement of this location, it will in all future time be worthy to be sought by the afflicted for relief, and capable of every detail of the most enlightened treatment.

This land can be purchased for thirty-five or forty dollars per acre, which is believed to be a fair price. About \$1,000 will be required for fences. Therefore I would recommend that an appropriation of \$13,000 be asked to enable the Board of Trustees to

carry these suggestions into effect, whenever they shall be satisfied it is for the best interest of the State.

To recapitulate:

For replacing worn-out steam pipes.....	\$ 4,000
For reservoir, not exceeding.....	10,000
For Farm.....	13,000

Total..... 27,000

MARK RANNEY, Superintendent.

Iowa Hospital, February, 1866.

House substitute for House File No. 29, A bill for an act to protect the earnings of married women, with report of committee recommending an amendment, was taken up, and the report was adopted.

Senator Woolson moved to amend by striking out of Sec. 1 the following words: "Whose husband through idleness, intemperance, mental or bodily infirmity, imprisonment or involuntary absence, does not support and provide for the family, or who has deserted his wife."

Upon this question the yeas and nays were demanded; and

The yeas were Senators Bassett, Bulis, Hedges, Hillyer, Lakin, McJunkin, Meyer, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Shippen, Udell, Wharton, Woolson, Young—18.

The nays were Senators Brayton, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hollman, Hunt, King, Knoll, Larimer, Leake, McMillan, Paulk, Powers, Richards, Ross, Sampson, Smith, Stubbs, Warren—26.

Absent but not excused, Senator Henderson.

So the amendment was not adopted.

Senator Leake moved that the bill be read a third time now.

The motion prevailed and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—44.

The nays were Senators Richards and Woolson—2.

So the bill passed and the title was agreed to.

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

Upon this question the yeas and nays were demanded; and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Pat-

tersen, Powers, Reed, Richards, Robertson, Sampson, Shippen, Stiles, Stubbs, Udell, Warren, Young—38.

The nays were Senators Cutts, Hart, Hillyer, Parvin, Ross, Smith, Wharton, Woolson—8.

The motion prevailed and the Senate adjourned.

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SENATE CHAMBER, DES MOINES, I  
March 5, 1866. }

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

The President in the chair.

Prayer by the Rev. Dr. Peet.

The Journal of Saturday was read and approved.

Senator Wharton obtained leave to present the petition of G. P. Ingman and thirty-eight others, citizens of Cedar county, asking the passage of an act fixing the compensation of Justices of the Peace in civil and criminal cases, which was referred to the special committee on that subject.

Senator Parvin obtained leave to present the petition of R. M. Rockwell and thirty-one others, citizens of Clinton county, upon the same subject, which was referred to the same committee.

Senator Smith obtained leave to present the petition of John S. McDonald and sixty-five others, upon the same subject, which was referred to the same committee.

Senator Woolson obtained leave to present the petition and claim of Dominique Dewbrum, for material furnished to the Iowa Hospital for the Insane, which was referred to the Committee on Claims.

Senator Ross obtained leave to submit two petitions signed by T. L. Buckham and eighty-one others, electors of Fremont county, asking the passage of a law disfranchising all who have given aid, assistance or comfort to the late rebellion, which was referred to the Committee on Elections.

Senator Doud obtained leave to submit the petition of Wm. Moore and forty-nine others, citizens of Van Buren county, asking that additional jurisdiction be conferred upon county courts, which was referred to the Committee on Judiciary.

Senator Patterson obtained leave to present three petitions signed by Sidney Stowe and one hundred and ninety-three others, asking the passage of such laws as will prevent the McGregor Western or any other railroad corporation from defrauding the people of the benefits intended by Congress, and also to compel said company to construct the railroad upon the route designated

by act of Congress, which were referred to the Committee on McGregor Western Railroad.

Senator Bulis obtained leave to present the petition of George J. Brown and twenty-nine others upon the same subject, which was referred to the same committee.

Senator Crookham obtained leave to present the petition of J. M. Loughridge and twenty-three others, citizens of Mahaska county, asking the passage of an act fixing specifically the compensation of Justices of the Peace in civil and criminal cases, which was referred to the special committee on that subject.

A message from the Governor was announced by his Private Secretary, Major G. J. North.

#### REPORTS OF COMMITTEES ON FILE.

Resolution instructing the Committee on Military Affairs to inquire into the propriety of instructing the Adjutant General to collect and deposit in some suitable and secure place, the arms and accoutrements belonging to the State, with report of committee adverse to the adoption of such resolution, was taken up.

The resolution was not adopted.

Joint resolution instructing the Secretary of State to purchase four hundred copies of second volume of G. Green's Report of the Decisions of the Supreme Court of Iowa, for the use of the State, with report of committee recommending the adoption of the resolution, was taken up.

Senator Larimer moved to amend by striking out the words "four hundred," and inserting the word "forty."

The amendment was not adopted.

Senator Stubbs moved to amend by striking out the words "four hundred," and inserting the words "three hundred," which prevailed.

Senator Woolson moved to amend by adding at the end of the resolution, the following words: "*Provided further,* that this shall not authorize the purchase of books already printed."

The amendment was adopted.

Senator Robertson moved to further amend by adding thereto, the following words: "four hundred copies of "Good's Study of Medicine" for the use of the medical profession of Iowa."

The amendment was not adopted.

Senator Reed moved that the resolution be read a third time now.

The motion prevailed, and the resolution was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Clark, Clarkson, Crookham, Doud, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Lakin, Leake, McJunkin, Paulk, Patterson, Reed, Richards, Ross, Shippen, Smith, Stubbs, Udell, Warren, Woolson—26.

The nays were Senators Brayton, Bulis, Cutts, Edwards, Far-

well, Hillyer, King, Larimer, McMillan, Meyer, Moore, Parvin, Robertson, Sampson, Stiles, Wharton—16.

Absent, but not excused, Senators Cattell, Oliver, Powers and Young.

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

Senator Lakin from the Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. 105, and find the same correctly enrolled.

W. B. LAKIN,  
CHAS. PAULK.

Senator Bassett from the Committee on Railroads, obtained leave to submit the following report:

The Committee on Railroads have had under consideration Senate File No. 123, being a bill for an act to amend Chapter 44, of the Acts of the Tenth General Assembly, entitled an Act authorizing railroad companies to issue preferred stock, and change the name of such company, and a majority of said Committee have instructed me to report the accompanying substitute and recommend its passage.

GEO. W. BASSETT, Ch'n.

Ordered, that the report pass on file.

Senator Udell from the Committee on Ways and Means obtained leave to submit the following report:

The Committee on Ways and Means have instructed me to report the following substitute for Senate File No. 160, an Act to amend Sections 13 and 14, Chapter 173 of the Acts of the Ninth General Assembly, being an act in relation to revenue.

Ordered, that the report pass on file.

The petition of Salmon Howard, asking relief from the State for losses sustained by him in the burning of his barn, stock, and grain, by a rebel incendiary, with report of Committee that they deem legislation thereon inexpedient at this time, was taken up, and the report of Committee was adopted.

Senator Crookham from the Committee on Banks, obtained leave to submit the following report:

SENATE FILE NO. 164.

Your Committee to whom was referred the above No. bill, have carefully examined the same, and have instructed me to report in favor of said bill, and that said bill do pass.

J. A. L. CROOKHAM, Chairman.

Ordered that the report pass on file.

The report of Committee upon a resolution of inquiry in relation to reported losses of University Fund, was taken up and recommended to the Committee on University, with instruction to make further inquiry.

House resolution relative to the hanging of Jefferson Davis, with majority report of Committee recommending the adoption of a substitute, and minority report against the passage of the resolutions, was taken up, and the adoption of the majority report was moved.

Senator Stiles moved to amend the report by striking out in the 9th line of the 1st resolution, the word "if," and inserting the word "when."

The amendment was not adopted.

On motion of Senator Sampson, the 3d preamble was amended by striking out of the 2d line thereof, the words "of war."

Pending the further consideration of the report, Senator Udell moved to adjourn.

The motion did not prevail.

Senator Richards having the floor.

On motion of Senator Ross, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened.

The further consideration of report of Committee on resolutions relative to hanging Jefferson Davis, was resumed.

Senator Richards moved the adoption of the minority report.

The President ruled that the motion to adopt substitute would take precedence.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your honorable body that the House has passed sundry joint resolutions asking for additional mail facilities in Grundy, Butler, Floyd, Clinton, Jackson, Hamilton, Wright, Story, Polk and Jasper counties, copies of which are herewith transmitted and in which the concurrence of the Senate is respectfully asked.

C. S. WILSON,

First Assistant Clerk of H. R.

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators and Representatives in Congress be earnestly requested to secure the establishment of a tri-weekly mail from Wheatland, in Clinton county, through Toronto and Burgess, to Monmouth, in the county of Jackson, Iowa.

*Be it further resolved,* That the Secretary of State be instructed to send a copy of this resolution to our members in the Senate and House of Representatives of the United States.

JOINT RESOLUTIONS.

*Resolved,* That our Senators be instructed and our Representa-

tives requested to use their influence to procure a tri-weekly mail route from Nevada, in Story county, to Colfax, in Jasper county, *via* Iowa Centre, in Story county, Peoria and Greencastle, in Polk county.

*Resolved*, That the Secretary of State be instructed to forward immediately a copy of these resolutions to each of our Senators and Representatives in Congress.

*Be it Resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure at the earliest moment possible, the following mail routes and mail facilities, to-wit: A tri-weekly mail from Grundy Centre, Grundy county, Iowa, *via* Parkersburg, Butler Centre, West Point and Cold Water, in Butler county, to Marble Rock, in Floyd county, Iowa.

*Resolved*, That the Secretary of State be instructed to forward a copy of these resolutions to our Representatives in Congress and to the Postmaster-General.

*Resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be instructed and our Representatives requested to use their influence to secure a tri-weekly mail route from Webster City, in Hamilton county, to Luni, in Wright county.

*Resolved*, That the Secretary of State be, and he is hereby, instructed to forward a copy of this resolution to each of our members of Congress and to the Postmaster-General.

Senator Richards moved to amend the resolutions under consideration by adding at the end of the first resolution, the following: "unless the President believes that his pardon would tend to heal the wounds of the nation and promote the welfare of the Republic."

Upon the adoption of the amendment, the yeas and nays were demanded, and

The yeas were Senators Hedges, Hollman, Knoll, Oliver, Paulk, Richards—6.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—38.

Leave of absence was asked for and granted to Senators Powers, Reed, Ross, Young.

So the amendment was not adopted.

The substitute as amended was then adopted.

Senator Parvin moved that the resolutions be read a third time now.

The motion prevailed and the resolutions were read a third time.

The question being "shall the resolutions pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell,

Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—38.

The nays were Senators Hedges, Hollman, Knoll, Oliver, Paulk, Richards—6.

So the resolution passed, and the title, after being amended, so as to read, "resolution relating to the trial and punishment of Jefferson Davis," was agreed to.

The President laid before the Senate the following message from His Excellency, the Governor:

EXECUTIVE OFFICE, DES MOINES, IOWA, }  
March 3d, 1866. }

*Gentlemen of the Senate*:—I herewith return to your Honorable Body an act entitled "An act to amend Section one of Chapter one hundred twenty-eight (128) of the Acts of the Tenth General Assembly," without my approval, for the following reasons:

The act refers to the section and chapter sought to be amended, but does not specify either the session of the General Assembly by which the original act was passed, or the book in which the same may be found, thus leaving the amendatory act void for uncertainty.

It is true that the title of this act points out the original act with sufficient clearness, but as the title is not regarded as a part of the act, it cannot be resorted to in aid of this omission in the body of the act itself.

For these reasons I respectfully return this act for your further consideration.

W. M. STONE.

The question being "Shall the bill pass, notwithstanding the veto of the Governor?"

The yeas were Senator Hart—1.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—43.

So the bill having failed to receive a constitutional majority was lost.

On motion of Senator Wharton the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
 March 6, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Wetmore.

The Journal of yesterday read and approved.

Senator McJunkin obtained leave to introduce Senate File No. 171, A bill for an act to amend Section 1, of Chapter 128 of the acts of the Tenth General Assembly, which was read a first and second time.

On motion of Senator McJunkin, the 11th rule was suspended and the bill read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Oliver, Parvin, Reed, Richards, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Woolson, Young—39.

The nays were Senators Patterson, Wharton—2.

Absent and not voting, Senators Henderson, Hilsinger, Moore, Powers, Paulk, Robertson, and Stiles.

So the bill passed and the title was agreed to.

Senator Leake from special Committee submitted the following report:

*To the Senate of Iowa:*—The majority of the Committee to which was referred the preamble and joint resolutions instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States, together with the substitutes and amendments thereto, have had the same under consideration and have directed me to report the accompanying substitute, and recommend its passage.

J. B. LEAKE, Chairman.

Substitute for preamble and joint resolutions instructing our Senator and Representatives in Congress on the subject of the re-admission of the rebellious States,

WHEREAS, "In the language of the Proclamation of the President of the United States, dated May 29th, 1865, the rebellion which was waged by a portion of the people of the United States against the properly constituted authorities of the Government thereof, in the most violent and revolting form, but whose armed organized forces have now been almost entirely overcome, has in its revolutionary progress, deprived the people of the States in which it was organized of all civil government;" and

WHEREAS, By the Constitution, the United States have guaranteed to every State in this Union a government, to be republican in form, and

WHEREAS, The power is given to Congress alone "to make all laws which shall be necessary and proper for carrying into execution, all powers vested by the Constitution in the government of the United States or in any department or officer thereof," it has become the duty of Congress by "appropriate legislation to enable the people of those States" who have thus been deprived of all civil governments to organize such State governments as will fulfill the guaranty made by the United States; therefore

*Be it resolved by the General Assembly of the State of Iowa, That* our Senators in Congress be instructed and our Representatives requested, in discharging the duty thus devolved upon them, so to act that the promise that "loyal men, whether white or black, shall alone govern the State"—which promise was made by Andrew Johnson, at Nashville, to the people of Tennessee—shall be extended and fulfilled to the people of all those States; and they are further instructed and requested to use their influence to prevent the resumption of the practical relations of any of those States with the United States, until the following terms proposed by the President of the United States, viz: the insertion of a provision abolishing slavery in each State Constitution, the declaration by fundamental law that the ordinance of secession and the laws and decrees of the Confederacy are null and void, that the rebel debt (State and Confederate) should be repudiated, and that civil rights should be secured by law, applicable alike to whites and blacks—shall have been fully complied with, and continued compliance with the same amply secured; that, in order to guarantee the continued compliance with the said terms proposed by the President, to promote the peace and good order of society, and to prevent a continued state of warfare between races occupying towards each other the hostile relations of oppressor and oppressed, under the law. They are further instructed and requested to exercise whatever constitutional power may be vested in Congress to secure the full rights of citizenship, civil and political, to all the people of said States irrespective of race or color; and that, if any qualifications or restrictions of the rights of suffrage are deemed necessary for the safety and well-being of any State, such qualifications or restrictions shall be made without reference to the color or race of the persons to whom they shall apply.

*Resolved,* That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolutions.

Senator Warren moved that the Report be laid on the table and printed, carried.

Senator Bassett obtained leave to present a petition of Murphy & Bottsford, and others, relative to compensation to Justices of the Peace.

Referred to special committee on that subject.

Senator Richards from Committee on Ways and Means, submitted the following report:

The Committee of Ways and Means have instructed me to report back Senate File No. 137, A bill for an act to provide for the taxation of the currency of National Banks in Iowa, with the following amendment:

1st. Strike out the preamble.

2d. In the first line of the 3d Section, strike out the words "the time at which they file in," and insert instead thereof the words "the first day of May, 1866, and on the first day of January in each year thereafter file in."

And these amendments being made, the Committee recommend its passage.

B. B. RICHARDS.

Senator Paulk obtained leave to present a petition of Geo. W. Camp and others, relative to compensation of Justices of the Peace, which was referred to special committee on that subject.

Senator Lakin obtained leave to present petition of Jas. Hobson and others, relative to compensation to Justices of the Peace, which was referred to special committee on that subject.

The resolution of Senator Henderson, relative to introduction of new business of the 10th inst., was taken up.

Senator Woolson moved that the resolution be amended by adding the words "except through committees." Carried.

Senator Cattell moved to further amend by striking out the words "without unanimous consent." Carried.

The resolution as amended was adopted.

Senator Clarkson obtained leave to present a Joint Resolution relating to the plates on which Hall's Geological Report was printed.

Read first and second time.

Senator Clarkson moved that the 11th rule be suspended, and the Joint Resolution be read a third time now. Carried.

The question being "shall the Joint Resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Sampson, Shippen, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—40.

The nays were Senators Edwards, Larimer, Oliver, Richards, Ross, Smith—6.

Absent or not voting, Senators Leake and McJunkin.

So the resolution passed and the title was agreed to.

Senator Stiles obtained leave to introduce Senate File No. 170, A bill for an act to extend and preserve the rights of married women.

Read first and second times, when it was referred to Judiciary Committee.

Senator Edwards obtained leave to introduce Senate File No. 172, A bill for an act in relation to building school houses in new sub-districts.

Read first and second times, when it was referred to Committee on Schools.

Senator Edwards obtained leave to introduce Senate File No. 173, A bill for an act to amend Sec. 3088 of the Revision of 1860, in relation to trials by the Court without a jury.

Read first and second times, when it was referred to Judiciary Committee.

Senator Hilsinger obtained leave to introduce Senate File No. 174, A bill for an act to amend Section 720 of the Revision of 1860, in relation to revenue.

Read first and second times, when it was referred to the committee on Ways and Means.

Senator Hilsinger obtained leave to introduce Senate File No. 175, A bill for an act to amend Section 3308 of the Revision of 1860, in relation to the exemption of personal property from execution.

Read first and second time, when it was referred to Judiciary Committee.

Senator Hilsinger obtained leave to introduce Senate File No. 176, A bill for an act to amend Section 3301 of the Revision of 1860, in relation to stay of execution in certain cases.

Read first and second time, when it was referred to Judiciary Committee.

Senator Woolson obtained leave to introduce Joint Resolution appointing trustees for the Hospital for the Insane.

Read first and second time, when it was referred to Committee on Charitable Institutions.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled, and signed by the Speaker :

Senate File No. 105, A bill for an act to legalize certain official acts of Elias Topliff, late School Fund Commissioner of Alamakee county, and for the relief of the administrators of the estate of said Topliff and of their grantees.

House File No. 166, A bill for an act to fix the time of holding courts in the Ninth Judicial District.

Also, a memorial and Joint resolution asking Congress to grant the same aid to the Iowa Branch of the Union Pacific Railroad, as has been granted to the Kansas Branch of the same road.

CHAS. ALDRICH, Chief Clerk.

Senator Knoll obtained leave to introduce Joint Resolution asking Congress to modify the present revenue and tariff policy of the Government, and moved that it be referred to Committee of Ways and Means. Carried.

Senator Paulk moved that the Joint resolution be printed. Lost.

Senator Farwell obtained leave to introduce Joint resolution re-

lating to William T. Shaw, late Colonel 14th Regiment Iowa Infantry Volunteers.

Read first and second time, when it was referred to Committee on Military Affairs.

Senator Woolson obtained leave to introduce Senate File No. 177, A bill for an act to amend Article 3, of Chapter 55, of the Revision of 1860, in relation to acquiring rights of way by railroad companies.

Read first and second time, when it was referred to Railroad Committee.

Senator Patterson from Committee on Township and County Organizations submitted the following report :

Your Committee on Township and County Organizations, have had under consideration Senate Files Nos. 67, 124, and 154, bills for an act changing the present law in regard to the election of county supervisors, and a majority of said Committee being unable to agree upon, or in favor of, either of said bills, or the changes of the present system of supervisors provided for in either of said bills, direct me to report said bills back to the Senate without recommendation.

J. G. PATTERSON, Chairman.

Senator Woolson moved that the bills referred to in the report of Committee, be referred to Special Committee of five. Carried.

Senator McMillan from Committee on roads submitted the following report :

The Committee on roads to whom was referred Senate File No. 56, have had the same under consideration and have instructed me to report the same back to the Senate and recommend that it do not pass.

McMILLAN, Chairman.

Senator Richards obtained leave to introduce the following concurrent resolution upon the publication of the laws, and moved its adoption :

WHEREAS, The publication of the laws in the newspapers of the two principal political parties of the State is demanded by justice; Therefore,

*Resolved by the Senate, the House concurring,* That the laws passed by the Eleventh General Assembly of Iowa, as take effect by publication, be published in such Democratic newspapers of the State as shall be designated by the Democratic members of the two houses.

Senator Young moved to strike out the preamble, on which the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hilsinger, Hillyer, Hollman, King, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Robertson, Roes, Sampson, Smith, Stubbs, Wharton, Young—29.

The nays were Senators Edwards, Hart, Hedges, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, Powers, Reed, Richards, Shippen, Stiles, Udell, Warren, Woolson—18.

Absent or not voting, Senator Bassett.

So the motion prevailed.

Senator Ross moved that the resolution be laid on the table.

On which the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Clarkson, Cutts, Henderson, Hillyer, King, Oliver, Parvin, Patterson, Robertson, Ross, Sampson, Smith, Stubbs, Wharton, Young—18.

The nays were Senators Cattell Crookham, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk, Powers, Reed, Richards, Shippen, Stiles, Udell, Warren, Woolson—28.

Absent or not voting, Senators Bassett and Clark.

So the motion did not prevail.

Senator Parvin moved that the Resolution be indefinitely postponed, on which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Farwell, Hillyer, King, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Wharton, Warren, Young—24.

The nays were Senators Clark, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hillsinger, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Paulk, Powers, Reed, Richards, Stiles, Udell, Warren, Woolson—24.

There being a tie vote and the President voting no, the motion did not prevail.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House has passed the Senate Concurrent Resolution providing for the Joint Convention of the two Houses on Saturday next at 2½ P. M., for the purpose of electing State Printer, State Binder, Warden of the Penitentiary, Trustees of State University, and Bank Commissioners, with the following amendment :

Strike out the word "three" before "Trustees," and insert "four," in which the concurrence of the Senate is respectfully wished.

CHAS. ALDRICH, Chief Clerk.

Senator Woolson offered the following resolution as a substitute for the one under consideration :

*Resolved*, That in the opinion of the Senate it is proper that laws to take effect on publication, should be published in a newspaper of each political party.

Senator Wharton moved that the Senate do now adjourn, and demanded the yeas and nays ; and

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark,

Clarkson, Cutts, Doud, Farwell, Hilsinger, Hillyer, Hollman, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Warren, Wharton, Woolson, Young—35.

The nays were Senators Bulis, Crookham, Edwards, Hart, Hedges, Henderson, Hunt, Knoll, McJunkin, Moore, Richards, Stubbs, Udell—13.

The motion prevailed, and the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

The President in the Chair.

The President announced as special committee on bills in relation to Supervisor system, Senators Woolson, Smith, Stubbs, Oliver and Richards.

The consideration of the resolution relative to printing laws, &c., was resumed.

Senator Shippen moved that the further consideration of the resolution and substitute be postponed until 2½ o'clock.

The motion did not prevail.

Senator Sampson moved to amend the substitute by adding to the same the words "provided, however, that the political organization which declared the late war a failure, shall not be considered a party within the meaning of this resolution."

Senator Hart asked for leave of absence for Senator Clarkson. Leave granted.

Senator Clark asked for leave of absence for Senator Young. Leave granted.

The question being the adoption of the amendment of Senator Sampson the yeas and nays were demanded; and

The yeas were Senators Bulis, Clark, Cutts, Hillyer, King, McMillan, Meyer, Moore, Parvin, Patterson, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, and Wharton—17.

The nays were Senators Brayton, Crookham, Farwell, Hart, Hedges, Henderson, Hollman, Knoll, Lakin, Larimer, Leake, Oliver, Paulk, Powers, Richards, Udell, and Warren—17.

Absent, but not excused, Senators Bassett, Bridges, Cattell, Doud, Edwards, Hunt, Marshman, McJunkin, Reed, Stiles, and Woolson.

There being a tie vote, the President voted "no."

So the motion did not prevail.

The following message was received from the House:

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

that the House has concurred in the Senate amendments to the joint resolutions relative to the trial and punishment of Jefferson Davis and the establishment of a National Bureau of Education.  
CHAS. ALDRICH, Chief Clerk.

The question recurring on the motion to adopt the substitute for the resolution offered by Senator Richards, the yeas and nays were demanded, and

The yeas were, Senators Brayton, Clark, Crookham, Farwell, Hart, Hedges, Henderson, Hollman, Knoll, Lakin, Leake, Moore, Paulk, Powers, Reed, Richards, Shippen, Udell, Warren—19.

The nays were, Senators Cutts, Hillyer, King, Larimer, McMillan, Meyer, Oliver, Parvin, Patterson, Robertson, Ross, Sampson, Smith, Stiles, Stubbs, Wharton—16.

Absent, but not excused, Senators Bassett, Bridges, Cattell, Doud, Edwards, Hilsinger, Hunt, Marshman, McJunkin, Stiles, and Woolson.

So the motion prevailed.

Senator Bulis asked leave of absence for Senator Cattell. Granted.

The question being the adoption of the resolution under consideration, the yeas and nays were demanded, and

The yeas were, Senators Brayton, Clark, Crookham, Edwards, Hart, Hedges, Henderson, Hollman, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Paulk, Powers, Reed, Richards, Stiles, Udell, Warren, Woolson—22.

The nays were, Senators Bassett, Bridges, Bulis, Cattell, Cutts, Farwell, Hilsinger, Hillyer, King, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Wharton—22.

Absent or not voting, Senators Clarkson, Doud, Hunt and Young.

There being a tie vote, and the President voting yea, the resolution was adopted.

On motion of Senator Bassett, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
March 7, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Kellison.

The journal of yesterday was read, corrected and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body

that the House has concurred in the Senate's amendments to the following bills:

Substitute for House File Nos. 41 and 35, A bill for an act to amend chapter 89 of the acts of the Tenth General Assembly, entitled an act for the relief of the families of soldiers and mariners in the service of the United States.

House substitute for House File No. 29, A bill for an act to protect the earnings of married women.

House File No. 90, A bill for an act to amend section 10, chapter 22, acts of Tenth General Assembly.

I am also 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. 79, A bill for an act to amend section 799 of the Revision of 1860, relating to registered letters containing County Treasurers' monthly report to the Auditor of State.

House File No. 254, A bill for an act to amend an act entitled "an act to define the time of holding Courts in the several Judicial Districts of this State," passed March 23, 1858.

House File No. 198, A bill for an act to provide for special term of the District Court in Lee county.

I also transmit herewith a preamble and joint resolution in relation to protecting settlers on certain Des Moines River Lands, which has passed the House and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

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

*Resolved*, That the order heretofore adopted providing that the Senate would commence the order of business each morning where it left off the preceding day, is hereby suspended until the 12th instant.

Senator Udell, by leave, called up the concurrent resolution relative to adjournment, and moved that it be amended by striking out "24th of March" and insert "3d of April." Carried.

The resolution as amended was adopted.

#### PETITIONS AND MEMORIALS.

By Senator Cattell: The petition of Jeff. S. Polk and other citizens of Polk county, relative to compensation of Justices of the Peace.

Referred to special committee on that subject.

By Senator Farwell: Remonstrance of M. Haran, and other citizens of Monticello and vicinity, against any change in the Prohibitory Liquor Law, &c.

Referred to Committee on Liquor Law.

By Senator Crookham: Petition of Thos. D. Evans and 53

other citizens of Jefferson County, in relation to compensation of Justices of the Peace.

Referred to Special Committee on the subject.

By Senator Bulis: Petition of B. F. Smith and 160 other citizens of Winneshiek County, protesting against any change of the preseat Liquor Law.

Referred to Committee on Liquor Law.

#### INTRODUCTION OF BILLS.

By Senator Hunt: Senate File No. 178, A bill for an act to amend article 3, of Chapter 55, of the Revision of 1860.

Read first and second time, and referred to Railroad Committee.

By Senator Hilsinger: Senate File No. 179, A bill for an act to amend Chapter 25, of the acts of the Extra Session of the Ninth General Assembly of the State of Iowa, entitled "an act supplemental to an act for the Incorporation of Cities and Towns, chapter 51 of the Revision of 1860.

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

By Senator Hilsinger: Senate File No. 180, A bill for an act to repeal Section 4178 of the Revision of 1860, and to substitute another Section therefore in relation to the action of partition.

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

By Senator Hilsinger: Senate File No. 181, A bill for an act to amend Section 3762 of the Revision of 1860, in relation to actions of Mandamus.

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

By Senator Patterson from special Committee on McGregor Western Railroad grant: Senate File No. 182, A bill for an act to provide for the conveyance of the lands granted to the State of Iowa for the use of the McGregor Western Railroad Company by act of Congress passed July 12th, 1864.

Read a first and second time, passed on file and ordered printed.

By Senator Meyer: Senate File No. 183, A bill for an act to change the name of the North and South Skunk rivers.

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

By Senator Hollman: Senate File No. 184, A bill to amend Chapter 59, of the Revision of 1860.

Read the first and second times, referred to Committee on Charitable Institutions, and ordered to be printed.

By Senator Crookham: Senate File No. 185, A bill for an act to regulate and increase the military force of the State of Iowa.

Read the first and second times and referred to the Committee on Military Affairs.

## REPORTS OF COMMITTEES.

Senator Cattell from Committee on Claims submitted the following report :

The Committee on Claims have considered the petition of D. Dumbrun, asking that provision be made for paying him \$264 as balance claimed to be due on cut stone furnished by him in 1857, for the building for the Insane, and have instructed me to report the same back and recommend that the prayer of the petitioner be not granted.

J. W. CATTELL, Chairman.

Senator Clarkson from Committee on Agriculture submitted the following report :

The Committee on Agriculture to which was referred Senate File No. 80, to repeal an act to encourage Agriculture in Johnson county, have considered the same, and have directed me to recommend the passage of the bill.

C. F. CLARKSON, Chairman.

Senator Cattell from Committee on Ways and Means submitted the following report :

The Committee on Ways and Means have considered Senate File No. 168, in relation to assessment of taxes on certain lands, and have instructed me to report the accompanying substitute and recommend the passage of the bill.

J. W. CATTELL, Chairman.

Senator Cattell from Committee on Claims submitted the following report :

The Committee on Claims have had under consideration Senate File No. 119, A bill for an act for the relief of the Western Bank of Missouri, and have instructed me to report the same back and recommend that it pass.

J. W. CATTELL, Chairman.

Senator Bulis from Committee on Manufactures submitted the following report :

*To the Honorable Senate* :—Your Committee to whom was referred Senate File No. 13, report that they have had the same under consideration and a majority of said Committee report the same back and recommend its indefinite postponement.

H. C. BULIS.

J. F. McJUNKIN.

N. G. HEDGES.

Senator Stiles, from Committee on Senatorial Districts, submitted the following report :

The Committee on Senatorial Districts, to whom was referred Senate File No. 152, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it pass.

E. H. STILES, Chairman.

## HOUSE MESSAGES.

House File No. 198, A bill for an act authorizing the special term of the District Court in Lee county, was taken up and read first and second times.

Senator Hollman moved that the 11th rule be suspended and the bill be read the third time now. Carried.

The question being, Shall the bill pass?

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—44.

The nays were none.

Absent or not voting, Senators Cattell, Clark, Hunt, and Young. So the bill passed, and the title was agreed to.

House File No. 254, A bill for an act to amend an act entitled an act to define the time of holding courts in the several Judicial Districts of this State, passed March 23d, 1858, was taken up and read the first and second times.

Senator Hollman moved that the 11th rule be suspended and the bill be read the third time. Carried.

The question being, Shall the bill pass?

The yeas were, Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Udell, Warren, Wharton, Woolson—44.

The nays were, Senator Bridges—1.

Absent or not voting, Senators Hunt and Young.

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

House Joint resolution asking for additional mail facilities in Story, Polk and Jasper counties, was taken up.

Read first and second time, and on motion of Senator Stubbs, the 11th rule was suspended, and the resolution read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Wharton—42.

The nays were none.

Absent or not voting, Senators Hart, Hunt, Powers, Warren, Woolson and Young.

So the resolution passed.

House Joint resolution asking for additional mail facilities in Grundy, Butler, and Floyd counties, was taken up.

Read first and second time, and on motion of Senator Parvin, the 11th rule was suspended, and the resolution was read the third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Paulk, Patterson, Reed, Richards, Robertson, Parvin, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—42.

The nays were none.

Absent or not voting, Senators Hart, Hunt, Powers, Woolson, Young.

So the resolution passed.

House joint resolution asking for additional mail facilities in the counties of Hamilton and Wright, was taken up and read first and second times.

On motion of Senator Marshman the eleventh rule was suspended, and resolution read a third time.

The question being "Shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—41.

The nays were none.

Absent, or not voting, Senators Clark, Hart, Hunt, Lakin, Powers, Woolson and Young.

So the resolution passed.

House joint resolution asking for additional mail facilities in the counties of Clinton and Jackson, was taken up and read first and second times.

On motion of Senator Meyer the eleventh rule was suspended and the resolution read a third time.

The question being "Shall the resolution pass?"

The yeas were Senators, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—44.

The nays were, none.

Absent, or not voting, Senators Hunt, Powers, Woolson, and Young.

So the resolution passed.

House File No. 79, A bill for an act to amend Section 799 of the Revision of 1860, relating to registered letters containing County Treasurer's monthly report to the Auditor of State, was taken up, read first and second times, and referred to Committee on Ways and Means.

Concurrent resolution relating to investigating committees on swamp land indemnity funds, was taken up.

Senator Stiles moved to amend by striking out "10th" and inserting "15th." Carried.

Senator Paulk moved to amend by striking out the word "next" and insert "1866." Carried.

The resolution as amended was adopted.

House preamble and joint resolution for the protection of grantees of certain lands north of Raccoon Fork of the Des Moines river, was taken up, read first and second times, and referred to Committee on Claims.

#### BILLS ON SECOND READING.

The joint resolution relating to the relief of Buchanan county, with report of Committee recommending that the resolution do pass, was taken up.

Senator Hart moved that the resolution be read a third time now. Carried.

The question being "Shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, and Woolson—43.

The nays were, Senator Parvin.

Absent or not voting, Senators Hunt, Powers, Wharton, and Young.

So the resolution passed.

The report of Judiciary Committee on petition of C. S. Clarke and others in relation to sale of real estate for taxes, &c., was taken up, and on motion the report of the Committee was concurred in.

Senate File No. 24, A bill for an act to amend clause 23 of section 312 of the Revision of 1860, relating to the powers of the Board of Supervisors to appropriate money in certain cases, and substitute for same, with report of Committee recommending the passage of the substitute, was taken up.

Pending which, Senator Parvin moved to adjourn, on which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Dond, Farwell, Hilsinger, Hillyer, King, Lakin, Larimer, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Wharton, Woolson—29.

The nays were Senators Clarkson, Edwards, Hart, Hedges, Henderson, Hollman, Hunt, Knoll, Leake, Marshman, McJunkin, Oliver, Paulk, Patterson, Powers, Richards, Stiles, Warren, and Young—19.

The motion prevailed, and the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

President, *pro tem.*, in the Chair.

The further consideration of substitute for Senate File No. 24, was resumed.

Senator Hart moved to amend Section 1, by striking out the words "not to exceed," where it occurs before the several amounts and insert the words "not exceeding."

The motion prevailed.

Senator Hilsinger moved to amend by adding at the end of first Section, as follows:

*Provided*, That the said board of supervisors shall in no case appropriate more than two thousand dollars for any one purpose, except by a two-thirds vote of the entire board elected, without first having submitted the proposition therefor to the people, as provided by law.

The motion prevailed.

Senator Bridges asked leave of absence for Senator Hunt. Leave granted.

Senator Hart asked leave of absence for Senator Clarkson. Leave granted.

Senator Shippen asked leave of absence for Senators Edwards and Woolson. Leave granted.

Senator Moore asked leave of absence for Senator Udell. Leave granted.

The motion being the adoption of the substitute, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Cutts, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Par-

vin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Stubbs, Warren, Wharton, Young—33.

The nays were Senators Bridges, Crookham, Doud, Lakin, Richards, Smith—6.

Absent or not voting, Senators Clarkson, Edwards, Farwell, Henderson, Hunt, McJunkin, Patterson, Udell, Woolson.

So the motion prevailed.

On motion of Senator Hart, the bill was read a third time.

On the question, "shall the bill pass?"

The yeas were Senators Basset, Brayton, Bridges, Cattell, Clark, Crookham, Cutts, Doud, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Stubbs, Warren, Wharton, Young—34.

The nays were Senators Marshman, Richards, Smith—3.

Absent, or not voting, Senators Bulis, Clarkson, Edwards, Farwell, Henderson, Hunt, Lakin, McJunkin, Patterson, and Udell.

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

Senator Wharton, by leave, presented petition of Wm. Rinehart and 6 other citizens of Fort Madison, for the re-enactment of the law repealed in 1860, which created a Board of Inspectors of Iowa Penitentiary.

Referred to Committee on Charitable Institutions.

Senator Hilsinger, by leave, called up House File No. 75, A bill for an act to amend Section 3362 of the Revision of 1860, in relation to administration of oaths to appraisers, and on motion of Senator Leake, it was re-committed to Judiciary Committee.

Senate File No. 141, A bill for an act fixing the salaries of the Judges of the District Court and of the Supreme Court, was taken up.

Senator Ross moved that the further consideration of the bill be made a special order for to-morrow at 10½ o'clock. Carried.

Senator Meyer moved to adjourn.

The motion did not prevail.

Substitute for Senate File No. 95, A bill for an act authorizing counties to offer and pay bounties for the capture of certain offenders, was taken up.

Senator Cattell moved to strike out the words "the property of another" and insert "or the property belonging to others."

Senator Hilsinger moved to amend Section 1, by striking out the words "offense of Larceny" in the eighth line thereof, and insert "crime of felony" and strike out all after the word "respectively" in the tenth line up to the word "Provided" in the twelfth line.

Senator Ross moved that the bill and amendments be re-committed to Judiciary Committee. Carried.

House File No. 6, with report of Committee was taken up, and on motion, was read a third time.

Senator McJunkin asked for leave of absence for Senator Patterson.

Leave granted.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hart, Hilsinger, Hillyer, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Stubbs, Warren, Wharton, Young—36.

The nays were Senators Hollman, Knoll, Richards, Smith—4.

Absent or not voting, Senators Clarkson, Edwards, Hedges, Henderson, Hunt, Patterson, Udell, and Woolson.

So the bill passed and the title as amended was agreed to.

Senator Marshman moved to adjourn. The motion did not prevail.

Senator Lakin, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, Senate File No. 105.

W. B. LAKIN,  
CHAS. PAULK.

Senator McJunkin, by leave, presented the petition of R. T. McCall and others, citizens of Washington county, asking for the establishment of a weekly mail route from Mt. Pleasant to Washington *via* Wayne and Crawfordsville.

Referred to Committee on Federal Relations.

Senator Hart, by leave, introduced Senate File 186. A bill for an act to aid in the support and education of soldiers' orphans of Iowa, and for the benefit of the Soldiers' Orphans' Home.

Read first and second times and referred to Committee on Soldiers' Orphans' Home.

Senator Hillyer moved that the bill be printed. The motion did not prevail.

Senator Stiles moved that the vote by which the title to House File No. 6 was amended, be reconsidered. The motion prevailed.

Senator Meyer presented, by leave, the petition of Wm. Vohn and others, citizens of Jasper county, in relation to Soldiers' Orphans' Home, which was referred to Committee on Soldiers' Orphans' Home.

Senator Lakin moved to adjourn. The motion did not prevail.

Senate File No. 129, A bill for an act to amend Section 5100, in relation to appeals in the District Court in criminal cases, with report of committee recommending its indefinite postponement, was taken up and report of committee concurred in.

Senator Hollman moved to adjourn. Lost.

The resolutions asking for additional mail facilities, with report of Committee on Federal Relations, was taken up.

Senator Cutts moved to suspend the thirteenth rule, and that the resolutions reported by Committee on Federal Relations be passed. Two-thirds of the Senate voting in the affirmative, the rule was suspended.

Senator Powers moved to adjourn. Lost.

The resolutions were then read a third time and passed.

Senator Doud moved that the Senate now adjourn, on which the yeas and nays were demanded; and

The yeas were Senators Bassett, Bridges, Cattell, Clark, Doud, Farwell, Hart, Hilsinger, Hollman, Lakin, Larimer, Leake, Parvin, Richards, Robertson, Shippen, Smith, Stubbs—18.

The nays were Senators Brayton, Crookham, Hillyer, King, Knoll, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Patterson, Powers, Reed, Ross, Sampson, Stiles, Udell, Warren, Wharton, Young—22.

Absent or not voting, Senators Clarkson, Cutts, Edwards, Hedges, Hunt, Patterson, and Woolson.

The motion did not prevail.

Senator Bridges moved a call of the Senate. Lost.

Senator Young moved that the Senate adjourn.

The motion prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES, }  
March 8, 1866. }

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

The President in the chair.

Prayer by the Rev. Dr. Gaston.

The Journal of yesterday was read and approved.

Senator Stubbs moved that Senator Hunt be made chairman of the special committee to whom was referred bills for change of the Supervisor System. Carried.

#### PETITIONS AND MEMORIALS.

By Senator Lakin: Petition of J. Grant and other citizens of Scott county, in relation to compensation of Justices of the Peace. Referred to special committee on that subject.

By Senator Oliver: Petition of B. D. Holbrook and fifty-three other citizens of Monona county, in reference to lands along the C. R. & M. R. R. R.

Referred to the Railroad Committee.

By Senator Cattell: Petition of F. W. Palmer and forty-four other citizens of Polk county, in relation to compensation to Justices of the Peace.

Referred to special committee on that subject.

By Senator Hart: Petition of E. Brewer and fourteen other citizens of Buchanan county, relative to compensation of Justices of the Peace.

Referred to special committee on that subject.

Senator Udell obtained leave to call up the Senate concurrent resolution relative to a joint convention for the election of State Printer and other officers, and the amendment of the House was concurred in.

By Senator Sampson: A petition of H. J. B. Cummings and others, for the passage of an act requiring the publication of the laws passed by the General Assembly in county papers; also for the publication of proceedings of each county Board of Supervisors in their county papers.

Referred to Committee on Printing.

The President announced that the hour for special order had arrived, which was the consideration of Senate File No. 141, A bill for an act fixing the salaries of the Judges of the District Court and of the Supreme Court—and the further consideration of the bill was resumed.

The following messages were received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the Legislature, and been duly enrolled and signed by the Speaker of the House of Representatives:

Substitute for House File No. 29, An act to protect the earnings of married women.

Substitute for House Files No. 41 and 35, An act to amend Chapter 89 of the acts of the 10th General Assembly, entitled an act for the relief of the families of soldiers and mariners in the service of the United States.

House File No. 90, An act to amend Section 10 of Chapter 22 of the acts of the 10th General Assembly.

CHAS. ALDRICH, Chief Clerk.

The question being the amendment of Senator Young to the bill under consideration, pending which, Senator Parvin moved that the Senate do now adjourn.

The motion prevailed, and the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

The President in the chair.

Senator Cattell called up the claim of Dr. David Beach, reported

back by Committee on Claims, and moved its reference to Committee on Military Affairs.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform the Senate that the House has adopted the concurrent resolution of the Senate, fixing the time for the adjournment of the General Assembly, with the following amendment: Strike out of the 2d line, the words, "present session of the," in which the concurrence of the Senate is respectfully asked.

I also return the Senate Joint resolution, relative to the plates on which Hall's Geological Report was published, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your honorable body that the House has ordered printed the usual number of copies of the opinion of the Attorney General upon the law of Congress making a grant of lands to this State to aid in the construction of a railroad westward from McGregor, passed May 12th, 1864; also the report of the Joint Committee which visited the Agricultural College and Farm.

CHAS. ALDRICH, Chief Clerk.

Senator Udell moved that the further consideration of the bill under discussion be made a special order for to-morrow at 10½ o'clock.

The motion prevailed.

On motion of Senator Udell, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
 March 9, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by the Rev. Mr. Hughes.

The Journal of yesterday was read and approved.

Senator Udell obtained leave to call up the concurrent resolution relative to the final adjournment of the General Assembly, and the House amendment thereto was concurred in.

Senator Stubbs asked and obtained leave of absence for Senator Patterson for the day on account of sickness.

INTRODUCTION OF BILLS.

By Senator Stubbs, Senate File No. 187, A bill for an act to repeal an act entitled an act to incorporate the State Bank of Iowa, and to enable it to wind up its affairs.

Bill read the first and second times, and referred to the Committee on Banks.

By Senator Paulk: Senate File No. 188, A bill for an act to amend Chapter 9 of the laws of the Board of Education, passed Dec. 24, 1859, entitled an act to provide for appeals.

Bill read the first and second times and referred to the Committee on Schools.

By Senator Hedges: Senate File No. 189, A bill for an act to annex the township of Charleston, in the county of Lee, to the townships of Jackson, Montrose, Des Moines, and Van Buren, in said county, for judicial purposes.

Bill read the first and second times, and on motion of Senator Hedges the 11th rule was suspended and the bill was read a third time.

The question being, Shall the bill pass?

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Young—42.

The nays were Senators Bridges, Larimer, Wharton—3.

Absent but not excused, Senator Farwell.

So the bill passed and the title was agreed to.

The hour for the special order having arrived, being the consideration of Senate File No. 141, A bill for an act fixing the salaries of the Judges of the District Courts and of the Supreme Court, Senator Hollman moved that the same be postponed for half an hour.

The motion did not prevail.

The bill was then taken up.

Senator Clarkson moved the previous question, which was seconded, and the main question ordered and put, viz.: "Shall the amendment to strike out the second section thereof be adopted?"

Upon this, the yeas and nays were demanded, and

The yeas were Senators Cattell, Farwell, Hedges, Hillyer, Hollman, Lakin, Meyer, Moore, Oliver, Parvin, Paulk, Richards, Robertson, and Young—14.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Henderson, Hilsinger, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Powers, Reed, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, and Wharton—32.

So the amendment was not adopted.

The question then recurring upon the motion that the bill be read a third time now, the motion prevailed, and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Hart, Henderson, Hilsinger, Hunt, King, Leake, Marshman, McJunkin, McMillan, Powers, Reed, Ross, Sampson, Smith, Stiles, Stubbs, Udell, Warren, and Wharton—28.

The nays were Senators Cattell, Edwards, Farwell, Hedges, Hillyer, Hollman, Knoll, Lakin, Larimer, Meyer, Moore, Oliver, Parvin, Paulk, Richards, Robertson, Shippen, Woolson, and Young—18.

So the bill passed and the title was agreed to.

Senators Parvin and Edwards gave notice that they would, at some future day, enter written protests against the passage of the bill.

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. 106, A bill for an act to pay bounties upon the scalps of certain wild animals.

House File No. 111, A bill for an act to amend an act entitled vacancies and special elections.

House File No. 204, A bill for an act to legalize the city election of the city of Knoxville and the reorganization of the city government, and the official acts of the City Council of said city.

House File No. 94, A bill for an act to authorize courts upon granting change of venue in criminal cases, to require witnesses to enter into recognizance for their appearance at the court to which such change of venue may be granted.

House File No. 143, A bill for an act to legalize the acts of the State Auditor and Treasurer in paying compensation to the Judges of the Supreme and District Courts in the absence of any law authorizing the same, and to equalize such compensation.

House File No. 140, A bill for an act to credit Story county with certain sums of money.

Substitute for House File No. 71, A bill for an act regulating appeals to the Supreme Court in certain cases.

House File No. 57, A bill for an act to authorize the Board of Supervisors to compromise certain judgments.

House File No. 118, A bill for an act to provide for the publication of general and local laws, and of the proceedings of the Board of Supervisors in the several counties.

House File No. 123, A bill for an act to amend Section one of Chapter 25 of the laws of the extra session of the 9th General Assembly.

House File No. 60, A bill to amend Section 4220 of Chapter 165 of the Revision of 1860.

I also herewith return Senate File 20, A bill for an act amend-

ing Sec. 4324 of the Revision of 1860, in relation to willful trespass, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

INTRODUCTION OF BILLS CONTINUED.

By Senator Hollman : Senate File 190, A bill for an act to legalize the official acts of William Warner, a Notary Public of Lee county.

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

Senator Hollman obtained leave to present the claim of Edward Johnston, as commissioner to lease the convict labor of the Iowa Penitentiary, which was referred to the Committee on Claims.

Also the claim of J. C. Walker, as commissioner to lease the convict labor of the Iowa Penitentiary, which was referred to the Committee on Claims.

Senator Hollman introduced Senate File No. 191, A bill for an act to amend Chapter 111 of the Revision of 1860.

Bill read the first and second times and referred to the Committee on Judiciary.

By Senator Oliver : Senate File No. 192, A bill for an act to amend an act entitled "an act for the better protection of the school fund."

Bill read the first and second times and referred to the Committee on Schools and School Lands.

By Senator Hart : Senate File No. 193, A bill for an act to amend Sec. 880 of the Revision of 1860, in relation to dividing townships into road districts.

Bill read the first and second times and referred to the Committee on Roads.

By Senator Henderson : Senate File No. 194, A bill for an act authorizing arrests by telegraph in certain cases.

Bill read the first and second times and referred to the Committee on Judiciary.

Senator Henderson obtained leave to present a communication from T. A. Lampman and N. P. Gregg, suggesting changes in laws regarding bastardy cases, which was referred to the Committee on Judiciary.

Senator Ross introduced Senate File No. 195, A bill for an act to amend an act to create a board of examiners, for the examination of school teachers, passed by the Board of Education, Dec. 20, 1861.

Bill read the first and second times.

Senator Ross moved that the 11th rule be suspended, and that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—45.

The nays were none.

Absent but not excused, Senator Lakin.

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

Senator Bassett obtained leave to present the remonstrance of A. M. Dawley and fifty-six others, citizens of Webster county, against the legalization of the acts of the board of supervisors of said county, in levying special bounty tax, which was referred to the Committee on Judiciary.

Senator Powers introduced Senate File No. 196, A bill for an act making appropriation for the Agricultural College.

Bill read the first and second time, and referred to the Committee on Agriculture.

Senator Cattell introduced Senate File No. 197, A bill for an act legalizing certain county warrants in Polk county, Iowa.

Bill read the first and second times and referred to the Committee on Judiciary.

Senator McMillan obtained leave to call up House File No. 204, A bill for an act to legalize the city election of the city of Knoxville, and the reorganization of the city government and the official acts of the city council of said city.

Bill read the first and second times and referred to the Committee on Incorporations.

Senator Young introduced Senate File No. 198, A bill for an act to amend Section 784 of the Revision of 1860, relating to tax title deeds.

Bill read the first and second times.

Senator Young moved that the bill be passed on file.

Senator Leake moved that the bill be indefinitely postponed.

Senator Cattell moved that the bill be referred to the Committee on Ways and Means.

Senator Farwell moved that the bill be referred to a special committee of five, consisting of Senators Young, Paulk, Clark, Bassett, and Richards.

The motion to refer to a standing committee taking precedence, it prevailed, and the bill was so referred.

The following message was received from the House:

MR. PRESIDENT:—I herewith return Senate File No. 171, A bill for an act to amend Section 1, of Chapter 128, of the Acts of the 10th General Assembly, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin from the Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File Nos. 19 and 20, and also, a joint resolution relating to the plates on which Hall's Geological Report was printed.

The same are correctly enrolled.

W. B. LAKIN.  
CHAS. PAULK.

Senator Leake moved that when the Senate adjourn it be until to-morrow morning at ten o'clock.

Upon this the yeas and nays were demanded, and

The yeas were Senators Clark, Clarkson, Edwards, Farwell, Hedges, Henderson, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Oliver, Powers, Sampson, Stiles, Stubbs, Udell, Warren, Young—23.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Crookham, Dond, Hart, Hilsinger, Hillyer, McMillan, Meyer, Moore, Parvin, Paulk, Reed, Richards, Robertson, Ross, Shippen, Smith, Wharton—22.

Absent but not excused, Senator Cutts.

So the motion prevailed.

Senator Marshman from Special Committee obtained leave to submit the following report:

The Special Committee to whom was referred sundry petitions praying for the passage of a law to establish a uniform system of compensation for the services of Justices of the Peace in civil and criminal actions, would respectfully report that they have had the same under consideration, and would hereby recommend the passage of the bill which is herewith submitted.

W. M. MARSHMAN, Chairman.

Ordered that the report pass on file.

Senator Richards from Committee on Ways and Means obtained leave to submit the following report:

The Committee on Ways and Means have instructed me to report the accompanying bill for an act to authorize the sale of lands, lots and other real estate for taxes, to the highest bidder, and to limit the time of tax liens as a substitute for Senate File Nos. 52 and 61, and to recommend its passage.

B. B. RICHARDS, for Com.

Ordered that the report pass on file.

Senator Bassett introduced Senate File No. 200, A bill for an act to amend Chapter one hundred and eight, of the acts of the Tenth General Assembly, relating to the Des Moines river land grant and providing for the release and sale of certain lands.

Bill read the first and second times and referred to the Committee on Claims.

Senator Ross obtained leave to call up substitute for House File No. 71, A bill for an act regulating appeals to the Supreme Court

in certain cases, which was read the first and second times and referred to the Committee on Judiciary.

On motion of Senator Wharton, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
March 10, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Manley.

The Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature House File No. 259, A bill for an act to amend an act entitled an act to define the time of holding courts in the several Judicial Districts of this State passed March 23, 1858, the same having passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House.

CHAS. ALDRICH, Chief Clerk.

Senator Parvin submitted the following protest:

A protest against the action of the Senate in passing Senate File No. 141, "A bill for an act fixing the salaries of the Judges of the District Court and of the Supreme Court."

The undersigned, believing the section of said bill unconstitutional, avail themselves of the constitutional privilege of showing wherein they think its passage is in violation of the Constitution of Iowa.

The second section of said bill reads as follows: "That from and after the first day of January, A. D. 1866, the salary of each Judge of the Supreme Court shall be, and the same is hereby fixed at the sum of two thousand five hundred dollars" per annum.

The said section the undersigned believe to be in direct violation of Section 9, Article V, of the Constitution, which 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, by law, shall prescribe; which compensation shall not be increased or diminished during the term for which they shall have been elected."

The makers of the Constitution evidently intended to place the Judges of the Supreme and District Courts beyond the reach of the influence of the General Assembly, as to their salaries; and so

expressly declare, in the section above quoted, where they say, "which compensation shall *not* be increased or diminished during the term for which they shall have been elected."

The Constitution creates three Judges of the Supreme Court, (with provision for increasing the number.) That said Judges shall, after the first election, hold their offices for the term of six years, and one to be elected every two years. So that if the General Assembly ever change the salary from the sum fixed in the Constitution, there must, of necessity, be a time when one Judge will receive a larger salary than another, for the General Assembly are forbidden to make any change during the term for which the Judge was elected. There was no time when the General Assembly could say, in the language of the second section of the bill, "that from and after" a certain day, "the salary of each Judge of the Supreme Court, shall be" a certain sum, but to change the salary they must enact that the increase or decrease shall take effect at the commencement of the several terms of the Judges *after* the passage of the act changing the salaries.

Previous to 1860, the General Assembly had no power to interfere with the salaries of the Judges; after that time they *might* do so, with the restriction in the last clause of the ninth section of the Constitution, above quoted. If the General Assembly did not see proper to change the salary, then the Judges would be entitled to receive the Constitutional salary until it was changed in the Constitutional manner.

If the General Assembly wished, at any time after 1860, to change the salaries of the Judges of the Supreme Court, they could do so; but were expressly forbidden, at any time, and for all time, to interfere with the salary of a Judge who was in office at the time of the passage of the act changing the salary, *until the expiration of his term of office.*

But the General Assembly did, by act, approved Spet. 11, 1862, *fix and change* the salaries of the Judges of the Supreme Court.

Section three, of Chapter 19, of the acts passed at the extra session of the ninth General Assembly, read as follows: "That the salary of the Judges of the Supreme Court shall, after the several terms of office of the present incumbents expire, be the sum of eighteen hundred dollars per annum."

That was the only time in which the General Assembly has interfered with the salaries of the Judges of the Supreme Court, as fixed in the constitution until now.

The act of Sept. 11, 1862, was the only constitutional way the General Assembly could interfere, that is, in the language of the act, to take effect "*after the several terms of office of the present incumbents expired.*"

The undersigned are, therefore, clearly of the opinion that the second section of the bill just passed by the Senate is not only not

authorized by the Constitution, but in direct violation of its expressed command.

This bill *increasing* the salaries of the Judges, if it becomes a law, may never be contested; but we must not forget that the same power that *increases* may also *decrease* them. The Senate has now destroyed the only barrier which protected our judiciary from the will of a majority of any future General Assembly. Any General Assembly may hereafter, if a majority of the members wish to remove the Judges of the Supreme Court, for the purpose of placing their friends there, or for any other purpose, plead this act of the Senate as a precedent, and reduce the salaries until every Judge of the Supreme Court will be compelled to resign. The Constitution is no more a bar to such an act than to the one just passed.

For these reasons we, the undersigned, do most solemnly protest against the action of the Senate in the passage of the aforementioned bill.

Respectfully submitted.

J. A. PARVIN.  
L. W. HILLYER.  
C. PAULK.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Robertson: The petition of Hamilton Brown and thirty-four other citizens of the town of Morning Sun, in Louisa county, asking the legalization of the acts of said town in forming an independent School District; which was referred to the Committee on Schools and School Lands.

Also the petition of J. C. Parsons and eighty-seven others, citizens of Louisa county, asking that the Iowa river be declared to be not a navigable stream, which was referred to the Committee on Federal Relations.

By Senator Clark: The remonstrance of John Williams and five hundred others against declaring the Iowa river not a navigable stream, which was referred to the same committee.

By Senator Cattell: The petition of James Wright and seventy-two others, asking the repeal of all laws legalizing the manufacture and sale of beer, wine and cider, which was referred to the Committee on Liquor Law.

By Senator Sampson: The petition of G. D. Woodin and sixty-five others, citizens of the town of Sigourney, praying for an act to legalize the election of officers in said town, which was referred to the Committee on Incorporations.

By Senator Meyer: The petition of Simon Wurtzbaugh and one hundred others, citizens of Jasper county, praying for the substitution of the Commissioner System in place of the Board of Supervisors and for other reforms, which was referred to the special committee on the subject of changes in the Supervisor System.

Senator Stubbs obtained leave to call up the joint resolution relative to declaring a portion of the Iowa river not a navigable stream, with report of Committee recommending the passage of the resolution; and moved that it be recommitted to the Committee on Federal Relations.

The motion prevailed.

#### INTRODUCTION OF BILLS.

By Senator Udell: Senate File No. 201, A bill for an act to resume the rights and lands conferred upon the Dubuque & Pacific Railroad Company by an act approved July 14, 1856, and to repeal certain laws in relation thereto.

Bill read the first and second times and referred to the Committee on Railroads.

By Senator Bulis: Senate File No. 202, A bill for an act to authorize the town of Decorah to subscribe to the capital stock of the Decorah Railway Company, and to issue bonds therefor.

Bill read the first and second times and referred to the Committee on Incorporations.

By Senator Robertson: Senate File No. 203, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an Independent School District, and the official acts of the officers of said district.

Bill read the first and second times, and referred to the Committee on Schools and School Lands.

By Senator Sampson: Senate File No. 205, A bill for an act declaring the continuation of the incorporation of the town of Sigourney and legalizing the election of officers thereof.

Bill read the first and second times and referred to the Committee on Incorporations.

By Senator Larimer: Senate File No. 204, A bill for an act to amend Sections 1283, 1284 and 1285, of the Revision of 1860, in relation to taking private property for works of internal improvements.

Bill read the first and second times and referred to the Committee on Incorporations.

By Senator Stubbs: Senate File No. 206, A bill for an act fixing the salaries of Warden, Deputy Warden and Clerk of the Penitentiary.

Bill read the first and second times and referred to the Committee on Charitable Institutions.

By Senator Larimer: Senate File No. 207, A bill for an act to tax dogs and for other purposes relating thereto.

Bill read the first and second times and referred to the Committee on Agriculture.

By Senator McJunkin: Senate File No. 208, A bill for an act to

repeal Sec. 3159 of the Revision of 1860, and to provide for the manner of excepting to the instructions given to a jury.

Bill read the first and second times and referred to the Committee on Judiciary.

On motion of Senator Udell the House messages on file were taken up.

House File No. 111, A bill for an act to amend an act entitled "vacancies and special elections," was taken up.

Read the first and second times and referred to the Committee on Elections.

House File No. 106, A bill for an act to pay bounties upon the scalps of certain wild animals, was taken up.

Read the first and second times and referred to the Committee on Agriculture.

House File No. 140, A bill for an act to credit the county of Story with certain sums of money, was taken up.

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

House File No. 94, A bill for an act to authorize courts upon granting change of venue in criminal prosecutions, to require witnesses to enter into recognizance for their appearance at the court to which such change of venue may be granted, was taken up.

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

House File No. 143, A bill for an act to legalize the acts of the State Auditor and State Treasurer in paying compensation to the Judges of the Supreme and District Courts in the absence of any law authorizing the same, and to equalize such compensation, was taken up.

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

House File No. 57, A bill for an act to authorize the Board of Supervisors to compromise certain judgments in favor of the State, was taken up.

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

House File No. 118, A bill for an act to provide for the publication of general and local laws, and of the proceedings of the Board of Supervisors in the several counties, was taken up.

Read the first and second times and referred to the Committee on Printing.

House File No. 123, A bill for an act to amend Section one of Chapter twenty-five of the laws of the extra session of the Ninth General Assembly, was taken up.

Read the first and second times and referred to the Committee on Incorporations.

House File No. 60, A bill for an act to amend Section 4220 of Chapter 165 of the Revision of 1860, was taken up.

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

Senator Edwards offered the following resolution :

*Resolved*, That from and after Monday next, the 12th inst., no member of this Senate shall speak more than twenty minutes on any bill, resolution, or motion, without the consent of two-thirds of the members.

Senator Larimer moved to amend by striking out "twenty," and inserting "thirty."

The motion did not prevail.

The question recurring on the adoption of the resolution, the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, McMillan, Meyer, Parvin, Robertson, Ross, Smith, Warren, Wharton, Young—19.

The nays were Senators Bassett, Clarkson, Cutts, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Moore, Oliver, Paulk, Patterson, Powers, Reed, Richards, Sampson, Shippen, Stubbs, and Udell—27.

Absent but not excused, Senator Stiles.

So the resolution was not adopted.

Senator Oliver obtained leave to call up House File No. 63, A bill for an act to secure to certain persons, residents of Harrison county, their homes at the price of \$1.25 per acre of lands known as the excess 500,000 grant, and moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Young—44.

The nays were none.

Absent but not excused, Senators Clark, McJunkin and Stiles.

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

Senator Paulk from the Committee on Enrolled Bills submitted the following report :

The Committee on Enrolled Bills beg leave to report that they have examined Senate file 172, Being an act to amend Section one, of Chapter one hundred and twenty-eight (128) of the acts of the Tenth General Assembly, and that the same is correctly enrolled.

W. B. LAKIN.

C. PAULK.

Senator Warren obtained leave to call up the House concurrent

resolution relative to printing on parchment of the joint resolution ratifying the Constitutional amendment abolishing slavery, together with the names of the members voting therefor, and it was concurred in.

Senators Hunt, Edwards, McJunkin and Clarkson were granted the privilege of recording their votes in favor of the adoption of the resolution ratifying the amendment to the Constitution abolishing slavery.

Senator Cutts moved that any Senator whose name is not recorded in favor of the passage of the resolution be allowed the privilege of so recording it.

The motion prevailed.

#### REPORTS OF COMMITTEES.

Senator Udell from the Committee on Ways and Means submitted the following:

The Committee on Ways and Means have instructed me to report joint resolution asking of Congress modifications of the present revenue and tariff policy of the Government, and recommend its indefinite postponement.

Also Senate File 174, A bill for an act to amend Section 720 of the Revision of 1860, in relation to revenue, and recommend its indefinite postponement.

Also House File 79, A bill for an act to amend Section 799, of the Revision of 1860, relating to registered letters containing County Treasurers' monthly report to the Auditor of State, and recommend its passage.

UDELL, Chairman.

Ordered that the report pass on file.

Senator Clarkson from the Committee on Agriculture submitted the following

The Committee on Agriculture to whom was referred Senate File No. 196, An act making appropriations for the building of the Agricultural Colloge, have carefully examined the same.

The Committee have directed me to report the accompanying substitute for said bill, and recommend its passage.

C. F. CLARKSON, Chairman.

Senator Clarkson moved that the substitute bill reported by the Committee be referred to the Committee on Ways and Means.

The motion prevailed.

Senator Clarkson, from the Committee on Agriculture, submitted the following:

The Committee on Agriculture, to whom was referred Senate File No. 166, An act to prevent the netting or ensnaring of quails, have amended said bill by adding the following proviso to section one, to-wit:

*Provided*, That this section is not intended to be construed to

prevent individuals from catching quails with wooden traps, on their own premises.

With this amendment, the Committee recommend the passage of the bill.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Also the following :

The Committee on Agriculture, to which was referred Senate File No. 100, An act to restrain certain animals from running at large, have had the same under consideration, and they have directed me to report it back with a recommendation that it be indefinitely postponed.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Clark, from the Committee on State University, submitted the following report :

Your Committee to whom was referred the resolution of inquiry in relation to the losses of the University Fund, reported by the Treasurer of the Iowa State University beg leave to report the following :

There is due on loans made by M. L. Morris to himself...	\$2,272.88
To James D. Eads.....	872.44
To R. H. Colman.....	391.76

Total amount due on loans made by Martin L. Morris..\$3,537.08

There is due on loans made by H. W. Lathrop:

To T. S. Hepburn.....	\$414.64
To Charles Calvert.....	276.18
To Dennis P. Greely.....	830.11
To Barbara Kenna.....	1,246.95
To Jacob Y. Stover.....	1,041.33
To Wm. P. Hepburn.....	624.20

Total amount due on loans made by H. W. Lathrop....\$4,433.41

The Securities on all of the above claims are exhausted. It is a question whether any recourse can be had to the bail bonds of Morris and Lathrop for the above claims, and your Committee submit the same to the Consideration of the Senate without recommendation.

All of which is respectfully submitted.

CLARK, for the Committee.

Senator Cattell from the Committee on Claims submitted the following:

The Committee on Claims have considered the claims of Edward Johnson and J. C. Walker, for services as commissioners to lease the labor of the convicts in the Penitentiary, and have instructed me to report the same back, and recommend that they be allowed

and referred to the Committee on Ways and Means, with instructions to provide in the special or contingent appropriation bill for their payment.

J. W. CATTELL, Chairman.

On motion of Senator Cattell, the report was adopted.

Senator Cattell, from the Committee on Claims, also submitted the following:

The Committee on Claims have considered Senate File No. 194, a bill for the relief of Taylor county, and a majority of said Committee has instructed me to report the same back and recommend that it be amended as follows:

Strike from section one the words "three thousand" and insert "fifteen hundred;" also strike from section two in the fourth and fifth lines thereof the words, "of said expenses," and insert "so audited;" also strike from section two the words "three thousand," and insert "fifteen hundred;" and that so amended, the bill do pass.

Respectfully,

J. W. CATTELL, for majority of Committee.

Ordered, that the report pass on file.

Senator Young, from the Committee on Commerce, submitted the following:

The Committee on Commerce, to whom was referred Senate File No. 150, A bill for an act to provide for the further protection of game, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

J. B. YOUNG, for Committee.

Ordered, that the report pass on file.

#### BILLS ON SECOND READING.

Senate File No. 140, A bill for an act to amend chapter 98 of the acts of the Tenth General Assembly, entitled an act providing for the formation of the Twelfth Judicial District, and fixing the time for holding courts in the Tenth and Eleventh Judicial Districts, and providing for the election of a District Judge and District Attorney in the Twelfth Judicial District, with report of Committee recommending that the bill do pass, was taken up.

Senator Bulis moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being, Shall the bill pass?

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham; Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson, Young—45.

The nays were none.

Absent but not excused, Senators Hart and Ross.

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

Senate File No. 40, A bill for an act in relation to bridges situate within the limits of incorporated cities and towns, with report of Committee recommending the adoption of a substitute, was taken up, and on motion of Senator Oliver, was passed on file.

On motion of Senator Edwards, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

The President in the chair.

Senator Knoll obtained leave to introduce Senate File No. 209, A bill for an act to amend Section 2721 of Chapter 115 of the Revision of 1860.

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

BILLS ON SECOND READING CONTINUED.

Senate File No. 84, A bill for an act to increase the compensation of road supervisors, with report of Committee recommending that the bill do pass, was taken up.

Senator Clarkson moved a call of the Senate, which was seconded and ordered.

Upon calling the roll, the following named Senators were found to be absent:

Senators Bridges, Cutts, Edwards, Farwell, Henderson, Hunt, Lakin, Marshman, McJunkin, McMillan, Oliver, Parvin, Patterson, Richards, Robertson, Ross, Sampson and Young.

The Sergeant-at-Arms was directed to bring in the absentees.

Senator Udell moved that further proceedings under the call be dispensed with.

The motion did not prevail.

The Secretary proceeded to call the roll, and the following named Senators were found to be absent:

Senators Bridges, Cutts, Edwards, Farwell, Henderson, Lakin, Marshman, McJunkin, Parvin, Patterson, Richards, Ross, Young.

Senator Oliver moved that further proceedings under the call be dispensed with.

The motion did not prevail.

Senator Oliver moved that the Senate take a recess for ten minutes.

The motion did not prevail.

Senator Clark moved that further proceedings under the call be dispensed with.

The motion did not prevail.

The Secretary continued to call the roll, and the following named Senators were found to be absent :

Senators Cutts, Edwards, Farwell, Henderson, Lakin, Marshman, McJunkin, Parvin, Patterson, Richards, Ross, and Young.

On motion of Senator Leake, Senator Marshman was excused.

Senator Stubbs moved that Senator Lakin be excused.

The motion did not prevail.

On motion of Senator Wharton, Senator Patterson was excused.

On motion of Senator Stubbs, Senator McJunkin was excused.

Senator Stiles moved that Senator Cutts be excused.

The motion did not prevail.

Senator Crookham moved that Senator Ross be excused.

The motion did not prevail.

The Secretary continued to call the roll, and the following named Senators were found to be absent :

Senators Cutts, Farwell, Richards, Ross, and Young.

On motion of Senator Reed, further proceedings under the call were suspended.

On motion of Senator Clarkson, the bill under consideration was made a special order for Monday morning at 10½ o'clock.

A Committee from the House announced that the House is ready to receive the Senate in joint convention for the purpose of electing State Printer, State Binder, Warden of Penitentiary, four Trustees of the State University and Bank Commissioners.

The President announced Senator Bridges as teller to the joint convention on the part of the Senate.

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

JOINT CONVENTION.

The President of the Senate, Lieut. Gov. B. F. Gue, announced Senator Bridges as Teller on the part of the Senate. The Speaker of the House announced Mr. Knapp as teller on the part of the House.

The President of the Joint Convention announced the nominations for State Printer in order.

Senator Clarkson nominated F. W. Palmer.

Senator Knoll nominated Wm. H. Merritt.

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

Whole number of votes cast.....	112
Necessary to a choice.....	57
Mr. Palmer received.....	96
Mr. Merritt received.....	16

Mr. Palmer having received a majority of all the votes cast, was

declared duly elected State Printer, for the term of two years from May, 1867.

Those who voted for Mr. Palmer were, Messrs. Abernethy, Abbott, Barns, Bassett, Brayton, Bereman, Boomer, Bridges, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clarkson, Close, Conway, Crawford, Crookham, Darwin, Dashiell, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gray, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hale, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Hunt, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Linderman, Maxwell, McMillan, McCullough, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Parvin, Powers, Reed, Robertson, Runyan, Russell, Ryan, Sampson, Safely, Serrin, Sherman, Shippen, Smith, Stiles, Stubbs, Thacher, Tracy, Travis, Udell, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams, of Des Moines, Wilson of Jackson, Wilson of Marshal, Young—96.

Those who voted for Mr. Merritt were, Messrs. Ballinger, Bahl, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, Martin, O'Brien, Paulk, Sipple, Van Leuven, Wright of Alamakee—16.

The Joint Convention then proceeded to the election of a State Binder.

Mr. Godfrey nominated J. S. Carter.

Mr. O'Brien nominated F. A. Gniffkee.

The roll was called with the following result:

Whole number of votes cast.....	106
Necessary to a choice.....	54
Mr. Carter received.....	92
Mr. Gniffkee received.....	14

Mr. Carter having received a majority of all the votes cast was declared duly elected State Binder for the term of two years from May, 1867.

Those voting for J. S. Carter, were Messrs. Abernethy, Abbott, Barns, Bassett, Brayton, Bereman, Boomer, Bridges, Brown of Louisa, Brown of Madison, Brown of Van Buren, Brown of Winneshiek, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clarkson, Close, Conway, Crawford, Darwin, Dashiell, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gary, Garber, Glasgow, Godfrey, Goodrich, Graves, Griffith, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Hunt, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Maxwell, McMillan, McNutt, McCullough, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Reed, Robertson, Runyan, Ryan, Sampson, Safely, Serrin, Sherman, Shippen, Smith, Stubbs, Thacher, Thomson, Tracy, Travis, Udell, Walden, Warren, West,

Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall—92.

Those who voted for F. A. Gniffke were Messrs. Ballinger, Bahl, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, O'Brien, Paulk, Sipple, Van Leuven, and Wright of Alamakee—15.

The Joint Convention then proceeded to the election of a warden of the Penitentiary.

Mr. Darwin nominated Martin Heissey.

Senator Hollman nominated John G. Kennedy.

The roll was then called with the following result:

Whole number of votes cast.....	106
Necessary to a choice.....	54
Mr. Heissey received.....	91
Mr. Kennedy received.....	15

Martin Heissey, having received a majority of all the votes cast, was declared duly elected Warden of the Penitentiary for the term of two years from the close of the term of the present incumbent.

Those who voted for Mr. Heissey were Messrs. Abernethy, Abbott, Barns, Bassett, Brayton, Bereman, Boomer, Bridges, Brown of Louisa, Brown of Van Buren, Brown of Winneshiek, Bulis, Burnett, Carbee, Cattell, Clark of Johnson, Clark of Tama, Clarkson, Close, Conway, Crawford, Darwin, Dashiell, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hand, Hart, Henderson, Hilsinger, Hillyer, Holmes, Holden, Hunt, Johnson, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Maxwell, McMillan, McCullough, McKean, Mills, Meyer, Moore, Morgan, Oliver, Olmstead, Palmer, Reed, Robertson, Runyan, Ryan, Sampson, Safely, Serrin, Sherman, Shippen, Stubbs, Thacher, Thomson, Tracy, Travis, Udell, Van Leuven, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, and Wilson of Marshall—91.

Those who voted for Mr. Kennedy were Messrs. Ballinger, Bahl, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, Martin, O'Brien, Paulk, Sipple, and Wright of Alamakee—15.

The Joint Convention then proceeded to the election of Trustees of the State University.

Mr. Finkbine nominated R. M. Burnett.

Senator Hunt nominated H. C. Bulis.

Senator Henderson nominated C. F. Clarkson.

Senator Stubbs nominated C. W. Slagle.

Mr. Ballinger nominated Thomas H. Benton, Robert Percival, Thomas Johnson, and Charles Paulk.

The roll was then called with the following result:

Whole number of votes cast.....	100
Mr. Burnett received.....	86

Mr. Clarkson .....	86
Mr. Slagle .....	86
Mr. Bulis .....	86
Mr. Benton .....	14
Mr. Percival .....	14
Mr. Johnson .....	14
Mr. Paulk .....	14

Messrs. Burnett, Slagle, Clarkson and Bulis, having received a majority of all the votes cast, were declared duly elected Trustees of the State University for the period of two years from and after the expiration of the term of the present incumbents.

Those who voted for Messrs. Burnett, Clarkson, Slagle, and Bulis, were Messrs. Abernethy, Abbott, Barns, Bassett, Brayton, Bereman, Bridges, Brown of Louisa, Brown of Van Baren, Brown of Winneshiek, Bulis, Burnett, Carbee, Clarkson, Close, Crawford, Darwin, Dasheil, Doud, Dudley, Dwelle, Edwards, Emery, Farwell, Finkbine, Fry, Gaylord, Gary, Garrett, Garber, Godfrey, Goodrich, Graves, Griffith, Hand, Hart, Henderson, Hilsinger, Holmes, Holden, Hunt, Joy, Knapp, King, Knox, Lakin, Landes, Larimer, Leake, Maxwell, McMillan, McCullough, McKean, Mills, Moyer, Moore, Morgan, Olmstead, Palmer, Reed, Robertson, Runyan, Russell, Ryan, Sampson, Safely, Sherman, Shippen, Smith, Stubbs, Thacher, Tisdale, Tracey, Travis, Udell, Van Leuven, Walden, Warren, West, Wharton, Wilcox, Wright of Cedar, Williams of Des Moines, Wilson of Jackson, Wilson of Marshall, Young—86.

Those who voted for Messrs. Benton, Percival, Johnson, and Paulk, were Messrs. Ballinger, Bahl, Brown of Decatur, Buck, Comfort, Fellows, Hedges, Hollman, Knoll, Lowdon, O'Brien, Paulk, Sipple, Wright of Alamake—14.

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

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 10th, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 10th day of March A. D. 1866, 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 expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 10th day of March A. D. 1866.

B. F. GUE,

President of the Senate.

ED WRIGHT,

Speaker of the House of Representatives.

C. G. BRIDGES, Teller of the Senate.

THOS. B. KNAPP, Teller House Rep.

ATTEST :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 March 10th, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 10th day of March A. D. 1866. for the purpose of electing a State Binder, J. S. Carter having received a majority of all the votes cast for said office, was declared duly elected State Binder for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 10th day of March A. D. 1866.

B. F. GUE,  
 President of the Senate.

ED WRIGHT,  
 Speaker of the House of Representatives.

C. G. BRIDGES,  
 Teller of the Senate.

ATTEST :

THOS. B. KNAPP,  
 Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 MARCH 10th, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 10th day of March, A. D., 1866, for the purpose of electing a Warden of the State Penitentiary, Martin Heisey, having received a majority of all the votes cast for said office, was declared duly elected Warden of the State Penitentiary for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of March, A. D., 1866.

B. F. GUE,  
 President of the Senate.

ED WRIGHT,  
 Speaker of the House of Representatives.

C. G. BRIDGES,  
 Teller of the Senate.

Attest :

THOS. B. KNAPP,  
 Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 MARCH 10th, 1866. }

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

General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 10th day of March, A. D., 1866, for the purpose of electing a Trustee of the State University, R. M. Burnett, having received a majority of all the votes cast for said office, was declared duly elected Trustee of the State University, for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of March, A. D., 1866.

B. F. GUE,  
President of the Senate.

ED WRIGHT,  
Speaker of the House of Representatives.

C. G. BRIDGES,  
Teller of the Senate.

Attest:

THOS. B. KNAPP,  
Teller of the House of Representatives.

REPRESENTATIVE HALL DES MOINES, IOWA, }  
MARCH 10th, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 10th day of March, A. D., 1866, for the purpose of electing a Trustee of the State University, H. C. Bulis, having received a majority of all the votes cast for said office, was declared duly elected Trustee of the State University, for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of March, A. D., 1866.

B. F. GUE,  
President of the Senate.

ED WRIGHT,  
Speaker of the House of Representatives.

C. G. BRIDGES,  
Teller of the Senate.

Attest:

THOS. B. KNAPP,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
MARCH 10th, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 10th day of March, A. D. 1866, for the purpose of electing a Trustee of the State University, C. F. Clarkson having received a majority of all the votes cast for said office, was declared

duly elected Trustee of the State University for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.

ED WRIGHT,  
Speaker of the House of Representatives.

C. G. BRIDGES,  
Teller of the Senate.

Attest:

THOS. B. KNAPP,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 10th, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 10th day of March, A. D. 1866, for the purpose of electing a Trustee of the State University, C. W. Slagle, having received a majority of all the the votes cast for said office, was declared duly elected Trustee of the State University for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 10th day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.

ED WRIGHT,  
Speaker of the House of Representatives.

Attest:

C. G. BRIDGES,  
Teller of the Senate.

THOS. B. KNAPP,  
Teller of the House of Representatives.

Senator Stubbs moved that the Joint Convention be now dissolved, which motion prevailed, and the Joint Convention adjourned *sine die*.

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SENATE CHAMBER, 4 O'CLOCK P. M.

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

On motion of Senator Shippen, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
 March 12, 1866. }

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

The President in the chair.

Prayer by the Rev. Mr. Phillips.

The Journal of Saturday was read and approved.

The following message was received from the House:

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

House File No. 88, A bill for an act to prohibit one or more of the several owners of lands inclosed in common turning domestic animals during a certain season of the year into such inclosures without the consent of all the other owners.

Substitute for House File No. 136, A bill for an act to amend Section 1, Chapter 109, of the acts of the Tenth General Assembly, relating to agriculture, and for other purposes.

House File No. 72, A bill for an act to prevent the spreading of contagious diseases among swine.

House File No. 24, A bill for an act to provide for the education and support of the blind.

House File No. 96, A bill for an act to amend Sections 710 and 312 of the Revision of 1860.

House File No. 126, A bill for an act relating to Assistant Adjutant General.

I herewith return the following Senate bill, the same having passed the House without amendment:

Senate File No. 41, A bill for an act supplemental to Chapter 108 of the laws of the Tenth General Assembly.

I also return Senate File No. 12, A bill for an act to amend Section 1133 of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances of certain towns and cities heretofore passed and not published according to law, the same having passed the House with the following amendment: add to the title the words, "and to legalize acts done under and by virtue of such ordinances."

CHAS. ALDRICH, Chief Clerk.

#### PRESENTATION OF PETITIONS AND MEMORIALS.

By Senator Hedges, the petition of William Rees and three hundred others, citizens of Keokuk, Iowa, in favor of the eight hour labor system, which was referred to the Committee on Internal Improvements.

REPORTS OF COMMITTEES.

Senator Clarkson, from the Committee on Agriculture, submitted the following :

The Committee on Agriculture, to which was referred a memorial of the Agricultural Society of Davis county, asking to be indemnified for the money they might have made at their late annual Fair, had they not been disturbed and stampeded by the near approach of guerrilla bands, have directed me to report that they deem it inexpedient to legislate on the subject.

C. F. CLARKSON, Chairman.

Ordered that the report pass on file.

Senator Moore from the Committee on Military Affairs, submitted the following :

MR. PRESIDENT:—The Committee on Military Affairs, to which was referred a Joint Resolution relating to William T. Shaw, late Colonel 14th Regiment Iowa Infantry Volunteers, have had the same under consideration, and instructed me to report the following amendments :

1. Strike out the word "superseded" in the fifth line of preamble, and insert the word "revoked."

2. Strike out the words "great and glorious" in the eighth line, and insert the words "many and meritorious."

3. Insert the word "brevet" before the word "Brigadier," in the tenth line of the first resolution. So amended, they recommend its passage.

The Committee have also had under consideration Senate File No. 185, A bill for an act to regulate and increase the military force of the State of Iowa, and have instructed me to report the same back and recommend its indefinite postponement.

MOORE, Chairman.

Ordered, that the report pass on file.

Senator Crookham from the Committee on Banks, submitted the following :

Senate Files Nos. 187 and 159—Your Committee on Banks, to whom were referred the above numbered bills, have instructed me to report that there is no need of any legislation on the above subject, and recommend the indefinite postponement of said bills.

J. A. L. CROOKHAM, Ch'n.

Ordered, that the report pass on file.

Senator Patterson from the Committee on Township and County Organizations, submitted the following :

Your Committee on Township and County Organizations have had under consideration Senate File No. 138, A bill for an act to amend Chapter 49 of the Acts of the 9th General Assembly, and said Committee being equally divided as to the propriety of passing the bill, direct me to report the same back without recommendation.

J. G. PATTERSON, Ch'n.

Ordered, that the report pass on file.

Senator Ross obtained leave to introduce the following resolution:

*Resolved by the Senate of the State of Iowa, the House concurring,* That the Joint Committee appointed to investigate Swamp Land deficiencies are hereby instructed to place in the Executive office, all records, papers, and documents of whatever kind, presented to them or referred to by R. G. Orwig, former private secretary, made or written by him while occupying said position, and particularly certain sheets of paper claimed by said Orwig to be an executive record.

Senator Paulk moved that the resolution be referred to the Committee on alleged diversion of the Swamp Land Indemnity Fund, with instructions to report to-morrow morning.

The motion did not prevail.

Senator Richards moved that the consideration of the resolution be postponed until to-morrow morning at 10½ o'clock, and be made a special order for that hour.

Upon this question the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Clark, Edwards, Hart, Hedges, Hollman, King, Knoll, Lakin, Larimer, Meyer, Moore, Oliver, Paulk, Reed, Richards, Robertson, Smith, Udell, and Warren—22.

The nays were Senators Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hilsinger, Hillyer, Leake, Marshman, McJunkin, McMillan, Parvin, Patterson, Powers, Ross, Sampson, Shippen, Stubbs, and Wharton—21.

Absent but not excused, Senators Henderson and Young.

So the motion prevailed.

Senator Hart asked and obtained leave of absence for Senator Hunt.

Senator Ross asked and obtained leave of absence for Senator Stiles.

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 respectfully asked:

House File No. 130, A bill for an act to secure to certain persons, residents of Wayne county, Iowa, their homes at the price of \$1.25 per acre of lands known as the excess of the 500,000 acre grant.

C. S. WILSON,

First Assistant Clerk of H. R.

The President announced that the hour for the special order had arrived, being Senate File No. 84, A bill for an act to increase the compensation of Road Supervisors.

On motion of Senator Paulk the special order was postponed for ten minutes.

Senator Paulk, from the Committee on Schools and School Lands obtained leave to submit the following report:

## REPORT ON SENATE FILE 188.

Amend Sec. 11. Strike out "it is hereby made, &c.," to end of section, and add: "And it shall be the duty of the Board to conform their acts to the judgment of the County Superintendent, and the Superintendent shall issue his order in writing directing the board to carry out his judgment particularly setting forth in such order what action the board is advised to take in the premises.

Sec. 12. Amend Sec. 12 so as to provide for trial before Superintendent of Public Instruction on transcript from County Superintendent, thus: Interline between the words "party" and "and," in last line but one, "and the appeal shall be tried upon the record as certified by the County Superintendent.

Sec. 6. Amend so as to read as follows: After filing the petition as aforesaid in his office, the appellant shall give such notice of the time and place of hearing as shall be ordered by the County Superintendent. Such notice may be served personally or by mail.

The committee recommend the within amendments, and that so amended, they recommend the passage of said bill.

Ordered, that the report pass on file.

Senator Larimer, from the Committee on Charitable Institutions, submitted the following:

Your committee, to whom was referred Senate File No. 64, have had the same under consideration, and have instructed me to report the following substitute and recommend its passage.

A. M. LARIMER, for Committee.

Ordered, that the report pass on file.

Senator Leake, from the Committee on Judiciary, obtained leave to submit the following report:

*To the Senate of Iowa:*—The Judiciary Committee, to which was referred the bills hereinafter mentioned, have directed me to report thereon as follows, to-wit:

1. Senate File No. 9, A bill for an act to enable County Judges to perfect their marriage records.

The committee reports a substitute for the bill, and recommends the passage of the substitute.

2. Senate File No. 147, A bill for an act to grant to the County Courts of the State of Iowa, the power to make partition of the real estate of intestates.

The committee recommends that the bill be indefinitely postponed.

3. Senate File No. 156, A bill for an act to amend Sec. 3851 of Chapter 158 of the Revision of 1860.

The committee recommends that the bill be amended by striking out the word "and" in the sixth line, and insert the word "or;" and by striking out the word "all" in the seventh line, and recommends that the bill so amended do pass.

4. Senate File No. 162, A bill for an act to amend Section 1082

of the Revision of 1860, so as to provide for the case of absence and other disability of Mayors in incorporated towns.

The committee recommends that the bill do pass.

5. Senate File No. 170, A bill for an act to extend and preserve the rights of married women.

The committee recommends that the bill be indefinitely postponed.

6. Senate File No. 173, A bill for an act to amend Sec. 3088 of the Revision of 1860, in relation to trials.

The committee recommends that the bill be indefinitely postponed.

7. Senate File No. 175, A bill for an act to amend Sec. 3308 of the Revision of 1860, in relation to the exemption of personal property from an execution.

The committee recommends that the bill be indefinitely postponed.

All of which is respectfully submitted.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

Senator Leake moved that the report of the special Committee on the subject of the re-admission of the rebellious States be taken from the table and be made a special order for Wednesday next at 2½ o'clock P. M.

Senator Cattell moved to amend by striking out the words "Wednesday next" and inserting the words "Wednesday, March 21st."

The motion did not prevail.

The question recurring upon the original motion, it was agreed to.

The President announced that the hour for the special order had arrived, being the consideration of Senate File No. 84, A bill for an act to increase the compensation of Road Supervisors, and it was taken up.

Senator Clarkson moved that the bill be read a third time now.

The motion prevailed and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Brayton, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Hart, Henderson, Hilsinger, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Patterson, Powers, Reed, Robertson, Ross, Sampson, Stubbs, Warren, Wharton—29.

The nays were Senators Bassett, Edwards, Farwell, Hedges, Hillyer, Hollman, Oliver, Parvin, Paulk, Richards, Shippen, Smith, Udell—13.

Absent but not excused, Senators Bridges, Cattell and Young.

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

#### HOUSE MESSAGES ON FILE.

House File No. 88, A bill for an act to prohibit one or more of the several owners of lands inclosed in common, turning domestic

animals during a certain season of the year into such inclosures without the consent of all the other owners, was taken up.

Read the first and second times and referred to the Committee on Agriculture.

House File No. 124, A bill for an to provide for the education and support of the Blind, was taken up.

Read the first and second times and referred to the Committee on Charitable Institutions.

House File No. 72, A bill for an act to prevent the spreading of contagious diseases among swine, was taken up.

Read the first and second times and referred to the Committee on Agriculture.

Substitute for House File No. 96, a bill for an act to amend Sections 710 and 312 of the Revision of 1860, was taken up.

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

House File No. 126, A bill for an act relating to the Assistant Adjutant General, was taken up.

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

Substitute for House File No. 136, A bill for an act to amend Section 1 of Chapter 109 of the acts of the Tenth General Assembly, relating to agriculture and for other purposes, was taken up.

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

House File No. 130, A bill for an act to secure to certain persons, residents of Wayne county, Iowa, their homes at the price of \$1.25 per acre of lands known as the excess of the 500,000 acre grant, was taken up.

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

Senator Ross moved to adjourn.

The motion did not prevail.

Senate File No. 12, A bill for an act to amend Section 1133 of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances of certain towns and cities, heretofore passed and not published according to law, with House amendments thereto, was taken up.

The question being, Shall the Senate concur in the House amendments?

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton—40.

The nays were Senator Richards.

Absent but not excused, Senators Larimer, Powers, Udell, and Young.

So the Senate concurred.

Senator Ross asked leave of absence for Senator Bassett, which was granted.

On motion of Senator Clark, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened and was called to order by the President.

Senator Wharton asked and obtained leave of absence for Senator Oliver.

BILLS ON SECOND READING.

Joint resolution relative to an amendment to the Constitution of the United States so that no President shall be eligible to a second term, with report of the Committee recommending the passage of the resolution, was taken up.

Senator Patterson moved to strike out the words "during the term of his natural life," wherever they occur in the resolution.

Senator Clarkson moved to amend by adding at the end of the 1st Section the following:

*Provided*, That this is only intended to apply to such Presidents as turn traitors to the platform and party that elect him, and to such Presidents as the *people* do not wish re-elected.

Senator Bridges moved that the resolutions be laid on the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Larimer, Leake, McMillan, Moore, Parvin, Powers, Reed, Robertson, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—30.

The nays were Senators Bulis, King, Knoll, Lakin, Meyer, Patterson, Stiles, Young—8.

Absent, but not excused, Senators Cutts, Henderson, Marshman, McJunkin, Paulk, and Ross.

So the motion prevailed.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has ordered printed the usual number of copies of the report of the select committee, of which Mr. Darwin was chairman, upon House File No. 157, A bill for an act affording relief to wounded and disabled soldiers.

I am also directed to inform the Senate that Senate File No. 2, A bill for an act to provide for the election of township collectors and to define their powers and duties, failed to receive a majority in the House.

CHAS. ALDRICH, Chief Clerk.

The report of the Committee on Commerce upon petitions in reference to locks and dams on the Des Moines river, recommending that the petitions be referred to the Committee on Judiciary, was taken up and the report was adopted.

Senate File No. 149, A bill for an act authorizing the Auditor to collect certain debts due the School Fund, with report of Committee recommending its passage, was taken up.

Senator Reed moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Young—38.

The nays were none.

Absent but not excused, Senators Cutts, Henderson and Paulk.

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

The claim of George Shedd, with report of Committee recommending that it be referred to the Committee on Ways and Means, with instructions to provide for its payment in the expense bill, was taken up, and the report was adopted.

House File No. 99, A bill for an act for the relief of George Higley, of Dubuque, Iowa, with report of Committee recommending its passage, was taken up.

Senator Meyer moved that the bill be read a third time now.

Senator Stubbs moved that the bill be recommitted to a special committee of three, with instructions to report a bill allowing \$8 per month to the said George Higley during the term of his life.

The motion did not prevail.

The question recurring upon the motion to read the bill a third time now,

It prevailed and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Cattell, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, King, Knoll, Lakin, Marshman, McJunkin, Meyer, Paulk, Powers, Richards, Smith, Warren—22.

The nays were Senators Bassett, Bulis, Clark, Clarkson, Cutts, Farwell, Hilsinger, Larimer, Leake, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Udell, Wharton, Young—23.

So the bill was lost.

The following message was received from the House :

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

House File No. 244, A bill for an act to repeal Sections 1715, 1716 and 1739 of the Revision of 1860, and Section 6 of Chapter 121 of the acts of the Tenth General Assembly in relation to the Boards of Trustees of the Agricultural College and Farm.

House File No. 208, A bill for an act to authorize the City Councils of cities in this State to grant the use of the streets of said cities for the construction of horse railroads.

House File No. 184, A bill for act to legalize the proceedings of certain County Courts and to repeal Section 262 of the Revision of 1860.

I also herewith return Senate File No. 44, A bill for an act changing the corporate name of independent school district townships.

Also Senate File No. 36, A bill for an act to legalize the articles of incorporation of the Norwegian Lutheran College of Decorah, Iowa, the same having passed the House without amendment.

I also herewith present for your signature the following bills, which have passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker :

House File No. 6, A bill for an act defining the duties of the Register of the State Land Office.

House File No. 198, A bill for an act authorizing a special term of the District Court in Lee county.

House File No. 63, A bill for an act to secure to certain persons, residents of Harrison county, their homes at \$1.25 per acre, of lands known as the excess 500,000 grant.

Senate File No. 20, A bill for an act to amend Section 4324 of the Revision of 1860 in relation to willful trespass.

Senate File No. 171, A bill for an act to amend Section 1, of Chapter 128, of the acts of the Tenth General Assembly.

Senate File No. 19, A bill for an act to repeal Section 2, of Chapter 43, of the acts of the Tenth General Assembly, and Section 3, of Chapter 17, of the acts of the regular session of the Ninth General Assembly, relating to the duties of County Treasurers.

Senate Joint Resolution relating to the plates on which Hall's Geological Report was printed.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin from the Committee on Enrolled Bills submitted the following report :

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, this 12th day of March, 1866, a Joint Resolution relating to the plates on which Hall's

Geological Report was printed. Also, Senate Files Nos. 19, 20, and 171.

W. B. LAKIN.  
CHAS. PAULK.

Senator Udell obtained leave to call up Senate File No. 142, A bill for an act fixing the salaries of certain State officers and for other purposes, with report of Committee recommending amendments, and the report was adopted.

Senator Clarkson moved to amend Section 1, by striking out in the tenth line the word "five" and insert the word "eight."

The motion did not prevail.

Senator Patterson moved to reconsider the vote by which the report of the Committee was adopted.

The motion did not prevail.

On motion of Senator Parvin, the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Balis, Cattell, Clark, Crookham, Cutts, Dond, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Oliver, Parvin, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Udell, Warren, Young—34.

The nays were Senators Bridges, Clarkson, Hedges, Hollman, Moore, Paulk, Patterson, Smith, Wharton—9.

So the bill passed and the title was agreed to.

Senator Reed asked and obtained leave of absence for Senator Marshman.

Senator Paulk from the Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have examined the substitute for Senate File 41. A bill for an act supplemental to Chapter 108, of the laws of the Tenth General Assembly.

And that they find said bill correctly enrolled.

LAKIN.  
PAULK.

Senator Edwards moved to adjourn.

The motion did not prevail.

Senate File No. 130, A bill for an act for the relief of Major David J. Waggoner, with report of Committee recommending an amendment, was taken up and the report was adopted.

Senator Bridges moved to fill the blank in the second Section, by inserting the words "*Iowa Homestead.*"

Senator Paulk moved to amend, by substituting the words "*Iowa Statesman.*"

Upon this question the yeas and nays were demanded, and

The yeas were Senators Crookham, Hedges, Henderson, Hollman, Knoll, Lakin, Paulk, Warren—8.

The nays were Senators Brayton, Bridges, Balis, Cattell, Clark, Clarkson, Cutts, Dond, Edwards, Farwell, Hart, Hilsinger, Hillyer,

King, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Wharton, Young—34.

So the amendment was not adopted.

The question recurring upon the original motion, it prevailed.

Senator Bulis moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hillyer, Hollman, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Warren, Wharton, Young—38.

The nays were Senators Cutts, Hilsinger, Knoll, Parvin, Stubbs, Udell—6.

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

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature, the following bill, the same having passed both branches of the General Assembly, being duly enrolled, and signed by the Speaker.

Substitute for Senate File No. 41, "A bill for an act supplemental to Chapter 108, of the Laws of the 10th General Assembly.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Hedges, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
March 13, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Vernon.

The journal of yesterday was read and approved.

Senator Farwell moved to reconsider the vote by which House File No. 99, A bill for an act for the relief of George Higley, of Dubuque, Iowa, was lost.

Upon this question the yeas and nays were demanded; and

The yeas were Senators Brayton, Bridges, Cattell, Crookham, Edwards, Farwell, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Marshman, McJunkin, Meyer, Paulk, Powers, Richards, Shippen, Smith, Stiles, Warren—26.

The nays were Senators Bassett, Bulis, Clark, Clarkson, Cutts, Doud, Hilsinger, Leake, McMillan, Moore, Oliver, Parvin, Pat-

terson, Reed, Robertson, Ross, Sampson, Stubbs, Udell, Wharton, Young—21.

So the motion prevailed.

On motion of Senator Farwell the vote by which the bill was ordered to a third reading was reconsidered.

Senator Farwell moved to amend section one by striking out in the fifth line thereof the word "Eight" and inserting the word "four."

The motion prevailed.

Senator Stubbs moved to amend section one by adding in the seventh line after the word "Dubuque" the words, and Robert P. Caldwell of Ottumwa.

On this question the yeas and nays were demanded, and

The yeas were Senators Bulis, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Leake, Marshman, McJunkin, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Sampson, Shippen, Stiles, Stubbs, Warren, Wharton—29.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Clarkson, Hart, Henderson, King, Knoll, Lakin, McMillan, Meyer, Richards, Ross, Smith, Udell, Young—17.

Absent but not excused, Senator Larimer.

So the amendment was adopted.

Senator Wharton moved to further amend Sec. 1 by adding in the seventh line, after the word "Ottumwa," the words "Patrick Nevel."

The motion did not prevail.

On motion of Senator Powers the vote was reconsidered, by which the amendment striking out the word "eight" and inserting "four," was adopted.

Senator Cutts moved to recommit to a special committee of five, with instructions to report a bill making appropriations for the relief of all persons of a character similar to those named in this bill.

Senator Oliver moved the previous question, but the Senate refused to order it.

Senator Stiles moved to reconsider the vote by which Sec. 1 was amended by adding the words "and Robt. P. Caldwell of Ottumwa."

Senator Ross moved that the special order for 10½ o'clock, being the resolution of instruction to the committee on investigation of the alleged diversion of the swamp land fund, be taken up and be made a special order for two o'clock this afternoon.

The motion prevailed.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval substitute for Senate File No. 41.

W. B. LAKIN.  
CHAS. PAULK.

Senator Udell moved to adjourn. Lost.

The question recurring upon the motion to recommit House File No 99, to a Special Committee with instructions,

Senator Lakin moved the previous question, but the Senate refused to order it.

The motion to recommit was lost.

The question recurring upon the motion to amend Section 1, by striking out the word "eight" and inserting "four," the yeas and nays were demanded, and

The yeas were Senators Hart, Hilsinger, Lakin, Oliver, Sampson—5.

The nays were Senator Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk Patterson, Powers, Reed, Richards, Robertson, Ross, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—41.

Absent but not excused Senator Henderson.

So the motion did not prevail.

The question recurring upon the motion to reconsider the vote by which Section 1 was amended, by adding in the 7th line thereof the words "and Robt. P. Caldwell, of Ottumwa," the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Lakin, McJunkin, Meyer, Paulk, Richards, Smith, Stiles, Warren, Young—19.

The nays were Senators Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Larimer, Leake, Marshman, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Udell, Wharton—27.

Absent but not excused, Senator Hedges.

So the motion did not prevail.

On motion of Senator Stubbs, Section 1 was further amended by adding at the end thereof, the following words "each to receive \$400.00."

Senator Hart moved that the bill be engrossed and read a third time to-morrow.

The motion did not prevail.

Senator Hart moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Brayton, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Marshman, McJunkin, Meyer, Paulk, Powers, Reed, Richards, Stiles, Stubbs, Warren—24.

The nays were Senators Bassett, Bridges, Bulis, Clarkson, Cutts, Hilsinger, Lakin, Larimer, Leake, McMillan, Moore, Oliver, Par-

vin, Patterson, Robertson, Ross, Sampson, Shippen, Smith, Udell, Wharton, Young—23.

So the bill was lost.

The following message was received from the House :

MR. PRESIDENT:—I herewith transmit a concurrent resolution providing for an investigation of certain alleged Swamp Land frauds, which has been adopted by the House, and in which the concurrence of the Senate is respectfully asked.

I also return the Senate Joint Resolution concerning certain State funds abstracted from the safe of Buchanan county, Iowa, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the House of Representatives, the Senate concurring,* That a Joint Committee of five on the part of the House, and three on the part of the Senate, be appointed to examine and report as to the allegations of fraud and misrepresentations against the American Emigrant Company by Wm. Baker, Swamp Land agent, and by Commissioner Edmunds, and to prepare and report a memorial addressed to the Secretary of the Interior, disavowing on the part of the State, any knowledge of, or participation in, the alleged frauds on the part of the American Emigrant Company, in prosecuting claims for Swamp Land, should such charge be found true, and urging upon the Secretary the necessity of adjusting all claims of the counties under the Swamp Land Grant, not tainted with fraud, and that said Committee be authorized to send for persons and papers, take testimony and employ a clerk.

On motion of Senator Bridges, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened, and was called to order by the Secretary.

On motion of Senator Crookham, Senator Clarkson was appointed temporary Chairman.

Senator Hart moved a call of the Senate.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Hart, Hollman, Hunt, Smith, Stiles, Warren, and Wharton—8.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Hedges, Henderson, Hilsinger, Lakin, Larimer, Leake, McMillan, Moore, Oliver, Paulk, Reed, Shippen, Udell, and Young—22.

Absent but not excused, Senators Cutts, Edwards, Farwell, Hillver, King, Knoll, Marshman, McJunkin, Meyer, Patterson, Powers, Richards, Robertson, Ross, Sampson, and Stubbs.

So the Senate refused to order the call.

Senator Oliver, from Special Committee, obtained leave to submit the following report :

MR. PRESIDENT:—Your Special Committee, to whom was referred the memorial of the Board of Supervisors of Monona county in reference to Indian depredations, have instructed me to report the same back, together with the accompanying bill, which a majority of your Committee recommend do pass.

OLIVER, Chairman.

The bill was read the first and second times, and the bill and report were passed on file.

The President announced that the hour for the special order had arrived, being the consideration of the resolution of instruction to the Committee to investigate the alleged diversion of the Swamp Land Fund.

On motion of Senator Paulk, the special order was postponed for ten minutes.

On motion of Senator Paulk, the House messages on file were taken up.

Concurrent resolution relative to investigating certain alleged Swamp Land frauds, was taken up and the resolution was concurred in.

House File No. 244, A bill for an act to repeal Sections 1715, 1716 and 1739 of the Revision of 1860, and Section 6 of Chapter 121 of the acts of the Tenth General Assembly in relation to the Board of Trustees of the Agricultural College and Farm, was taken up.

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

House File No. 208, A bill for an act to authorize the City Councils of cities in this State to grant the use of the streets of such cities for the construction of horse railroads, was taken up.

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

House File No. 184, A bill for an act to legalize the proceedings of certain County Courts and to repeal Section 262 of the Revision of 1860, was taken up.

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

Senator Leake, from the Committee on Judiciary, obtained leave to submit the following report :

*To the Senate of Iowa:*—The Judiciary Committee, to whom was referred the bills hereinafter mentioned, have had the same under consideration and have directed me to report thereon as follows, to-wit:

1. Senate File No. 131, A bill for an act to legalize the acts of the Board of Supervisors of Webster county, in relation to the equalization of bounties to soldiers, and the levy of a tax for the payment of the same.

Against the passage of this bill there have been presented the remonstrances of about one hundred citizens of Webster county. If the facts stated in this remonstrance are true, it is the opinion of the Committee that no legislation should be made upon the subject. The Committee therefore recommends that the bill should be indefinitely postponed.

2. Senate File No. 181, A bill for an act to amend Section 3762 of the Revision of 1860 in relation to actions of mandamus.

The Committee recommends that the word "shall," in the tenth line, be stricken out and "may" inserted, and so amended they recommend that the bill do pass.

3. Senate File No. 197, A bill for an act legalizing certain county warrants in Polk county.

The Committee recommends that the bill do pass.

4. Senate File No. 126, A bill for an act to repeal Section 4145 of the Revision, and to provide a substitute therefor, regulating the fees of Sheriffs.

The Committee directs me to report a substitute and recommend its passage.

5. Senate File No. 109, A bill for an act dispensing with locks in dams and draws in bridges in the Des Moines river.

The Committee has considered the same in connection with the numerous petitions from citizens living along the Des Moines river, and has directed me to report a substitute for the bill and recommend the passage of the substitute.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

The President announced that the hour for the special order had arrived, being the consideration of a resolution of instruction to the Committee on investigation of the alleged diversion of the Swamp Land Fund.

On motion of Senator Hunt, the special order was postponed for ten minutes.

Senator Hunt, from the Committee on Judiciary, obtained leave to submit the following report :

The Committee on Judiciary, to whom was referred Senate File No. 148, having had the same under consideration, have instructed me to report the same back to the Senate with a recommendation that it be indefinitely postponed.

HUNT, for the Committee.

Ordered that the report pass on file.

Senator Stubbs, from the Committee on Federal Relations obtained leave to submit the following report :

The Committee on Federal Relations to whom was referred Joint Resolution, relative to retaining in the Military Service of the United States Officers of the Veteran Reserve Corps, have had the same under consideration, and have instructed me to report the

following substitute therefor, and recommend the adoption of the substitute.

D. P. STUBBS, for the Committee.

Ordered that the report pass on file.

Senator Larimer from the Committee on Charitable Institutions, obtained leave to submit the following report:

Your Committee to whom was referred Senate File No. 206, have had the same under consideration, and have instructed me to report the same back, and recommend that it be indefinitely postponed.

A. M. LARIMER, for Committee.

Ordered that the report pass on file.

Senator Warren from Committee on Federal Relations obtained leave to submit the following report:

The Committee on Federal Relations to whom was referred a Joint Resolution, instructing our Senators and requesting our Representatives to procure the passage of a law declaring the Iowa river, not to be a navigable stream from its confluence with the Cedar to Marengo, in Iowa county, have had the same under consideration and have instructed me to report it back to the Senate with an amendment, viz: Strike out after the word "from" in the tenth line and insert "the month" and so amended to recommend that it do pass.

Respectfully submitted,

WARREN, Chairman.

Ordered that the report pass on file

Senator Reed from Committee on Printing, obtained leave to submit the following report:

*To the Senate of Iowa*:—A majority of the Committee on Printing, have instructed me to report back House File No. 118, "A bill for an act to provide for the publication of general and local laws, and of the proceedings of the Board of Supervisors in the several counties without amendment and recommend its passage.

J. R. REED, Chairman.

Ordered that the report pass on file.

Senator Hollman from the Committee on Charitable Institutions obtained leave to submit the following report:

The Committee on Charitable Institutions to whom was referred Senate File 184, A bill to amend Chapter 59, of the Revision of 1860, have had the same under consideration, and have directed me to report the same back and recommend its passage.

JOSEPH HOLLMAN, of the Com.

Ordered that the report pass on file.

Senator Cattell from Committee on Ways and Means obtained leave to submit the following report:

The Committee on Ways and Means have considered House File 140, A bill for an act to credit Story county with certain

sums of money and have instructed me to report the same back and recommended the following amendments, to-wit.: Strike out of Section 1, the words "and one hundred and seventy-six dollars and forty-nine cents, as interest of School fund, making in all four hundred and forty-two dollars and sixty-four cents," and strike out the words in the three last lines of section one, "sums aforesaid on the pro rata amounts due to the accounts above mentioned" and insert the words "the sum aforesaid is the pro rata amount due to the fund above mentioned," and that so amended the bill do pass.

J. W. CATTELL, for Committee.

Ordered that the report pass on file.

Senator Oliver obtained leave to present the following report of the majority of Committee on Railroads.

MR. PRESIDENT:—Your Committee on Railroads to whom was referred Senate File 178, A bill for an act to amend Article 3, of Chapter 55, of the Revision of 1860, have had the same under consideration and a majority of your Committee have instructed me to report the same back with the accompanying amendments and thus amended recommend its passage.

1st. Strike out the last line of Section 1, and in lieu thereof insert the following, to-wit.: "Wood stations" the words "and depot grounds."

2d. Add, all companies availing themselves of the provisions of this act, or of Chapter 55, of the Revision of 1860, to which this act is amendatory shall be subject to the control of the State as to their regulations for carrying freight and passengers, and their charges therefor, and shall be liable as common carriers, any notice to or contract with the shippers or consignees to the contrary notwithstanding.

OLIVER, for majority of Com.

Ordered that the report pass on file.

Senator Sampson from Committee on Incorporations, obtained leave to submit the following report:

The Committee on Incorporations to whom was referred Senate File No. 205, A bill for an act declaring the continuation of the incorporation of the town of Sigourney, and legalizing the election of officers thereof, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

E. S. SAMPSON, for the Com.

Ordered, that the report pass on file.

Senator Henderson from Committee on Schools and School Lands, obtained leave to submit the following report:

Your Committee on Schools and School Lands, have had under consideration Senate File No. 192, A bill for an act to amend an act entitled an act for the better protection of the School Fund, and directed me to report the same back and recommend that the same do not pass, as a majority of your Committee are of opinion that

the passage of the bill would open the door to abuse, that would endanger the security on loans.

Also, House File No. 57, A bill for an act to authorize the board of supervisors to compromise certain judgments, the passage of which your Committee cannot recommend, as they believe it is liable to abuse, and not calculated to produce any beneficial results.

Also, Senate File No. 203, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an independent school district, and the official acts of the officers of said District, which I am directed by the Committee to report back to the Senate without amendment, and recommend the passage of the same.

H. C. HENDERSON, Chairman.

Ordered, that the report pass on file.

The President announced that the hour for the special order had arrived, being the consideration of a resolution of instruction to the committee on investigation of the alleged diversion of the Swamp Land Fund.

On motion of Senator Young, the special order was postponed for ten minutes.

Senator Young, from Committee on Charitable Institutions, obtained leave to submit the following report:

The Committee on Charitable Institutions, to whom was referred House File No. 124, A bill for an act to provide for the education and support of the blind, have had the same under consideration and have directed me to report the same back to the Senate and recommend its passage.

J. B. YOUNG, Chairman.

Ordered, that the report pass on file.

Senator Cutts, from the Committee on Incorporations, obtained leave to submit the following report:

The Committee on Incorporations, to whom was referred House File No. 164, A bill for an act to legalize the acts of the City Council of the city of McGregor, have had the same under consideration and direct me to report the same back and recommend its passage.

M. E. CUTTS, Chairman.

Ordered, that the report pass on file.

Senator Sampson obtained leave to call up memorial to Congress for a grant of land to aid in the construction of the St. Louis & Cedar Rapids Railway.

On motion of Senator Stiles, the memorial was made a special order for to-morrow morning at 10½ o'clock.

The President announced that the hour for the special order had arrived, being the consideration of the resolution of instructions to the Committee on investigation of the alleged diversion of the Swamp Land Fund, and the same was taken up.

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

*Resolved by the Senate of Iowa, the House concurring,* That the Joint Committee appointed to investigate the alleged misappropriation of Swamp Land Indemnity moneys are hereby instructed to place in the Executive Office, after the Committee have used the same, all records and papers produced in evidence before and presented to them by R. G. Orwig, former Private Secretary of the Governor, made, written or received by him while occupying said position, and which belong or appertain to the Executive Office.

Senator Henderson moved to amend by striking out the words "place in the Executive Office, after the Committee have used the same," and inserting "retain in the hands of said Committee until otherwise ordered by the General Assembly," and by adding at the end thereof the words: "*Provided*, that if the said R. G. Orwig deems it essential to his interest, and so desires, he shall have copies of such papers or documents furnished him by the Committee; and provided further, that if not otherwise ordered by the General Assembly, said Committee shall, at or before the final adjournment deposit such papers and documents in the Executive Office.

Upon the adoption of the amendment, the yeas and nays were demanded, and

The yeas were Senators Clark, Edwards, Hart, Hedges, Henderson, Hollman, Hunt, Knoll, Lakin, Larimer, Meyer, Paulk, Richards, Smith, Stubbs, Warren—16.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hilsinger, Hillyer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Udell, Wharton, Young—28.

So the amendment was not adopted.

Senator Robertson asked and obtained leave of absence for Senator Parvin.

Senator Hunt asked and obtained leave of absence for Senator King.

The substitute was then adopted.

The question recurring upon the adoption of the resolution as amended the yeas and nays were demanded; and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hilsinger, Hillyer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Patterson, Powers, Reed, Ross, Sampson, Shippen, Udell, Warren, Wharton, Young—30.

The nays were Senators Hart, Hedges, Henderson, Hollman, Hunt, Knoll, Lakin, Larimer, Meyer, Paulk, Richards, Robertson, Smith—13.

So the resolution was adopted.

#### BILLS ON SECOND READING.

Senate File No. 77, A bill for an act to amend Section 3 of

Chapter 173 of the acts of the 9th General Assembly, and to fix the compensation of Assessors, was taken up.

Senator Edwards moved the previous question, but the Senate refused to order it.

On motion of Senator Udell Section 2 was amended by striking out, in the second line thereof, the words "and fifty cents."

Senator Powers moved that the bill be read a third time now.

The motion prevailed and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Brayton, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Stiles, Udell, Warren, Wharton—33.

The nays were Senators Bassett, Bridges, Edwards, Hillyer, Hunt, Oliver, Paulk, Patterson, Smith, Stubbs, Young—11.

Absent but not excused Senator Cattell.

So the bill passed and the title was agreed to.

Senator Warren moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table; which latter motion was agreed to.

Senator Young moved to adjourn; which motion was disagreed to.

Senator Lakin moved that two members be added to the Committee on Enrolled Bills.

The motion prevailed and the President announced Senators Hillyer and Hedges as such additional members of the Committee.

Senator Hunt obtained leave to call up House File No. 164, A bill for an act to legalize the acts of the City Council of the city of McGregor, in relation to the levy of taxes, with report of Committee recommending the passage of the bill, and moved that the bill be read a third time now.

The motion prevailed and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—38.

The nays were none.

Absent, but not excused, Senators Bassett, Clarkson, Hart, Oliver, Patterson, Ross, and Young.

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

Senator McJunkin from the Committee on elections, obtained leave to submit the following report:

*To the Senate* :—Your Committee on Elections, to whom was referred House File No. 111, have had the same under considera-

tion, and have instructed me to report the same back without amendment, and recommend that it pass.

J. F. McJUNKIN, Chairman.

Ordered that the report pass on file.

On motion of Senator Bulis the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
March 14, 1866. }

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

The President in the chair.

Prayer by the Rev. Mr. Phillips.

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

The President announced as a Special Committee on the part of the Senate to investigate certain Swamp Land frauds, Senators Parvin, Paulk, and Patterson.

#### BILLS ON SECOND READING.

The Joint Resolution proposing certain amendments to the State Constitution was taken up, and on motion of Senator Sampson, was referred to the Committee on Constitutional Amendments.

Senate File No. 81, A bill for an act to amend Section 764, of the Revision of 1860, with report of Committee recommending that the bill be indefinitely postponed, was taken up.

Senator Hillyer offered a substitute for the bill.

Senator Bulis moved the adoption of the substitute.

Senator Stubbs moved to amend section 1 of the substitute by striking out in the 12th line, the word "twenty," and inserting "one hundred."

Pending which, the President announced that the hour for the special order had arrived, being memorial to Congress for a grant of land to aid in the construction of the St. Louis and Cedar Rapids Railway, and the same was taken up.

Senator Stubbs moved to amend by striking out in the second page all after the word "State" in the 9th line to the word "for" in the 14th line, and inserting the words "and measures are being taken and surveys being made on two routes between said points."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bulis, Clark, Clarkson, Doud, Hart, McJunkin, Oliver, Patterson, Powers, Smith, Stubbs—11.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Cutts, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer,

Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Stiles, Warren, Wharton, Young—31.

Absent but not excused, Senators Crookham, Farwell, Hunt, Ross and Udell.

So the amendment was not adopted.

On motion of Senator Sampson the resolution was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Dond, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Young—44.

The nays were Senators Bassett, Bulis, Oliver—3.

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

Senator Paulk from the Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills, report that they have examined the following bills and acts, and find the same correctly enrolled, viz.:

Senate File No. 44, A bill for an act changing the corporate name of Independent School District Townships.

Also Senate File 36, A bill for an act to legalize the articles of Incorporation of the Norwegian Lutheran College of Decorah.

Also Senate File No. 12, A bill for an act to amend Section 1133, of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances of certain towns and cities heretofore passed and not published according to law.

Also a Joint Resolution for the relief of Buchanan county.

LAKIN.

PAULK.

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 copies of the minority report of the Select Committee to whom was referred House File No. 157, A bill for an act for the relief of wounded and disabled soldiers.

CHAS. ALDRICH, Chief Clerk.

Senator Stiles obtained leave to introduce the following resolution:

*Resolved by the Senate of the State of Iowa, the House concurring, That the Secretary of State be and he is hereby authorized and directed to purchase of Captain A. A. Stuart three hundred copies of the work entitled "Iowa Colonels and Regiments," two hundred copies of which shall be placed in the State Library, and*

one hundred in the State Historical Society for exchange for similar works published in other States; *provided*, that the cost of the same shall not be more than \$4.00 per volume.

Upon the adoption of the resolution the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Clark, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Leake, McJunkin, Meyer, Paulk, Powers, Smith, Stiles, Stubbs, Udell, Warren—23.

The nays were Senators Bridges, Bulis, Cattell, Clarkson, Edwards, Henderson, King, Knoll, Lakin, Larimer, Marshman, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Wharton, Young—24.

So the resolution was lost.

Senator Powers obtained leave to present the petition of A. G. Eberhart and one hundred and sixty-three others, asking that provision be made for the maintenance of the "Iowa Soldiers' Orphans' Home," which was referred to the Committee on Soldiers' Orphans' Home.

Senator Bridges obtained leave to present three petitions upon the same subject, which were referred to the same committee.

Senator Patterson, from the Committee on Township and County Organizations, obtained leave to submit the following report:

Your Committee on Township and County Organizations have had under consideration Senate File No. 132, and have instructed me to report the same back with the following amendments, and so amended, recommend its passage:

Strike out the eighteenth line. Insert before the word "executive" in the nineteenth line, the word "examining;" strike out of the nineteenth line the word "first" and insert the word "each" instead thereof; strike out the figures "50" in said line and insert "25;" strike out the twentieth line.

Strike out the figures "75" in the twenty-fifth line and insert "50" instead thereof.

Strike out of the twenty-seventh line 1.00 and insert .25.

Strike out the words "and allowing," "first," and "50" in thirtieth line and insert after the word "for" the word "each," and instead of "50," "25."

Strike out the thirty-first line.

Strike out the thirty ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth and forty-fifth lines.

Strike out "40" in 61st line, and insert 25.

Strike out 100 in 63d line, and insert 50.

Insert the word approving after the word for in the 64th line.

Strike out the 65th line.

Strike out of the 66th line the words order for injunction, and insert the words for hearing application for allowance, or dissolution of injunction; add to said Section issuing subpoena, 10.

Add the following section :

SECTION 2. When any County Judge shall be called upon to perform any duties, the fees for which have not been provided for in this act, he shall charge and collect such fees as are allowed to other officers for similar services, and shall act in all cases as his own clerk.

Make Section 2, Section 3.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

Senator Clarkson, from the committee on Agriculture, obtained leave to submit the following report :

The Committee on Agriculture, to which was referred Substitute for House File No. 136, after considering the same, have directed me to report back the bill with a recommendation that it do not pass.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Also the following :

The Committee on Agriculture to which was referred House File No. 72, to prevent contagious diseases among swine, have examined the same and have directed me to report it back, recommending that it do not pass.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Also the following :

The Committee on Agriculture to which was referred Senate File No. 121, relative to the Agricultural College lands, have carefully considered the same and have directed me to report it back with a recommendation that it do pass.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Cattell from the Committee on Claims obtained leave to submit the following report :

The Committee on Claims have considered House Preamble and Joint Resolution relative to the protection of grantees of the State as purchasers of Des Moines River Lands, and a majority of said Committee have instructed me to report the same back and recommend the following amendment, to-wit :

Strike out of the resolution all to the "will," in the second line thereof, and insert as follows :

*"Resolved by the General Assembly of the State of Iowa, That the State of Iowa will, at all times, recognize the equitable claims, and protect the rights of her citizens, who, trusting to titles thus derived, have settled upon and improved said lands, and—"*

And that, so amended, the resolution do pass.

Respectfully,

J. W. CATTELL, for majority of Com.

Ordered, that the report pass on file.

Senator Edwards moved to reconsider the vote by which the resolution relative to purchasing three hundred copies of "Iowa Colonels and Regiments" was lost.

Upon which motion the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Knoll, Leake, Marshman, McJunkin, Meyer, Paulk, Powers, Richards, Smith, Stiles, Stubbs, Udell, Warren—25.

The nays were Senators Bridges, Bulis, Cattell, Clark, Clarkson, King, Lakin, Larimer, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Wharton, Young—20.

Absent but not excused, Senators Henderson and Hunt.

So the motion prevailed.

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

The yeas were Senators Bassett, Brayton, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Leake, Marshman, McJunkin, Meyer, Paulk, Powers, Smith, Stiles, Stubbs, Udell, Warren—25.

The nays were Senators Bridges, Bulis, Cattell, Clarkson, King, Knoll, Lakin, Larimer, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Wharton, Young—21.

Absent, but not excused, Senator Henderson.

So the resolution was adopted.

Senator Ross obtained leave to present the remonstrance of the Council Bluffs Board of Trade against the passage, by the General Assembly of the State of Iowa, of a bill proposing to resume the lands granted to the Cedar Rapids and Missouri River Railroad, to aid in its construction, which was referred to the Committee on Railroads.

Senator Richards obtained leave to present the memorial of B. M. Harger, and three hundred others, citizens of Dubuque, asking that provision be made for the maintenance of the "Iowa Soldiers' Orphans' Home," which was referred to the Committee on Soldiers' Orphans' Home.

On motion of Senator Lakin, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened at 2 o'clock.

By leave, Senator Clark, offered the following resolution :

*Resolved*, That the per diem allowance of the officers of the Senate during the present session, be as follows :

Secretary.....	\$6 00
Assistant Secretaries.....	5 00
Enrolling and Engrossing Clerks.....	5 00
Sergeant-at-Arms.....	4 00
Door-keeper and Janitor.....	4 00
Paper-folders, each.....	4 00
Messengers, each.....	3 50

On motion of Senator Henderson, ordered, that there be a call of the Senate.

The roll having been called, the following named Senators failed to answer to their names, viz: Senators Cattell, Clarkson, Cutts, Hunt, Lakin, Marshman, Patterson, and Stiles.

Senator Warren asked and obtained leave of absence for Senator Young.

Senator Bridges asked and obtained leave of absence for Senator Edwards.

Senator Reed asked and obtained leave of absence for Senator McJunkin.

Senator Hart asked for leave of absence for Senator Clarkson. Refused.

Senator Clark asked leave of absence for Senator Patterson. Refused.

Senator Hart asked and obtained leave of absence for Senator Hunt.

When, on motion of Senator Hilsinger, all further proceedings in the call were dispensed with.

The question recurring on the adoption of the resolution relative to the per diem of the officers of the Senate, it was, on motion of Senator Hilsinger made a special order for to-morrow morning at 10½ o'clock.

Senator Udell from the Committee on Ways and Means obtained leave to submit the following report :

A majority of the Committee of Ways and Means have instructed me to report the accompanying substitute for Senate File No. 198, an act to amend Section 198 of the Revision of 1860, relating to tax title deeds, and recommend its passage.

UDELL, Chairman.

Ordered, that the report pass on file.

Senator Parvin from the Committee on Liquor Law, obtained leave to submit the following report :

The Select Committee on the Liquor Law, to whom were referred sundry petitions in favor of repealing the clause in the liquor law permitting the sale of beer and wine; also, petitions for the repeal of said liquor law, and for the enacting of a license law, have had the same under consideration, and a majority of said committee have instructed me to make the following report :

A majority of your committee believe it to be the duty of the General Assembly to enact such laws as will prevent crime, as well as those to punish the criminals, after the crime has been committed. To pass a law to punish for robbery, and suffer men to establish schools all over our State to instruct our young men in the tricks and daring of the robber, we think would be bad policy, and such legislation as no moral man would attempt to justify. To pass a law to punish counterfeiting, and then license certain individuals, for a consideration, to open shops in every city and town for instruction in the art of making plates and dies, knowing that they will be used for the purpose of counterfeiting our circulating currency, would subject the General Assembly to the contempt of all good citizens.

These supposed cases are a fair illustration of the folly, if not crime, of which this General Assembly would be guilty, if, while our statutes are filled with penalties for crimes committed, we should license the sale of intoxicating drinks, when the use of such drinks, as a beverage, is the direct cause of most of the crimes known in our statutes.

That intemperance is a crime against community, that should be suppressed by all the powers of the law, is no longer a mooted question. All agree that drunkenness should be punished; that intemperance should be outlawed, and yet we find men who will advocate a law to license individuals to make drunkards; for if this be not the inevitable result of the business of rumselling, and if the object of the retailer of intoxicating drinks have any higher aim, a majority of your committee have been unable to learn the cause, reasoning *a priori* from the effect of his business.

Your committee have no statistics by which they can tell the amount of tax the citizens of this State pay, annually, in consequence of the sale of intoxicating liquors, but when we remember the fact which has been proven by investigation, and which no one can successfully contradict, that three-fourths of all criminal prosecutions and three-fourths of all pauperism in our State is caused by intemperance, we may form some estimate of the amount of taxes the honest part of the people have to pay to sustain this vice. There are about \$2,000,000 invested in Iowa in the manufacture and sale of this liquid poison. A majority of your committee believe that for every dollar thus invested the people pay more than a dollar in taxes occasioned by the traffic; in money paid for the liquor which is worse than lost, and in maintaining a class of men who sell liquor because they are too lazy, or too vicious to engage in some honest occupation.

In addition to these pecuniary losses, we have the loss of moral character; the destruction of the peace of families; the widow's tears; the orphan's sobs; the lamentations of children more to be pitied than orphans, inasmuch as a drunken father is generally worse than none. All of these evils, *pecuniary, moral, and social,*

grow out of the sale of intoxicating drinks, and are known and acknowledged by all to have their origin here, unless their vision be darkened either by the gain of the sale or by the effect of the poison itself.

Your committee are aware of the tremendous influence which the liquor traffic has had, now has, and will have, to influence the elections in this State, and that the liquor influence has deliberately ignored all principle, and determined to vote for no man for office who will not pledge himself to use all his influence to procure the passage of a license law. And we regret to be compelled to state that too many, who have been known as temperance men, allured by the hope of party success by the aid of liquor men, or frightened by the noise and clamor of the whisky interest, are disposed to compromise with them, as if they could compromise with iniquity without being party to the crime. "Can a man take coals of fire in his bosom, and not be burned?" Can we consent to sin, support it by law, and stand acquitted before an impartial tribunal?

There is another class of citizens whose influence is more to be feared than those already alluded to. It is those who are good citizens, temperance men, who anxiously desire to stop the sale of all intoxicating liquors, as a beverage, but who are alarmed at the power of the rum party, and think it impossible to enforce the present liquor law. These say, give us a license law; it will be better than the present law, for that is not enforced. If, say they, we had a "*judicious*" license law, we could regulate the traffic, and by putting the sum necessary to procure a license at a large amount, we could drive very many who now sell, from the business; therefore, they would reduce the number of grog-shops, and at the same time bring a large amount of money into our city treasuries. The advocates of this measure are, some of them, influential men; men whose counsel is, and should be respected, and entitled to a fair consideration. But we think this reasoning morally and financially wrong. If, as most of this class of persons acknowledge, it be morally wrong to sell intoxicating liquors for the purpose of being drunk as a beverage, then, if we license the sale, we become partners in the crime. We make sin respectable by throwing the power of the law around it. We say to the licensed man, you may commit your iniquity; you may flourish in your vile transactions; you may sow the seeds of destruction, pauperism and death, in our community if you will only pay us a price for the privilege. If you will pay money enough into our treasury, you may destroy the peace of as many families as you can induce to purchase your soul-killing drink; you may bring beggary to as many widows and orphans as you can persuade husbands and fathers to drink your accursed beverage; you may ruin our young men for time and eternity, if you will only buy the right. We hold it for sale. It

would certainly be a long stride backwards in the way of morals and Christianity. *It would be the price of blood.*

Nor do we think it any the less objectionable in a financial point of view.

To bring money into the treasury by allowing and legalizing that which is almost the entire cause of all our criminal prosecutions; that fills our jails, alms-houses and penitentiary, and that to pay the expenses of prosecutions, and the support of criminals and paupers, the people must be taxed five or ten dollars for every dollar paid for license, would be, in the opinion of your Committee, very bad financiering.

In a pecuniary point of view, we think the State would be the gainer to take those men who live by the sale of intoxicating drinks, stop their traffic, and feed, clothe, and educate them, and families, at the public expense. We do not doubt but the effect of their business costs the tax payers much more money than it would to maintain them, and their families, in luxury and idleness.

If the people, in some places, have not the moral courage to enforce a law, when the effect of enforcing it would be to lessen crime and distress, it is much to be regretted; but it is certainly not a valid reason why we should repeal a good law, because bad men oppose it. For the same reason you would repeal the law to punish people for the crime of larceny, because thieves will continue to steal; or for the crime of counterfeiting, because dishonest people will continue to counterfeit. Jehovah has never repealed that law which He proclaimed amid the thunderings and lightnings of Sinai—"Thou shalt not kill," because man will continue to imbrue his hand in the blood of his fellow man. Nor His law, "Thou shalt not commit adultery," because the licentious passions of the libertine still prompt him to commit the infamous deed. No, Jehovah does not repeal His laws against sin, because men of depraved passions will continue to violate them. Neither will He remit the penalty, which in his righteous judgment He declared the violators of his laws should suffer.

Your committee, therefore, can see no force in the argument that because the Liquor Law is not enforced, in all places, it should be repealed. We think it would be bad policy; a sacrifice of principle; and detestable in a moral point of view.

We wish now to call the attention of the Senate, and the country, to the formidable array of wealth, and the unprincipled position of the Liquor dealers, who are using this wealth for the purpose of overthrowing all those who are in favor of temperance and good morals, in order to repeal the present liquor law, and under a license law give loose rein to their diabolical propensities.

To show this we quote from the "Constitution and Resolutions adopted by the Liquor Dealers' Association of the State of Iowa:"

## ARTICLE V.

“SECTION 1. This Association shall comprise distillers, wholesale liquor merchants, druggists, and saloon keepers; and are to be classified and pay dues as follows:

## “NO. 1—DISTILLERS.

“*First Class*.—Houses over one thousand bushels capacity per day, \$15 per month.

“*Second Class*.—Houses from five hundred to one thousand bushels capacity per day, \$10 per month.

“*Third Class*.—Houses of less than five hundred bushels capacity per day, \$5 per month.

## “NO. 2—WHOLESALE DEALERS.

“*First Class*.—Ten dollars per month.

“*Second Class*.—Five dollars per month.

## “NO. 3—DRUGGISTS.

“*Third Class*.—Five dollars per month.

## “NO. 4—SALOON KEEPERS.

“*First Class*.—Two dollars and fifty cents per month.

“*Second Class*.—One dollar per month.”

We see, by these quotations, the enormous amount of money raised every year to carry the elections in Iowa. Individuals are taxed from \$180 to \$12.00 per annum, according to the amount of business done; and this money, doubtless amounting to tens of thousands of dollars annually, is to be used to carry the elections in our State for the whisky interest. And not only this money but also all the debauchery and corrupting influence which the liquid poison proceeding from all the grog-shops in the State can produce, aided and set on by the friends of hell, in the shape of drunken and unprincipled liquor dealers; all, *all* this the moral and law abiding citizens have to encounter, and overcome, or our thriving State will be doomed to the withering curse of being governed by unscrupulous liquor dealers, and those politicians who will sacrifice principle to secure the votes of unprincipled men.

Again, look at the evidence of the entire want of principle in these liquor dealers. They have no principle but *whisky*, and for the proof we quote again from the same source.

“*Resolved*, That at the coming election we will support no candidates for office, State or County, who do not pledge themselves in writing in favor of the repeal of the said Prohibitory Liquor

Law, and the enactment of a judicious License Law in its stead; but do our utmost to defeat all candidates opposed to said measures, regardless of all party issues."

In that resolution they have published to the world the proof of the assertion we just made, that the liquor dealers have no principles but whisky. They ignore everything else, and say, "Regardless of all party issues."

After all this evidence, your Committee are surprised to hear some temperance men assert that a license law would decrease the consumption of intoxicating liquors. These "Liquor Dealers" are shrewd enough to *know* that a license law will so increase their sales that they can well afford to spend from thirty to fifty thousand dollars per annum, for the purpose of getting a majority of their friends in the General Assembly, and thereby secure a license law.

They care nothing about the distress they cause in the State; they only look to their profits on the sales of the liquid poison. They spend their money freely to procure a license law for the purpose of increasing their sales, knowing that that would be the effect of such a law; and some good men unintentionally assist them by arguing that if we could reduce the number of grog-shops we would reduce the amount of liquor sold. We leave it with the Senate to judge which is correct—the liquor dealers, who say a license law *will* increase their sales to such an extent that they can afford to spend so great an amount of money to secure said law, or those persons who say such a law would decrease the sale.

After thus reviewing the facts bearing on the case, your Committee have come to the conclusion that no alteration in our present Liquor Law is necessary.

We, therefore, submit the following resolution:

*Resolved*, That it is inexpedient to change the present Liquor Law.

Respectfully submitted,

J. A. PARVIN, Chairman.

H. WHARTON,

A. M. LARIMER.

Senator Paulk moved that the report be printed.

Senator Knoll moved to amend by inserting "1,000 copies."

The amendment was lost.

Senator Clark moved to amend by striking out "ordered to be printed" and inserting "be printed in all the papers of the State without expense to the State."

The amendment was lost.

The question recurring upon the motion to print, it prevailed.

The President announced that the hour for the special order had arrived, being consideration of substitute for preamble and joint resolutions instructing our Senators and Representatives in Con-

gress on the subject of the re-admission of the rebellious States, reported by Select Committee, and the same was taken up.

Senator Hart moved to amend the preamble by striking out in the eighth line the word "alone."

Pending which, Senator Crookham moved the previous question on the adoption of the amendment, but it failed to receive a second.

The question being upon the adoption of the amendment, the yeas and nays were demanded, and

The yeas were Senators Clark, Clarkson, Farwell, Hart, Knoll, Lakin, McJunkin, Oliver, Paulk, Richards, and Warren—11.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Doud, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Robertson, Ross, Sampson, Shippen, Smith, Udell, and Wharton—30.

Absent but not excused, Senators Edwards, Henderson, Reed, Stiles, Stubbs, and Young.

So the amendment was lost.

Senator Hart moved to amend the first resolution by inserting after the word "States," at the beginning at the eighth line, the words "shall be complied with."

The amendment was not adopted.

Senator Richards offered the following as a substitute for the report of the Committee:

**WHEREAS**, The restoration of the Federal Union is an object of supreme desire to every lover of American liberty, and

**WHEREAS**, The withdrawal of all military rule, and the full restoration of civil government, is essential to this end, and demanded alike by justice and sound public policy, at the earliest day consistent with the public peace, and

**WHEREAS**, The control of all domestic affairs is wisely left by the Constitution, to the different States, and particularly the control of the elective franchise, and

**WHEREAS**, By our Constitutions, State and Federal, by our laws, customs, and history, a wise distinction between the different races of mankind has been discretely recognized and adopted, and different privileges granted according to such distinctions, therefore

*Resolved*, That at the earliest day, when submission to the Constitution and laws of the United States shall be assumed, all military forces of the United States should be withdrawn from the seceded States, and as soon as the organic law of such seceded States shall conform to the Federal Constitution, and members duly elected and qualified according to that Constitution, shall present themselves to Congress, we favor their admission to seats in that body, and our Senators are instructed, and our Representatives requested to use their influence to secure these great results,

adding thereby to the glorious triumph of arms, the more glorious triumph of peace, and a fully restored Union.

*Resolved*, That the doctrine of "dead States, and conquered provinces," of general confiscation, and African rule in the South as advocated by Thaddeus Stevens and his followers, is utterly abhorrent to the fundamental principles of our free government; shocking to the sense of public justice; condemned by the world's history, and if adopted, must prove fatal to that liberty purchased by the blood of our fathers. This doctrine is also at war with the Executive and Legislative action of the Federal Government during the whole period of the war, and its adoption would sadly impeach the good faith of the Nation.

*Resolved*, That in hopeful contrast to the mad theories of extreme men, stand recent noble utterances of the President of the United States, and his chief adviser, the Secretary of State. We heartily indorse these moderate, sagacious, and just counsels, and we instruct hereby our Senators, and request our Representatives to sustain the President in his patriotic efforts to maintain the Constitution and restore the Union.

*Resolved*, That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of the foregoing preamble and resolutions.

Pending which, on motion of Senator Marshman, the resolutions were made a special order for to-morrow at two o'clock, P. M.

On motion of Senator Ross, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, {  
March 15, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Nash.

The journal of yesterday was read, corrected and approved.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature, the following bills which have passed both branches of the General Assembly, and have been duly enrolled, and signed by the Speaker:

House File No. 169, A bill for an act to legalize the acts of the Council of the city of McGregor, in relation to the levy of taxes.

Senate File No. 35, A bill for an act to legalize the articles of incorporation of the Norwegian Luther College of Decorah, Iowa.

Senate File No. 12, A bill for an act to amend Section 1133 of the Revision of 1860, in relation to incorporation of towns and cities, and to legalize the publication of the by-laws and ordinances

of certain towns and cities heretofore passed and not published according to law, &c.

Senate File No. 44, A bill for an act changing the corporate name of independent school district townships.

Also, a Joint Resolution for the relief of the county of Buchanan.

I also transmit a concurrent resolution fixing the compensation of certain officers, which has passed the House, and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the House of Representatives, the Senate concurring,* That the *per diem* of the Postmaster shall be \$5 per day, and the Assistant \$4 per day, in addition to the expense of carrying the mail; and that the *per diem* of Mr. J. D. Hunter, Clerk of the Investigating Committee, shall be \$5 per day.

On motion of Senator Udell, and by unanimous consent, the House resolution relative to the *per diem* of certain officers of the General Assembly was taken up.

Senator Marshman moved to amend the clause fixing the *per diem* of Assistant Postmaster by striking out "\$4" and inserting "\$5."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Clark, Hedges, Knoll, McJunkin, Sampson, Shippen, and Warren—9.

The nays were Senators Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Smith, Stubbs, Udell, Wharton, and Young—37.

Absent but not excused, Senator Stiles.

So the amendment was not adopted.

Senator Marshman moved to amend the clause fixing the *per diem* of the Postmaster by striking out "\$5" and inserting "\$4."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Doud, Edwards, Farwell, Henderson, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Smith, and Wharton—31.

The nays were Senators Clark, Cutts, Hart, Hedges, Hilsinger, Hunt, Leake, McJunkin, Patterson, Sampson, Shippen, Stiles, Stubbs, Udell, Warren, and Young—16.

So the amendment was adopted.

Senator Cutts moved to amend the clause fixing the *per diem* of the Clerk of the Investigating Committee by striking out "\$5" and inserting "\$4."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bulis, Crookham, Cutts, Farwell, Hart,

Hilsinger, Hillyer, King, Knoll, Lakin, Larimer, Marshman, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Robertson, Ross, Smith, and Wharton—22.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Doud, Edwards, Hedges, Henderson, Hollman, Hunt, Leake, McJunkin, Oliver, Paulk, Reed, Richards, Sampson, Shippen, Stiles, Stubbs, Udell, Warren, and Young—25.

So the amendment was not adopted.

The resolution as demanded was then concurred in.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your honorable body that Messrs. McKean, Goodrich, Safely and Walden have been appointed members of the Joint Committee to investigate certain alleged Swamp Land Frauds.

Also, that the House has ordered printed the usual number of copies of the report of the Select Committee appointed to visit the State University.

CHAS. ALDRICH, Chief Clerk.

The President announced that the hour for the special order had arrived, being consideration of resolution fixing the per diem of officers of the Senate, and the same was taken up.

Senator Larimer moved to amend the clause, fixing the per diem of paper folders by striking out \$4, and inserting \$3.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, Young—42.

The nays were Senators Bridges, Clark, Hedges, Hollman, Udell—5.

So the amendment was adopted.

Senator Larimer moved to amend the clause fixing the per diem of messengers, by striking out \$3.50 and inserting \$3.

Senator Meyer moved to amend by striking out \$3 and inserting \$2.50.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Clarkson, Crookham, Doud, Farwell, Hart, Henderson, Hilsinger, Lakin, Larimer, Marshman, McMillan, Meyer, Oliver, Parvin, Paulk, Powers, Reed, Sampson—21.

The nays were Senators Bassett, Cattell, Clark, Cutts, Edwards, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Leake, McJunkin, Moore, Patterson, Richards, Robertson, Ross, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—26.

So the amendment was not adopted.

The question recurring on the motion to amend by striking out "3.50," and inserting "3.00," it prevailed.

On motion of Senator Oliver, the resolution was further amended by striking out "\$5.00," after the words "Engrossing Clerk."

The resolution as amended was then adopted.

The following message was received from the House:

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

Substitute for House File No. 120, A bill for an act authorizing the re-survey of lands in certain cases, and prescribing rules, duties, and powers of county surveyors.

CHAS. ALDRICH, Chief Clerk.

Senator Clarkson, from Special Committee, obtained leave to submit the following report:

The Special Committee to whom was referred Senate File No. 54, fixing and equalizing the compensation of members of the future General Assemblies, have examined the same, and a majority of the said Committee have directed me to report back said bill, without amendment, and recommend its passage.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Senator Cattell, from the Committee on Claims, obtained leave to submit the following report:

The Committee on Claims have considered Senate File No. 200, A bill for an act to amend Chapter 108 of the Acts of the Tenth General Assembly relating to Des Moines River Lands, and a majority of the Committee has instructed me to report the same back and recommend the adoption of the accompanying amendment; and that, so amended, the bill do pass.

The object of this bill appears to be:

1. To so amend the existing law as to avoid the expense and delay, attending a classification of said lands.

2. To make provision whereby the portion of such lands set apart, to be applied in building the railroad from Des Moines to Fort Dodge, may be opened to settlement, an object very desirable to the inhabitants of the locality.

3. The bill extends necessary time to the railroad company in which to build the road, and become entitled to the lands remaining after the payment of claims and the adjustment of conflicts provided for by existing laws.

The majority of the Committee, believing all the aforesaid objects are desirable, and believing that the bill so amended can, in nowise, interfere with or injure the rights or interests of claimants, whose claims are payable out of said land or by the railroad company, nor the interest of the State, are of the opinion the the bill, so amended, should pass.

Respectfully,

J. W. CATTELL, for Majority.

On motion of Senator Bassett, the bill was ordered printed and made a special order for Monday next at 10½ o'clock A. M.

Senator Lakin from the Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have this day presented to the Governor, for his approval, the following bills, to-wit.: A Joint Resolution for the relief of the county of Buchanan, Senate File Nos. 44, 12 and 35.

W. B. LAKIN.  
CAS. PAULK.

Senator Edwards from the Committee on Military Affairs obtained leave to submit the following report:

The Committee on Military Affairs to whom was referred House File No. 126, A bill for an act relating to the Assistant Adjutant General have requested me to report the same back with the recommendation that it do pass.

E. E. EDWARDS, for the Committee.

On motion of Senator Edwards, and by unanimous consent, the report was considered.

Pending which, on motion of Senator Ross, the report was passed on file.

On motion of Senator Young, and by unanimous consent, Senate File No. 150, A bill for an act for the further protection of game, with report of Committee recommending that the bill do pass, was taken up.

Senator Young moved that the bill be read a third time now.

Pending which, Senator Oliver moved the previous question, but it failed to receive a second.

The motion to read the bill a third time prevailed, and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Parvin, Paulk, Patterson, Powers, Richards, Robertson, Sampson, Shippen, Smith, Warren, Wharton, Woolson, Young—36.

The nays were Senators Hart, Hillyer, Lakin, Meyer, Oliver, Reed, Ross, Stubbs, Udell—9.

Absent but not excused, Senator Bulis.

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

Senator Bassett, from the Committee on Railroads, obtained leave to submit the following report:

Your Committee on Railroads, to whom was referred Senate File No. 120, have carefully considered the same, and a majority of said committee have instructed me to report the bill and recommend that it be indefinitely postponed.

G. W. BASSETT, Chairman.

Ordered, that the report pass on file.

On motion of Senator Udell, and by unanimous consent, substitute for House File No. 120, A bill for an act authorizing the re-survey of lands in certain cases, and prescribing rules, duties and powers of County Surveyors, was taken up.

Read first and second times and referred to the Committee on Township and County Organizations.

#### BILLS ON SECOND READING.

Senate File No. 81, A bill for an act to amend Section 764 of the Revision of 1860, was taken up.

The question being on the motion of Senator Stubbs to amend Sec. 1 of the substitute by striking out in the 12th line the word "twenty" and inserting "one hundred."

The amendment was by unanimous consent, and on motion of Senator Stubbs, withdrawn.

The question being on the adoption of the substitute,

Pending which, on motion of Senator Clarke, the Senate adjourned.

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#### AFTERNOON SESSION.

2 O'CLOCK P. M.

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

On motion of Senator Bulis the special order for this hour—report of Select Committee on preamble and joint resolution instructing our Senator and Representatives in Congress on the subject of the re-admission of the rebellious States—was postponed for fifteen minutes.

The further consideration of Senate File No. 81, A bill for an act to amend Section 764 of the Revision of 1860, and substitute therefor, was resumed.

Senator Powers moved to amend Sec. 1 of the substitute by striking out in the 10th and 16th lines the words "first of August" and inserting "fifteenth of September."

The amendment was adopted.

Senator Oliver moved to amend Section 1, by striking out at the end thereof, the words "and shall have had at least twenty *bona-fide* subscribers in the county wherein the delinquent property is situated for at least three months preceding the fifteenth of September, of said year.

The amendment was not adopted.

On motion of Senator Oliver, the bill was further amended by striking out the 3d Section.

Senator Udell moved to amend Section 1, by striking out the

word "six" in the 9th line, and inserting "three." The amendment was not adopted.

Senator Oliver moved that the bill and substitute be recommitted to the Committee on Ways and Means.

The motion did not prevail.

On motion of Senator Bulis the substitute was adopted.

On motion of Senator Hillyer the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton—39.

The nays were Senators Oliver, and Udell—2.

Absent, but not excused, Senators Hart, Henderson, Hunt, McJunkin, Stiles, and Young.

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

Senator Leake from the Committee on Judiciary, obtained leave to submit the following report:

*To the Senate of Iowa:* The Judiciary Committee, to which was referred the bills hereinafter mentioned, have had the same under consideration, and have directed me to report thereon as follows:

1. Senate Files Nos. 16, 23, 96, 153, and 190, bills for acts to legalize the acts of various Notaries Public. A substitute is herewith returned, providing for each case in separate sections of one bill, and the passage of the substitute recommended.

2. Senate File No. 146, A bill for an act to amend Section 3875, of the Revision of 1860, relating to change of venue before Justices of the Peace. The committee recommends that the bill do pass.

3. Senate File No. 139, A bill for an act fixing the salaries of District Attorneys.

The committee recommends that the bill do pass.

4. Substitute for House File No. 71, A bill for an act regulating appeals to the Supreme Court, in certain cases.

The committee recommends that the bill do pass.

All of which is respectfully submitted.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

Senator Powers, from the Committee on Judiciary, obtained leave to submit the following report:

*To the Senate:*—Your committee have considered House File No. 60, and find that sections 4224, 4236, 4377, of the Revision, need each the amendment proposed by the original bill. Your committee have therefore prepared a substitute for the bill, including the

whole of said sections in the amendment, and recommend the substitute to be passed by the Senate.

J. B. POWERS,  
For Judiciary Committee.

Ordered, that the report pass on file.

Senator Ross, from the Committee on Public Lands, obtained leave to submit the following report :

*To the Senate* :—The Committee on Public Lands have had under consideration House File 130, A bill for an act to secure certain persons, residents of Wayne county, Iowa, their homes at the price of \$1.25 per acre, of lands known as the excess of the 500,000 acre grant, and have instructed me to report the same back and recommend its passage.

L. W. ROSS, Chairman.

Ordered, that the report pass on file.

On motion of Senator Lakin, and by unanimous consent, Senator Henderson was granted leave of absence for the day.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your honorable body that the House has adopted the concurrent resolution of the Senate relative to the disposition of certain records and papers produced in evidence before the Committee appointed to investigate the alleged diversion of certain Swamp Land Indemnity Funds.

I also return herewith the following bills which have passed the House without amendment :

Senate File No. 189, A bill for an act to annex the township of Charleston, in the county of Lee, to the townships of Jackson, Montrose, Des Moines and Van Buren, in said county, for judicial purposes.

Senate File No. 149, A bill for an act authorizing the Auditor to collect certain debts due the School Fund.

CHAS. ALDRICH, Chief Clerk.

The President announced that the hour for the special order had arrived, being the consideration of the report of the select Committee, instructing our Senators and Representatives upon the subject of the re-admission of the rebellious States.

Senator Richards moved the adoption of the substitute offered by himself.

The President decided the substitute out of order.

Senator Richards then withdrew the substitute and offered the same as a minority report of the select Committee, and moved to substitute it for the majority report.

Pending which, Senator Cutts moved that the further consideration of the report be made a special order for to-morrow morning at half-past ten o'clock.

Senator Stubbs moved to amend by striking out "morning at half-past ten o'clock," and inserting "afternoon at half-past two o'clock."

The amendment was not adopted.

The question recurring on the original motion, it was agreed to.

Senator McJunkin from the Select Joint Committee to visit the State University, obtained leave to submit the following report, which was laid on the table and ordered to be printed :

The Joint Committee appointed to visit the State University and Deaf and Dumb Asylum, at Iowa City, having performed that duty, respectfully submit the following report :

They have made a careful examination of the University, and in their opinion, the institution is in a very flourishing and prosperous condition. Under the efficient management of President O. M. Spencer, and his able corps of Professors, the number of students has largely increased during the last two years; and there are now in attendance 315 gentlemen, 267 ladies, and one resident graduate, making a total of 583 students, showing an increase of 44 per cent. Forty-three counties are represented, and the States of Maine, New Hampshire, Vermont, New York, Pennsylvania, Maryland, Virginia, Ohio, Indiana, Illinois, Missouri, and Kansas have each contributed one or more, thus showing that while the University is growing in popular favor at home, the youths of our sister States are beginning to appreciate the advantages there offered for a thorough and complete course of study. In the opinion of your committee, if a liberal policy be pursued toward this institution, now in its infancy, at no distant day it will rival the far-famed seats of learning of the older States—and Iowa, the equal now of her sisters in the bravery of her sons, the fertility of her soil, and her rich mineral deposits, will soon equal them in the opportunities she offers, through her State University, for a sound and liberal education. At the last session of the General Assembly, the State appropriated the sum of twenty thousand dollars for the purpose of erecting an additional building for a chapel and chemical laboratory, with a tower attached suitable for an astronomical observatory, to be expended under the direction of the Board of Trustees. At the time the appropriation was made, the estimated cost of the building was \$25,000; but owing to the rise in labor and material, it has been found that that sum was insufficient to complete it. From careful estimates, made by competent architects, the structure will cost, when completed, at the present price of labor and material, the sum of \$33,600, leaving a deficiency of \$11,450 over the amount already expended, viz: \$22,150. Your committee carefully examined said building, and are of opinion it has been built in a most solid and substantial manner, and when completed, the laboratory will not be excelled by any College in the United States. For a detailed statement of the plan and proportions of the building, we beg leave to refer to the Report of the Trustees of the State University, page 13.

By a resolution of the House, your committee were instructed to inquire into the expediency of introducing a furnace into that

portion of the University known as the "Old Capitol." They would strongly recommend that an appropriation be made for that purpose, as they believe the introduction of a furnace similar to that now in use at the Capitol would save great expense in fuel and labor, besides rendering the building much more comfortable to the students. The "Old Capitol," or main building of the University, is so constructed that a furnace can be placed in it without much expense. The chimneys run up through the middle on both sides of the hall, and the heat can be admitted by registers placed in them, and thus save cutting the floors, and avoid the unsightly pipes that now disfigure the present Capitol.

To complete the efficiency of the laboratory, especially in the department of chemical analysis, it is necessary that gas should be introduced into it; and as the expense of introducing it into the other buildings would be but slight, your committee would recommend that an appropriation be made for that purpose.

Your committee would further report that the roofs of the main building and Boarding Hall are both out of repair, and leak badly. Already the elegant fresco work of the main building is beginning to crack, and unless the leaks be stopped, it will soon be entirely destroyed. They would therefore recommend that an appropriation be made for a slate roof for said building. The roof of the Boarding Hall was blown off by a tornado shortly after its completion, and was replaced with the same tin. It also leaks, and should be replaced with a good substantial tin roof, as, in the opinion of your Committee, the walls are not sufficiently strong to stand the weight of slate.

The 3d story of the Boarding Hall is still partially unfinished. During the past year the Trustees appropriated \$1,200 out of the Interest fund of the University to finish two Society Halls for the use of students. In the opinion of your Committee an appropriation should be made to finish the entire story, and to refund the above amount to the University.

Your Committee would further report that by Section 2, Chapter 59 of the Laws of the 10th General Assembly, the Trustees were required to make provision for a system of gymnastic exercises and physical training in connection with the University. The Department is now under the charge of Professor Chas. E. Borland, and so fully meets the wants of the students that they voluntarily attend the exercises, and manifest a constantly increasing interest in them. The method adopted is that prepared by Professor Dio Lewis, of Boston, Mass., and none more attractive and successful could be devised for promoting a rapid and symmetrical development of the human system. The exercises are adapted to persons of all ages and of both sexes, and are now being introduced into all the best conducted schools at the east. The design is to grade the classes and to graduate each year a class in these exercises who will be prepared to teach the same in the public schools throughout

the State. If the graduates of our State Normal School can go forth to their various fields of labor, adepts in physical as well as mental training, we may reasonably anticipate that the rising generation will far surpass the present in strength and vigor both of body and mind. There is at present no hall under the control of the University suitable for these exercises. The hall now used was rented with difficulty, and after the present lease expires cannot be procured on any terms, and none other can be found in the city. Your Committee would therefore recommend that an appropriation of \$2,000, be made, to erect in the rear of the main building of the University, a suitable hall. The lower story could be used for a wood-house, coal-bin, &c., and as the present water-closets are wholly insufficient, being exposed to view, and altogether too small, the proposed building might be so arranged as to provide suitable accommodations for both sexes separate from each other.

The Library of the University is wholly inadequate. It contains very few works of real value, or that would be useful and interesting to the youthful mind. The scientific works in the State Library received in exchange for the Geological Report of Professor Hall should be transferred to the University. In the State Library they are of no practical use, and a part at least are needed to complete the sets at the University.

The Cabinet contains only rocks, a very few fossils, and no minerals. The State Geologist took from the State, to prepare his work on the "Geology of Iowa" all the valuable fossils, collected during the survey, and has so far refused to return them. The Legislature, through the Governor, should insist upon their return, and also insist upon the return of the plates of said work, engraved at great expense to the State which your Committee are informed he also retains. Hon. T. S. Parvin, Professor of Natural History, has deposited his cabinet of fossils and minerals in the University. This is the largest and most valuable of any collection in the State, and are used by him for purposes of instruction in his class-room and lectures. The value of the collection is estimated at \$1,500, and in the opinion of your Committee should be secured to the State lest it should pass into other hands, and be removed without her borders.

Your Committee can not close this report without again urging upon the members of this House a liberal policy toward the State University. It is the head of the Common School system of the State, and from it must radiate the influences that will make that system worthy of the munificent endowment it possesses. From its Normal Department we must look for teachers to carry instruction home to every fireside, and to it too we must look for the youth of the State, of both sexes, upon equal terms, acquiring that liberal education, that thorough knowledge of literature, arts and sciences, which will fit them for the various duties of life.

## DEAF AND DUMB INSTITUTION.

Your Committee also visited the Institution for the Education of the Deaf and Dumb ; and, so far as the labors of those in charge of the Institution could contribute to that object, we found the institution in a good condition. The superintendent, teachers and matron manifested that they were imbued with the spirit of their respective stations ; and the interest manifested by the pupils in the recitations and exercises, which we had the pleasure to witness, was evidence to your Committee that the labors of the teachers were a success. For a statement of the financial condition of the institution, its statistics, &c., your Committee beg leave to refer to the "Sixth Biennial Report of the Institution."

Your Committee were pleased with the indications of good order, economy, and cleanliness, which all departments of the institution manifested, even under the *very* unfavorable circumstances surrounding it.

The building now occupied by the institution was evidently not built with the view that it should be used for that purpose. It is built out to the street and along side of the business houses ; it is entirely destitute of yards and play-grounds, with the exception of a small back yard, which is not large enough for the purpose of storing wood, and it has none of those surroundings which give it the appearance of a *home*, and especially such a home as the State should furnish to this class of her unfortunates. The roof of the building is badly out of repair, and your Committee saw evidences of leakage in nearly every room, which renders the rooms damp, and, in the opinion of your Committee, unhealthy. The walls of the building are badly cracked, and to such an extent as to render it unsafe.

There is, in the opinion of your Committee, needed a more commodious and convenient kitchen, a laundry, a store-room for provisions, more ample yards for wood, a play-ground for the pupils, (a majority of whom are but children), more comfortable sleeping rooms, and rooms more airy and sunny for the sick. None of these desiderata can be had with the building at present occupied.

For the foregoing reasons, and the fact that the *property now occupied does not belong to the State*, your Committee recommend that the State procure suitable grounds, and erect such buildings as will meet the wants of the Institution, and that the Legislature make such appropriations and adopt such measures as will insure the purchase of grounds and erection of suitable buildings at the earliest practicable period. In the opinion of your Committee, the provisions made for this class of unfortunates, should be such as would comport with the action of the State in providing for the blind and the insane. To some of your Committee it is known that parents of deaf and dumb children, after seeing the building and the grounds which the Institution is compelled to occupy, have

refused to place their children therein, preferring to send them to institutions in other States.

The officers, teachers and matron have, in the opinion of your Committee, done their duty, and it only remains for the State to make the provisions which we have indicated, in order to have an institution adequate to the wants of this class of unfortunates; and whatever burdens it may impose, we feel safe in saying, will be cheerfully borne by our humane and philanthropic citizens.

Respectfully submitted.

A. S. BELT,  
A. L. McPHERSON,  
Of the House of Representatives.  
J. F. McJUNKIN,  
Of the Senate.

On motion of Senator Patterson, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
March 16, 1866. }

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

The President in the chair.

Prayer by the Rev. Mr. Winans.

The Journal of yesterday was read and approved.

On motion of Senator Parvin, and by unanimous consent, leave of absence was granted to Senator Young for the remainder of the session.

Senator Bulis obtained leave to offer the following resolution, which was adopted :

*Resolved*, That on and after Monday, 19th, the morning session of the Senate shall convene at 9 o'clock.

Senator Bassett obtained leave to present the petition of Chas. Pomeroy and thirty others, citizens of Webster county, asking that provision by law be made for the publication of the acts of the General Assembly and the proceedings of the Boards of Supervisors in the county newspapers, which was laid on the table.

The President laid before the Senate the following communication, which was, on motion of Senator Leake, referred to the Committee on Federal Relations :

STATE OF IOWA, EXECUTIVE DEPARTMENT, }  
DES MOINES, March 16, 1866. }

HON. B. F. GUE, *President of the Senate, Des Moines, Iowa:*

SIR:—By direction of the Governor, I herewith submit a communication from Hon. James L. Orr, Governor of South Carolina,

respecting the furnishing of the State Library of South Carolina with Iowa Laws and Reports.

Respectfully yours,

GEO. J. NORTH, Priv. Sec'y.

EXECUTIVE DEPARTMENT OF SOUTH CAROLINA, {  
COLUMBIA, March 5th, 1866. }

SIR:—The State House and Court House in this city was destroyed by fire in February, 1865, and the State Library and Library of the Court of Appeals were totally consumed.

All the Codes, Statutes and Journals of your Legislature, as well as the reports of your Court of Appeals heretofore sent to this State, having thus been destroyed, I am very desirous of replacing them as far as possible, and the object of this letter is to request you to send to the address of Theodore Stark, Esq., Librarian, Columbia, S. C., copies of all of the above publications which you can conveniently spare.

The books may be sent by express, and the expenses will be paid here by Mr. Stark.

By complying with the above request, you will confer a singular favor on the State, and I will be happy to reciprocate the favor as far as possible as to our future publications.

I have the honor to be,

Very respectfully,

Your obedient servant,

JAMES L. ORR, Gov. of S. C.

His Excellency Gov. Stone, Des Moines, Iowa.

Senator Larimer obtained leave to present the remonstrance of Jno. Madden and twenty-eight others, citizens of Scott county, against conferring upon Boards of Supervisors the power to levy additional tax for bridge purposes, which was referred to the Committee on Township and County Organizations.

The following message was received from the House :

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

House File No. 305, A bill for an act to provide for the publication and distribution of the laws of the Eleventh General Assembly of the State of Iowa.

Substitute for House File No. 227, A bill for an act to provide for the payment of the bonds of the State of Iowa maturing January 1st, 1868, and providing for the loaning of the school fund.

Also a joint resolution asking Congress to pass an act declaring and establishing the bridges and railroad track across the Mississippi river at Clinton, Iowa, a mail route.

JOS. LYMAN, Enrolling Clerk.

## BILLS ON SECOND READING.

Senate File No. 118, A bill for an act providing for the adjustment of certain land claims with the General Government, and the settlement of claims along the Des Moines River, with report of committee recommending amendments, was taken up.

The question being upon the adoption of the report of the committee.

Pending which, the President announced that the hour for the special order had arrived, being the consideration of the report of select committee instructing our Senators and Representatives in Congress on the subject of the re-admission of the rebellious States, and it was taken up.

The question being upon the motion to amend the report by substituting the minority report therefor.

The yeas and nays were demanded; and

The yeas were Senators Hedges, Hollman, Knoll, Paulk, Richards—5.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—40.

So the motion did not prevail.

Senator Warren moved to amend the report by striking out of the first resolution in the sixth line, the word "prevent," and inserting the word "secure." Also, by striking out in the same line the word "any," and inserting "all." Also, by striking out in the seventh line, the word "until," and inserting the word "upon."

Upon this the yeas and nays were demanded, and

The yeas were Senators Cattell, Clarkson, Edwards, Farwell, Hart, Hedges, Hollman, Knoll, Marshman, Paulk, Reed, Richards, Stubbs, Udell, Warren—15.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Clark, Crookham, Cutts, Doud, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Wharton—30.

So the amendment was not adopted.

Senator Lakin moved to amend Section 1 of the report, by striking out all after the word "secured" in the twelfth line and inserting the following: "That, in order to guarantee the continued compliance with the terms proposed by the President, and, as a measure essential and necessary to the security and peace of the Republic, they are further instructed and requested to exercise whatever constitutional power may be vested in Congress to secure the elective franchise to the colored men of the aforesaid rebellious States."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Clark, Crookham, Cutts, Hart, Lakin, McMillan, Meyer, Richards—9.

The nays were Senators Brayton, Bridges, Bulis, Cattell, Clarkson, Doud, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—36.

So the amendment was not adopted.

On motion of Senator Lakin, and by unanimous consent, leave of absence was granted to Senator Henderson for the day.

Senator Oliver moved to amend Section 1 of the report by striking out in the eighth line, the word "alone," and inserting the words "of the United States." Also, to amend in the seventh line by adding before the word "Congress," the word "the."

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Cattell, Clark, Clarkson, Edwards, Farwell, Hart, Hilsinger, Hillyer, Lakin, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Stiles, Stubbs, Udell, Warren—20.

The nays were Senators Bridges, Bulis, Crookham, Cutts, Doud, Hedges, Hollman, Hunt, King, Knoll, Leake, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Wharton—23.

Absent but not excused, Senators Bassett, and Larimer.

So the amendment was not adopted.

The question being upon the adoption of the report the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hilsinger, Hillyer, Hunt, King, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Wharton—33.

The nays were Senators Clarkson, Edwards, Hart, Hedges, Hollman, Knoll, Lakin, Marshman, Paulk, Richards, Stiles, Warren—12.

So the report was adopted.

Senator Stiles moved to adjourn.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Cattell, Clarkson, Cutts, Edwards, Farwell, Hart, Knoll, Lakin, Larimer, Marshman, Oliver, Richards, Smith, Stiles, Stubbs, Warren—18.

The nays were Senators Bridges, Bulis, Clark, Crookham, Doud, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Udell, Wharton—27.

So the motion did not prevail.

Senator Parvin moved that the resolutions be read a third time now.

The motion prevailed, and the resolutions were read a third time.

The question being "shall the resolutions pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hilsinger, Hillyer, Hunt, King, Larimer Leake, McJunkin McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Wharton—33.

The nays were Senators Clarkson, Edwards, Hart, Hedges Hollman, Knoll, Lakin, Marshman, Paulk, Richards Stiles, Warren—12.

So the resolutions passed and the title was agreed to.

Senator Hart moved to adjourn until 3 o'clock.

Senator Patterson moved to amend by striking out "3 o'clock," and inserting 9 o'clock to-morrow morning.

Senator Oliver moved to adjourn. Lost.

Senator Marshman asked leave of absence for a few days. Granted.

The question recurring upon Senator Patterson's amendment, it was lost.

Senator Oliver moved to amend by striking out "3 o'clock," and inserting 2½ o'clock, which was agreed to, and the motion as amended prevailed.

#### AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened and was called to order by the President.

Senator Clarkson from the Committee on Agriculture, obtained leave to submit the following report:

The Committee on Agriculture to which was referred House File No. 88, upon the subject of farmers occupying farms enclosed in common, have carefully considered the same.

The Committee recommend the following amendments:

In lines six and seven in Section 1, strike out the words "no more than one."

In the seventh line, after the word "owner" insert the word "occupation." And in the tenth line after the word "owners" insert the word "occupants." In the sixteenth line strike out the words "soil or the grain growing thereon," and insert in place thereof the words "other occupants or owners." In nineteenth line strike out "March 20th," and insert in lieu thereof "March 1st."

Section 2, in fifth and sixth line, strike out the words "by either a joint or separate action." In lines seven and eight, strike out the words following, viz.: "Either in a joint or separate," and insert the word "by" in place thereof. In lines eight, nine and ten, strike out "against party or parties violating the first Section of this act." Strike out all after the word "by" in the tenth line to the word "in," in the fourteenth line, and insert in place thereof the word "distress."

As thus amended, the Committee recommend its passage.

The bill when amended in this manner, will read as in the bill herewith reported.

C. F. CLARKSON, Chairman.

Ordered that the report pass on file.

Senator Patterson from select Committee obtained leave to submit the following report:

Your special Committee on Senate File 97, A bill for an act authorizing the loan of the permanent school fund to Township Districts and Independent Districts, have had the same under consideration and direct me to report the same back with a substitute therefor, and recommend that the substitute do pass.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

Senator Parvin obtained leave to present the petition of Ben. F. Hershe, and eighty-eight others, citizens of Muscatine, asking the repeal of laws legalizing the sale of ale, beer and wine, which was laid on the table.

Senator Lakin from the Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have examined Senate File No. 149 and 189, and find the same correctly enrolled.

W. B. LAKIN.  
CHAS. PAULK.

#### BILLS ON SECOND READING.

The consideration of Senate File No. 118, A bill for an act providing for the adjustment of certain land claims with the general Government, and the settlement of claims along the Des Moines river, with report of Committee recommending amendments was resumed.

Senator Bassett moved to amend the report by striking out the following words: "Section 6, all acts and parts of acts inconsistent herewith are hereby repealed."

Upon which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Clark, Clarkson, Crookham, Cutts, Hilsinger, Hunt, Knoll, Larimer, Meyer, Paulk, Powers, Richards, Warren—15.

The nays were Senators Bulis, Cattell, Doud, Edwards, Farwell, Hart, Hedges, Hillyer, King, Lakin, Leake, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Wharton—25.

Absent but not excused, Senators Bridges, Hollman, Reed, and Stiles.

So the amendment was not adopted.

The report of the Committee was then adopted.

Senator Bassett moved to amend Section 2, by adding thereto the following: *Provided*, That nothing herein contained shall be construed to be a relinquishment of the claim of the State under the said 500,000 acre grant to the 12,813,51-100 acres selected as a part of such grant, and subsequently rejected from a supposed conflict with the act of Congress approved August 8th, 1846, known as the Des Moines River Grant, and the said Commissioner is hereby instructed to secure a restoration of said selections as a part of the 500,000 acre grant, and a confirmation of the title of the State thereto as a part of such grant.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Farwell, Hillyer, Hollman, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Patterson, Powers, Richards, Robertson, Ross, Sampson, Smith, Warren, Wharton—29.

The nays were Senators Brayton, Doud, Edwards, Hedges, Hilsinger, King, Parvin, Reed, Stubbs, Udell—10.

Absent but not excused, Senators Bridges, Hart, Hunt and Stiles. Senator Shippen was excused from voting.

So the amendment was adopted.

Senator Clarkson moved to amend Section 4, by striking out all after the word "receive" in the first line to the word "his" in the second line.

Senator Bulis moved as a substitute therefor, to strike out the word "four" in the first line and insert the word "two."

Which motion prevailed, and the amendment as amended was adopted.

Senator Richards moved to amend Section 3, by striking out in the third, fourth and fifth lines thereof, the following words, viz: "and the approval of a majority of said board shall make the settlement of said matters or claims final and binding upon the State of Iowa." And by adding at the end of said Section, the following words "and said Census Board shall report to the General Assembly at its next regular or special session all action taken by them under and by virtue of this act."

Pending which, Senator Lakin moved to adjourn.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Doud, Hart, Hollman, King,

Knoll, Lakin, Meyer, Paulk, Reed, Ross, Sampson, Smith, Stubbs, Warren, Wharton—16.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hunt, Larimer, Leake, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Richards, Robertson, Shippen, Udell—27.

Absent, but not excused, Senator Stiles.

So the motion did not prevail.

The question recurring on the motion of Senator Richards to amend Sec. 3, it did not prevail.

Senator Richards moved to amend by adding, at the end of Sec. 4, the following words: "Provided, that the adjustment contemplated in this act shall not in any way prejudice any rights of any individual or corporation vested or accrued prior to its passage."

Senator Paulk moved to amend by striking out the word "or," after the word "individual," and inserting after the word corporation, the words "or county."

The amendment was adopted.

The question recurring on the amendment, as amended, it was disagreed to.

Senator Hilsinger moved to amend Sec. 1 by adding thereto the following words, viz:

Provided, nothing in this act shall be so construed as to authorize the said Commissioner to settle any of the claims under the swamp land grant, unless he is specially authorized to do so by the county or counties having claims under said grant; and when so authorized, he may adjust the claims of such counties as authorize him to do so.

Senator Oliver moved the previous question, which was seconded.

Upon the question, "Shall the main question be now put?" the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Farwell, Hart, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Powers, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, and Wharton—34.

The nays were Senators Bassett, Clark, Crookham, Edwards, Hilsinger, Paulk, Patterson, Reed, and Richards—9.

Absent but not excused, Senator Stiles.

So the main question was ordered and put:

1. "Shall the amendment be adopted?"

Upon this, the yeas and nays were demanded, and

The yeas were Senators Bassett, Clark, Clarkson, Crookham, Cutts, Hilsinger, King, McJunkin, Moore, Paulk, Powers, Reed, and Warren—13.

The nays were Senators Brayton, Bridges, Bulis, Cattell, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hillyer, Hollman,

Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Oliver, Parvin, Patterson, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, and Wharton—29.

Absent but not excused, Senators Hunt and Stiles.

So the amendment was not adopted:

2. "Shall the bill be read a third time now?"

Which was agreed to, and the bill was read a third time.

3. "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Doud, Edwards, Farwell, Hart, Hedges, Hillyer, Hollman, Hunt, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Udell, Warren, and Wharton—34.

The nays were Senators Clarkson, Crookham, Cutts, Hilsinger, King, Knoll, Paulk, Richards, and Smith—9.

Absent but not excused, Senator Stiles.

So the bill passed and being amended by striking out the words "and settlement of claims along the Des Moines river," was agreed to.

On motion of Senator Wharton, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
March 17, 1866. }

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by the Rev. Mr. Geiger.

The Journal of yesterday was read and approved.

The following message was received from the House:

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

House File No. 200, A bill for an act to relinquish an escheat.

House File No. 245, A bill for an act limiting charges and defining duties of railroad companies.

Also a joint resolution asking for additional mail facilities in Van Buren county, Iowa.

Also a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to prevent the admission of Representatives from the States lately in rebellion until certain conditions have been complied with.

Also a joint resolution in relation to the outrages committed upon the 1st Iowa Cavalry while in Texas, under command of Major-Gen. Custar.

I also herewith return substitute for Senate File No. 10, A bill

for an act to award costs against private prosecutors on preliminary examinations in criminal cases, which has been indefinitely postponed by the House.

I herewith present for your signature Senate File No. 149, A bill for an act authorizing the Auditor to collect certain debts due the school fund; also Senate File No. 189, A bill for an act to annex the township of Charlestown, in Lee county, to the townships of Jackson, Montrose, Des Moines and Van Buren in said county, for judicial purposes—which have passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker.

JOS. LYMAN, Enrolling Clerk.

WHEREAS, By an act of Congress passed August 5, 1861, passed from a consideration of the fact that the perilous condition of the country was inducing many thousands of its best and most patriotic citizens to enlist in the ranks, the barbarous and inhuman punishment of flogging was prohibited throughout the armies of the United States, and

WHEREAS, By special order No. 2, dated at Headquarters Cavalry Division, Alexandria, La., June 24, 1865, issued by Command of Maj.-Gen. Custar, authority was given to Provost Marshals to cause American soldiers to be punished by "twenty-five lashes on the back well laid on," without their being allowed the formality of a trial by Court Martial, and

WHEREAS, On the 4th day of September, 1865, two American soldiers, one of whom was a member of the 1st Regiment Iowa Veteran Cavalry, were punished by flogging by parties acting under authority of said order; therefore,

*Be it resolved by the General Assembly of the State of Iowa,* That while we recognize the necessity of strict enforcement of military discipline, and the propriety of punishing every violation thereof, in such manner as the laws of Congress and Articles of War may direct, we also consider that the infliction of the cruel and barbarous punishment referred to, could only have a tendency to render soldiers disobedient and insubordinate, and that by this wanton and atrocious outrage the majesty of the law has been censured, the honor of the State has been insulted, and the rights of American soldiers trampled under foot, and we demand that the author thereof be held to strict accountability, and after proper trial, be subjected to condign punishment, that future tyrants may take warning from the example.

Senator Stubbs obtained leave to offer the following resolution:

*Resolved,* That the Committee on Constitutional Amendments be and is hereby requested, at as early a day as possible, to report back to the Senate the joint resolutions referred to it, submitting the proposition to amend our Constitution on the question of suffrage.

Upon the adoption of the resolution the yeas and nays were demanded; and

The yeas were Senators Brayton, Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Shippen, Smith, Stubbs, Warren, Wharton—35.

The nays were Senators Bassett, Cattell, Hedges, Hollman, Knoll, Richards, Sampson, Udell—8.

Absent, but not excused, Senator Stiles.

So the resolution was adopted.

On motion of Senator Farwell, the preamble and joint resolutions relating to William T. Shaw, late Colonel 14th Regiment Iowa Infantry Volunteers, with report of Committee recommending amendments, was taken up and the report was adopted.

On motion of Senator Warren, the first resolution was amended by striking out, at the end thereof, the following words, viz.: "and to continue until the muster-out of the 14th Iowa."

Senator Farwell moved that the resolutions be read a third time now.

The motion prevailed and the resolutions were read a third time.

The question being "Shall the resolutions pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—43.

The nays were, none.

Absent but not excused, Senator Stiles.

So the resolutions passed and the title was agreed to.

On motion of Senator Cattell, and by unanimous consent, Senate File No. 197, A bill for an act legalizing certain county warrants in Polk county, Iowa, with report of Committee recommending its passage was taken up.

Senator Cattell moved that the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—40.

The nays were, none.

Absent but not excused, Senators Bulis, Farwell, Patterson and Stiles.

So the bill passed and the title was agreed to.

On motion of Senator Crookham, and by unanimous consent, Senate File No. 109, A bill for an act authorizing the erection of

bridges and construction of dams on the Des Moines river without locks and draws, with report of committee recommending the passage of a substitute, was taken up, and the substitute was adopted.

Senator Crookham moved that the bill be read a third time now. The motion prevailed, and the bill was read a third time.

The question being, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—40.

The nays were Senator Larimer—1.

Absent, but not excused, Senators Lakin, Paulk, and Stiles.

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

On motion of Senator Moore, and by unanimous consent, Joint Resolution relative to the capture of General Marmaduke, with report of Committee recommending the adoption of a substitute was taken up, and the report was adopted.

On motion of Senator Moore, the resolution was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were none.

Absent but not excused, Senators Clark, Hunt and Stiles.

So the resolution passed.

The following message was received from the House:

MR. PRESIDENT:—I herewith return House Concurrent Resolution, fixing the per diem of the Post Master, Assistant Post Master, and Clerk of the Investigating Committee, the House having refused to concur in the Senate amendment.

JOS. LYMAN, Enrolling Clerk.

On motion of Senator Edwards, Substitute for House File No. 130, A bill for an act to secure to certain persons, residents of Wayne county, Iowa, their homes at the price of \$1.25 per acre, of lands known as the excess of the 500,000 acre grant, with report of committee recommending that the bill do pass, was taken up.

On motion of Senator Edwards, the bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver,

Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—42.

The nays were, none.

Absent but not excused, Senators Clark and Stiles.

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

Senator Leake from the Committee on Judiciary, obtained leave to submit the following report :

*To the Senate of Iowa* :—The Judiciary Committee, to which was referred the bills hereinafter named, have had the same under consideration, and have directed me to report thereon as follows, to-wit :

1. Senate File No. 194, A bill for an act authorizing arrests by telegraph in certain cases.

The Committee recommends that the bill be indefinitely postponed.

2. Senate File No. 208, A bill for an act to repeal Section 3059 of the Revision of 1860, and to provide for the manner of excepting to instructions given to a jury.

The Committee recommends that the bill be indefinitely postponed.

3. Senate File No. 209, A bill for an act to amend Section 2721 of Chapter 115 of the Revision of 1860.

The committee recommends that the bill do pass.

4. House File No. 94, A bill for an act to authorize courts upon granting change of venue in criminal prosecutions to require witnesses to enter into recognizance for their appearance at the court to which such change of venue may be granted.

The committee recommends that the bill be indefinitely postponed.

5. House File No. 143, A bill for an act to legalize the acts of the State Auditor and Treasurer in paying compensation to the Judges of the Supreme and District Courts in the absence of any law authorizing the same, and to equalizing such compensation.

The committee recommends that the bill do pass.

All of which is respectfully submitted.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

Senator Bassett, from the Committee on Railroads, obtained leave to submit the following report :

The Committee on Railroads, to whom was referred Senate File No. 177, being a bill for an act to amend Article three of Chapter 55 of the Revision of 1860, in relation to acquiring rights of way by railroad companies, have had the same under consideration and have instructed me to report the bill with the following amendment :

After the word "costs" in the seventeenth line of the first section insert "including a filing fee of one dollar to the clerk."

And so amended the committee recommend its passage.

G. W. BASSETT, Chairman.

Ordered, that the report pass on file.

Senator Clarkson, from the Committee on Agriculture, obtained leave to submit the following report, which was, on his motion, made a special order for Monday next at half-past two o'clock p. m.

Your Committee on Agriculture, to which was referred House File No. 244, upon the subject of the Agricultural College, have considered the same and recommend the following amendments, to-wit:

Strike out, beginning after the word "Trustees" in the fourth line, to and including the word "districts" in the sixth line, and insert "composed of one member elected from each Judicial District."

In the seventh line strike out the word "society" and insert the words "College and Farm."

Amend Sec. 2d by inserting the following in the first line after the word "second," to-wit: "The present session of the General Assembly shall elect in joint convention all of said Board of Trustees, six of whom shall serve for the term of two years, and the other six for the term of four years, from the 1st day of May, 1866, and the General Assembly at each biennial session thereafter, shall elect one-half of said Board of Trustees, who shall serve for four years from the 1st of May after their election."

In Section 2d strike out all of the fifth, sixth, seventh, and eighth lines.

When thus amended the committee direct me to recommend its passage.

C. F. CLARKSON, Chairman.

Senator Cutts, from the Committee on Incorporations, obtained leave to submit the following report:

Your Committee on Incorporations, to whom was referred House File No. 204, A bill for an act to legalize the city election of the city of Knoxville, and the reorganization of the city government, and the official acts of the City Council of said city, have had the same under consideration and recommend its passage.

Also, Senate File No. 179, A bill for an act to amend Chapter 25 of the Acts of the Extra Session of the Ninth General Assembly, entitled an act supplemental to an act for the incorporation of cities and towns, &c.

The committee recommend that the bill be amended by adding to the first section the following, viz: "Unless it shall be otherwise determined by a like vote at the same, or another election called for the purpose," and as amended, the committee recommend that the bill do pass.

Also, Senate File No. 37, A bill for an act to legalize the acts of incorporation of the city of Independence, Buchanan county, Iowa.

The committee report a substitute therefor and recommend its passage.

M. E. CUTTS, Chairman.

Ordered, that the report pass on file.

Also, the following :

The Committee on Incorporations to whom were referred the following bills, viz : Senate Files Nos. 63 and 167, to amend Chapter 51 of the Revision of 1860, have had the same under consideration, and direct me to report the accompanying substitute therefor, and recommend its passage.

M. E. CUTTS, Chairman.

Ordered, that the report pass on file.

Senator Cutts from the Committee on Judiciary, obtained leave to submit the following report :

The Judiciary Committee to whom was referred Senate File No. 79, A bill for an act extending the jurisdiction of county courts in civil and criminal cases and for other purposes," and sundry petitions relating thereto, have had said bill and petitions under consideration, and direct me to report the same back with the recommendation that the prayer of the petitioners be not granted and that the bill be indefinitely postponed.

M. E. CUTTS, for Committee.

Ordered, that the report pass on file.

On motion of Senator Sampson, Senate File No. 205, A bill for an act declaring the continuation of the incorporation of the town of Sigourney and legalizing the election of officers thereof, with report of Committee recommending its passage, was taken up.

Senator Sampson moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were none.

Absent but not excused, Senators Clark, Hunt and Stiles.

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

On motion of Senator Bulis, House File No. 26, A bill for an act relating to the Assistant Adjutant General, with report of Committee recommending its passage was taken up.

Senator Hilsinger offered a substitute therefor, and moved its adoption, which was agreed to.

Senator Bulis moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cat-

tell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shipper, Smith, Stubbs, Udell, Warren, Wharton—42.

The nays were none.

Absent but not excused, Senators Clarkson and Stiles.

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

On motion of Senator Udell, the House messages on file were taken up.

House concurrent resolution relative to per diem of certain officers of the General Assembly, was taken up.

The question being "Shall the Senate recede from its amendment thereto?"

It was decided in the negative.

On motion of Senator Sampson, ordered, that the Senate request a conference with the House on the disagreeing votes of the two Houses thereon.

The President announced Senators Sampson, Cutts, and Hedges, as the committee of conference on the part of the Senate.

House File No. 200, A bill for an act to relinquish an escheat, was taken up.

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

House File No. 245, A bill for an act limiting charges and defining duties of railroad companies, was taken up.

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

House File No. 305, A bill for an act to provide for the publication and distribution of the laws of the Eleventh General Assembly of the State of Iowa was taken up.

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

Substitute for House File No. 227, A bill for an act to provide for the payment of the bonds of the State of Iowa, maturing January 1st, 1868, and providing for the loaning of the School Fund, was taken up, and read the first and second times.

Senator Cattell moved that the bill be referred to the Committee on Ways and Means.

Senator Paulk moved to amend by striking out the words "Ways and Means," and inserting "Schools and School Lands."

The motion did not prevail.

The original motion was agreed to.

Joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence to prevent the admission of Representatives from the States lately in rebellion until certain conditions have been complied with, was taken up.

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

Joint resolution asking for additional mail facilities in Van Buren county, Iowa, was taken up.

Read the first and Second times and referred to the Committee on Federal Relations.

Joint resolution asking Congress to pass an act declaring and establishing the bridge and Railroad track across the Mississippi river at Clinton, Iowa, a mail route, was taken up.

Read the first and Second times and referred to the Committee on Federal Relations.

Joint resolution in relation to the outrages upon the 1st Iowa Cavalry while in Texas under command of Maj. Gen. Custer, was taken up.

Read the first and second times.

Senator Warren moved that the resolution be read a third time now.

The motion prevailed.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton,  
—43.

The nays were none.

Absent but not excused Senator Stiles.

So the resolution passed.

On motion of Senator Robertson Senate File No. 203, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an Independent School District, and the official acts of the officers of said District, with report of Committee recommending its passage, was taken up.

Senator Robertson moved that the bill be read a third time now.

The motion prevailed.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—40.

The nays were none.

Absent but not excused Senators Clark, Lakin, Leake and Stiles.

So the bill passed and the title was agreed to.

On motion of Senator Bulis the Senate then adjourned.

AFTERNOON SESSION.

2 O'CLOCK P. M.

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

On motion of Senator Hart, Senate File No. 37, A bill for an act to legalize the acts of incorporation of the city of Independence, Buchanan Co., Iowa, with report of committee recommending the adoption of a substitute, was taken up, and the report was adopted.

Senator Hart moved that the bill be read a third time now.

The motion prevailed.

The question being, "Shall the bill pass?"

The yeas were Senators Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Shippin, Smith, Stubbs, Warren, Wharton—35.

The nays were none.

Absent, but not excused, Senators Brayton, Cattell, McJunkin, Sampson, and Stiles.

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

On motion of Senator Shippen, Senators Edwards and Udell were granted leave of absence.

On motion of Senator Ross, Senator Bassett was granted leave of absence.

On motion of Senator Powers, Senator Hollman was granted leave of absence.

On motion of Senator McMillan, House File No. 204, A bill for an act to legalize the city election of the city of Knoxville, and the re-organization of the city government, and the official acts of the city council of said city, with report of committee recommending its passage, was taken up.

Senator McMillan moved that the bill be read a third time now.

The motion prevailed.

The question being, "Shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton—36.

The nays were none.

Absent, but not excused, Senators Cattell and McJunkin.

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

On motion of Senator Shippen, Senate File No. 65. A bill for an act to amend Sec. 18, Chap. 102, of the acts of the Ninth General Assembly, relating to estrays, with report of committee recommending amendments, was taken up, and the report was adopted.

Senator Powers moved that the bill be read a third time now.

The motion prevailed.

The question being, "Shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Paulk, Powers, Robertson, Ross, Shippen, Udell, Warren—31.

The nays were Senators Knoll, Oliver, Parvin, Richards, Sampson, Smith, Stubbs, Wharton—8.

Absent, but not excused, Senators Patterson, Reed, and Stiles.

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

On motion of Senator Stubbs, House File No. 124, A bill for an act to provide for the education and support of the blind, with report of Committee recommending that the bill pass, was taken up.

Senator Meyer moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, and Wharton—41.

The nays were, none.

Absent but not excused, Senator Stiles.

So the bill passed and the title was agreed to.

On motion of Senator Reed, Senator Edwards was added to the Committee on Railroads.

On motion of Senator Wharton, Senator Stubbs was added to the Committee on Charitable Institutions.

On motion of Senator Warren, joint resolution relative to declaring a portion of the Iowa river to be not a navigable stream, with report of Committee recommending an amendment, was taken up, and the report was adopted.

Senator Warren moved that the resolution be read a third time now.

The motion prevailed.

The question being "Shall the resolution pass?"

The yeas were Senators Brayton, Bridges, Cattell, Crookham, Doud, Edwards, Hedges, Hilsinger, Hillyer, Hunt, Lakin, Leake, McMillan, Meyer, Moore, Parvin, Powers, Reed, Robertson, Ross, Shippen, Stubbs, Udell, Warren, and Wharton—25.

The nays were Senators Bulis, Clark, Clarkson, Cutts, Farwell, Hart, Henderson, King, Knoll, Larimer, McJunkin, Oliver, Patterson, Richards, Sampson, and Smith—16.

Absent but not excused, Senators Paulk and Stiles.

So the resolution passed.

Senate File No. 137, A bill for an act to provide for the taxation of the currency of National Banks, with report of Committee recommending amendments, was taken up, and on motion of Senator Knoll, was made a special order for Tuesday morning next at 10½ o'clock.

Senator Powers from the Committee on Soldiers' Orphans' Home, obtained leave to submit the following report, and on his motion, the bill was made a special order for Wednesday next at ten o'clock A. M. :

*To the Senate* :—Your Committee on Soldiers' Orphans' Home, to whom was referred Senate File No. 186, being a bill for an act to aid in the support of Soldiers' Orphans of Iowa, report as follows, viz. :

Recommend the following amendments: Strike out all of the sixth line in Section 1, after the word "be."

Insert after the word "expenditures" in the tenth line in Section 5, the words "with the proper vouchers therefor its." Insert after the word "proper" in the eleventh line of the 5th Section, "nor until said Iowa Soldiers' Orphans' Home shall transfer all of its property except money, notes and bonds to the State of Iowa; and the Articles of Incorporation so amended shall not be changed or amended without the consent of the General Assembly."

Strike out the word "elected" in the first line in 2d Section; insert in place of it the word "appointed." Strike out the words "in Joint Convention" in same line. So amended your Committee recommend that the bill do pass.

J. B. POWERS, Chairman.

On motion of Senator Paulk, Senate File No. 188, A bill for an act to amend Chapter 9, of the laws of the Board of Education, passed December 24, 1859, entitled an act to provide for appeals, was taken up and made a special order for Tuesday next at two o'clock P. M.

On motion of Senator Patterson, Senate File No. 97, A bill for an act authorizing the loan of the permanent school fund to Township Districts and Independent Districts, with report of Committee recommending the adoption of a substitute was taken up.

Senator Oliver moved to amend Section 1, by striking out in the seventh and eighth lines the words "having a population of eight hundred or more."

Senator Powers moved that the bill be recommitted to the special Committee.

Senator Stubbs moved that the substitute be printed, and be made a special order for Wednesday next at two o'clock P. M.

Senator Clarkson moved that the bill be laid upon the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clarkson, Crookham, Cutts, Farwell, Henderson, Lakin, Leake, Mc-

Junkin, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Ross, Shippen, Udell, Wharton—22.

The nays were Senators Bulis, Clark, Doud, Edwards, Hart, Hedges, Hilsinger, Hillyer, Hunt, King, Larimer, Oliver, Paulk, Patterson, Powers, Sampson, Smith, Stubbs, Warren—19,

Absent but not excused, Senators Knoll and Stiles.

So the motion prevailed.

Senator Lakin from the Committee on Enrolled Bills submitted the following report :

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, this 17th day of March, 1866, the following bills, to-wit. : Senate File Nos. 149 and 189.

W. B. LAKIN.

CHAS. PAULK.

On motion of Senator Bulis, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, {  
March 19, 1866. }

Senate convened at 9 o'clock A. M., and was called to order by the President *pro tem*.

Prayer by Senator Wharton.

The journal of Saturday was read, corrected and approved.

Senator Richards was granted leave of absence for the day.

Senator Smith obtained leave to present the petition of William Hamilton and fifteen others, asking the passage of a law authorizing the publication of laws in two newspapers in each county, which was referred to the Committee on Printing.

BILLS ON SECOND READING.

Senate File No. 134, A bill for an act to amend Section 6 of Chapter 129 of the acts of the 10th General Assembly, with report of Committee recommending its passage, was taken up.

On motion of Senator Patterson, Section 2 was amended by adding thereto the words, "without expense to the State."

Senator Hollman moved that the bill be read a third time now. The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk,

Patterson, Powers, Reed, Robertson, Sampson, Shippen, Stubbs, Warren, and Wharton—37.

The nays were, none.

Absent but not excused, Senators Clarkson, Lakin, Oliver, Ross, Smith, Stiles, and Udell.

So the bill passed and the title was agreed to.

Senate File No. 160, A bill for an act to amend Sections 13 and 14, Chapter 173, of the acts of the Ninth General Assembly, being an act in relation to revenue, with report of Committee recommending the adoption of a substitute, was taken up and the report was adopted.

Senator Paulk moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Crookham, Edwards, Farwell, Hart, Hedges, Hollman, Lakin, Moore, Paulk, Powers, Richards, Shippen, Udell, and Wharton—18.

The nays were Senators Bridges, Bulis, Clarkson, Cutts, Doud, Henderson, Hilsinger, Hillyer, Hunt, King, Knoll, Larimer, Leake, McJunkin, McMillan, Meyer, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Smith, Stubbs, and Warren—26.

Absent but not excused, Senator Stiles.

So the bill was lost.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your honorable body that Messrs. McCullough, Barker, and McNutt have been appointed a committee of conference on the part of the House, in reference to the concurrent resolution fixing the per diem of the Post-Master, Assistant Post-Master, and Clerk of Investigating Committee, and to request that a similar committee be appointed on the part of the Senate.

JOS. LYMAN, Enrolling Clerk.

Senate File No. 164, A bill for an act to amend Sec. 1788 of the Revision of 1860, regulating interest on banks, with report of committee recommending that the bill pass, was taken up.

Pending which, the President announced that the hour for the special order had arrived, being Senate File No. 200, A bill for an act to amend Chapter 108 of the acts of the Tenth General Assembly, relating to the Des Moines river land grant, and providing for the release and sale of certain lands, with report of committee recommending amendments, and the same was taken up.

On motion of Senator Stubbs, the bill was considered *seriatim*.

Senator Doud moved to reconsider the vote by which it was agreed to consider the bill *seriatim*.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Clarkson, Doud, Edwards, Farwell, Hedges, Hilsinger, Hillyer, Hollman, King, McMillan, Meyer, Parvin, Richards, Robertson, Shippen, Stubbs, Udell, and Wharton—19.

The nays were Senators Bassett, Bridges, Cattell, Crookham, Cutts, Hart, Henderson, Knoll, Lakin, Larimer, Leake, McJunkin, Moore, Oliver, Paulk, Patterson, Powers, Reed, Ross, Sampson, Smith, Warren—22.

Absent, but not excused, Senators Bulis, Clark, Hunt, and Stiles. So the motion did not prevail.

Senator Doud moved to amend Sec. 2 by striking out in the second line the word "two," and inserting "Charles Pomeroy, of Boonsboro, and A. R. Fulton, of Jefferson county, are hereby appointed."

The amendment was adopted.

Senator Cutts moved to further amend Sec. 2 by adding thereto the following words, viz: "If either of said Commissioners shall, for any cause, neglect or refuse to discharge the duties imposed by this act, or the act to which this is amendatory, the Governor shall appoint a competent person to act in his place."

The amendment was adopted.

The amendment to Section 5, reported by the committee, was adopted.

Senator Doud moved to amend Section 8 by striking out, in the sixth line, the words "at the appraised value," and inserting "at public sale in such parcels as will bring the greatest price, after giving two months' notice of said sale in the State Register, Iowa North-West, and Keosauqua Republican; provided, that in no case shall the lands be sold for less than the appraised value, until the same have been offered for sale three months, and remain unsold, when it shall be competent for the Register of the State Land Office, with the advice and consent of the Census Board, to sell said lands at a less price per acre: provided, said lands shall not be sold at a price less than \$1.25 per acre, and provided said Register shall give thirty days' notice by publication in the State Register, Keosauqua Republican, and Iowa North-West, of the time of said sale at said reduced price."

Senator Oliver offered the following as a substitute therefor:

Insert after the word "place," in the sixth line of Section 8, the words, "to actual settlers only, in tracts not exceeding 160 acres to each person."

The amendment was not adopted.

Senator Hilsinger moved to amend by adding after the word "place" in the 6th line the words "and the 240 Sections mentioned in Sections 6 and 7 of the act to which this is amendatory."

Senator Bulis moved that the bill be laid on the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bulis, Clarkson, Crookham, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, McJunkin, McMillan, Meyer, Parvin, Powers, Robertson, Stubbs, Udell, Wharton—23.

The nays were Senators Bassett, Bridges, Cattell, Clark, Cutts,

Hart, Hunt, Lakin, Larimer, Leake, Moore, Oliver, Paulk, Patterson, Reed, Ross, Sampson, Shippen, Smith, Warren—20.

Absent but not excused Senator Stiles.

So the motion prevailed.

On motion of Senator Hart the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened and was called to order by the President.

The consideration of Senate File No. 164, A bill for an act to amend Section 1788 of the Revision of 1860 regulating interest on banks, was resumed.

Senator Ross moved that the bill be laid on the table.

The motion prevailed.

On motion of Senator Warren Senate File No. 123, A bill for an act to amend Chapter 44 of the acts of the Tenth General Assembly entitled "an act authorizing Railroad Companies to issue preferred stock and change the name of such Companies, with report of Committee recommending the adoption of a substitute, was taken up.

Senator Warren moved to amend Section 1, by inserting in the ninth line, after the word "of" the words "two thirds."

The amendment was adopted.

Senator Clarkson moved to further amend Section 1, by adding thereto the following words, viz.: "Provided said preferred stock shall not operate against any stockholder not consenting to the issuing of said preferred stock."

The amendment was not adopted.

The report as amended was adopted.

Senator Warren moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Moore, Paulk, Patterson, Powers, Reed, Richards, Ross, Sampson, Stubbs, Udell, Warren—31.

The nays were Senators Clarkson, Cutts, Hunt, King, Meyer, Oliver, Parvin, Robertson, Shippen, Smith, Wharton—11.

Absent but not excused, Senators Bridges and Stiles.

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

The President announced that the hour for the special order had arrived, being House File No. 244, A bill for an act to amend Sections 1715, 1716, 1739, of Chapter 67, of the Revision of 1860, and

Section 6, of Chapter 121, of the acts of the Tenth General Assembly, fixing the number of Trustees of the Agricultural College and Farm, and for other purposes, with report of Committee recommending amendments, and the same was taken up.

The first and second amendments were adopted.

Senator Udell moved to amend the third amendment by striking out in the sixth and seventh lines the words "in Joint Convention" and inserting the words "by resolution."

The amendment was not adopted.

The third amendment was then adopted.

The fourth amendment was also adopted.

Senator Udell moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, and Wharton—42.

The nays were, none.

Absent but not excused, Senators Bridges and Stiles.

So the bill passed and the title was agreed to.

Senate File No. 211, A bill for an act to amend Section 4155 of the Revision of 1860, regulating the fees of County Surveyors, reported by the Committee on Township and County Organizations, was taken up and read the first and second times.

Senator Reed moved to amend Section 1 by striking out of the last line the figures "\$1.00" and inserting "\$5.00."

The amendment was not adopted.

Senator Patterson moved that the eleventh rule be suspended, and that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Crookham, Doud, Edwards, Hart, Hedges, Hilsinger, Hollman, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Stubbs, Udell, Warren, and Wharton—29.

The nays were Senators Bulis, Clarkson, Cutts, Farwell, Hillyer, Hunt, King, Knoll, Larimer, Oliver, Parvin, Paulk, Smith—13.

Absent but not excused, Senators Bridges and Stiles.

So the bill passed and the title was agreed to.

On motion of Senator Bulis leave of absence was granted to Senator Henderson for the day.

On motion of Senator Ross substitute for House File No. 71, A bill for an act regulating appeals to the Supreme Court in certain

cases, with report of committee recommending that the bill do pass, was taken up.

Senator Ross moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Robertson, Ross, Sampson, Stubbs, Udell, Warren, Wharton—38.

The nays were Senators Reed, Richards, Smith—3.

Absent but not excused, Senators Clarkson, Shippen, and Stiles. So the bill passed, and the title was agreed to.

Senate File No. 157, A bill for an act appropriating money for the State Library, with report of committee recommending that the blank in Sec. 1 be filled with the word "three," was taken up, and the report was adopted.

Senator Bulis moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Crookham, Doud, Hart, Hilsinger, Hunt, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Powers, Reed, Richards, Ross, Sampson, Smith, Stubbs, Udell, Wharton—26.

The nays were Senators Bridges, Bulis, Cutts, Edwards, Farwell, Hedges, Hillyer, Hollman, King, Knoll, Parvin, Patterson, Robertson, Shippen, Wharton—15.

Absent but not excused, Senators Clarkson, Stiles and Warren.

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

The petition of D. Dambrun, asking that provision be made for paying him \$264.00, as balance claimed to be due on cut stone furnished by him in 1857 for the building for the insane, with report of Committee recommending that the prayer of petitioner be not granted, was taken up, and the report was adopted.

House File No. 80. A bill for an act to repeal Chapter 41 of the Acts of the Fifth General Assembly, entitled an act to encourage agriculture and mechanic arts in Johnson county, approved July 20th, 1855, with report of Committee recommending its passage, was taken up.

Senator Clarkson moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross,

Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—42.  
 The nays were none.  
 Absent but not excused, Senators Hunt and Stiles.  
 So the bill passed, and the title was agreed to.  
 On motion of Senator Udell, the Senate then adjourned.

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SENATE CHAMBER, DES MOINES, }  
 March 20, 1866. }

The Senate convened at 9 o'clock A. M., and was called to order by the President, pro tem.

Prayer by Senator Shippen.

The journal of yesterday was read, corrected and approved.

Senator Udell, by leave, submitted the following report :

The Committee of Ways and Means have instructed me to report House File No. 227, An act to provide for the payment of the bonds of the State of Iowa, maturing January 1st, 1868, and providing for the loan of the School Fund, without amendment and recommend its passage.

Also, House File No. 96, An act to amend Section 710 and 312 of the Revision of 1860, and recommend that it do not pass.

UDELL, Chairman.

On motion of Senator Udell, substitute for House File No. 227, A bill for an act to provide for the payment of the bonds of the State of Iowa, maturing January 1st, 1868, and providing for the loan of the School Fund, with report of Committee recommending its passage, was taken up.

Senator Crookham moved that the bill be laid on the table and be printed, and made a special order for next Monday at 10½ o'clock.

Senator Cattell moved to amend by striking out "Monday at 10½ o'clock," and inserting "Friday at 9½ o'clock."

The amendment was adopted, and the motion, as amended, was agreed to.

The following message was received from the House :

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

Substitute for House File No. 40, A bill for an act requiring swamp land certificates to be recorded.

House File No. 104, A bill for an act relating to the sub-division of lands.

House File No. 19, A bill for an act to amend the laws in reference to the execution of judgments for the foreclosure of mortgages.

House File No. 222, A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860.

House File No. 158, A bill for an act to repeal Section 2742 of the Revision of 1860, in relation to the limitation of actions.

House File No. 223, A bill for an act amendatory to an act entitled "An act authorizing mill dams."

I also herewith return the following Senate Files which have passed the House without amendment:

Senate File No. 205, A bill for an act declaring the continuation of the incorporation of the town of Sigourney, and legalizing the election of officers thereof.

Substitute for Senate File No. 109, A bill for an act dispensing with locks in dams, and draws in bridges on the Des Moines River.

Substitute for Senate File No. 37, A bill for an act to legalize the acts of incorporation, and proceedings thereunder of the City of Independence, Iowa.

Senate File No. 203, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa County, Iowa, to form an Independent School District, and the official acts of the officers of said District.

Senate File No. 141, and House Substitute therefor, A bill for an act fixing the Salaries of the Judges of the District Courts, and of the Supreme Courts.

Senate File No. 85, A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244, of the Revision of 1860, which has passed the House with the following amendment, to-wit.: Amend Section 1, by striking out in the thirteenth line of said section the word "testimony" and insert in lieu thereof the word "statement."

Substitute Senate File No. 72, A bill for an act to provide Justices of the Peace with a copy of the Revision of 1860, which has passed the House with the following amendment: Add to Section 1, "Provided said distribution can be made without causing a reprint of the Revision."

Also Senate File No. 101, A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association, with the following amendment, to-wit.: Add to Section 1, the words "to the same extent as if the said articles had been filed in the office of the Secretary of State at the date of said conveyance."

I herewith present for your signature House File No. 130, which has passed both branches of the General Assembly, been duly enrolled and signed by the Speaker.

CHAS. ALDRICH, Chief Clerk.

Senator McMillan obtained leave to present petition of O. H. S. Kennedy and others, asking for the concurrence of the Senate to the bill which passed the House, being an act to provide for the publication of the general laws and the proceedings of the Board

of Supervisors in the several counties, which was referred to Committee on Printing.

Senator Bassett obtained leave to present three petitions in regard to "Soldiers' Orphans' Home," and moved that they be laid on the table.

The motion prevailed.

Senator McMillan obtained leave to present two petitions on the same subject, which were laid on the table.

Senator Cattell obtained leave to submit the following report :

The Committee on Ways and Means has instructed me to report the accompanying bill relating to the accounts in the offices of State Auditor and State Treasurer, and recommend its passage.

J. W. CATTELL, for the Committee.

Senate File No. 212, A bill introduced by Committee on Ways and Means, was read a first and second time.

Senator Cattell moved that the 11th rule be suspended, and the bill be read a third time now.

The motion prevailed.

Senator Richards asked leave of absence for Senator Stiles, and leave was granted.

Senator Henderson asked leave of absence for Senator Bridges. Leave granted.

On the question, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutte, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were none.

Absent, but not excused, Senators Lakin, and Ross.

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

Senator Clarkson, from the Committee on Agriculture, obtained leave to submit the following report :

The Committee on Agriculture, to which was referred House File No. 106, upon the subject of scalps of wild animals, have carefully examined the same, and have directed me to say that they consider no further legislation is necessary on the subject.

C. F. CLARKSON, Chairman.

Ordered, that the report pass on file.

Also, the following :

The Committee on Agriculture, to whom was referred a Memorial of the Board of Supervisors of Cedar county upon various subjects, direct me to report that all the matters in said Memorial belonging to our Committee have been acted on by the Senate, except taxing dogs. We, therefore, report it back with the recommenda-

tion that the balance of said memorial be referred to Committee on Railroads.

C. F. CLARKSON, Chairman.

The report was adopted.

BILLS ON SECOND READING.

House joint resolution relating to appointing Trustees to the Blind Asylum, was taken up.

The question being "Shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Sampson, Smith, Stubbs, Udell, Warren, and Wharton—38.

The nays were, Senator Paulk—1.

Absent but not excused, Senators Bulis, Lakin, Ross, Shippen.

So the resolution passed.

Senate File No. 110, A bill for an act authorizing incorporated cities to regulate the traffic in malt and spirituous liquors, and for other purposes, with report of Committee recommending the indefinite postponement of the bill, was taken up.

Pending which, the hour for the special order having arrived, being Senate File No. 137, A bill for an act to provide for the taxation of currency of National Banks, Senator Stubbs moved that the special order be postponed for fifteen minutes.

The motion prevailed.

Senator Bulis raised a point of order that the Senator from Alameda had spoken twice on the subject under consideration.

The President decided the point of order well taken.

Senator Warren moved that Senator Paulk be allowed to proceed with his remarks.

The motion prevailed.

Senator Warren moved that the blank in Section 1 be filled with "eight."

The motion prevailed.

The question being on concurring in the report of Committee to indefinitely postpone the bill, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Wharton—36.

The nays were Senators Hedges, Hollman, Knoll, Paulk, Richards, Warren—6.

Absent but not excused, Senator Udell.

So the bill was indefinitely postponed.

The hour for the special order having arrived, the further consideration of the bill, Senate File No. 137, was resumed, and the report of the Committee was adopted.

Senator Hilsinger offered a substitute for the bill under consideration.

Senator Ross moved that the further consideration of the bill be made the special order for 2½ o'clock, P. M.

The motion prevailed.

Senator Doud moved to adjourn.

The motion prevailed, and the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened pursuant to adjournment.

The President, pro tem., in the Chair.

The hour for the special order having arrived, it being Senate File No. 188, A bill for an act to amend Chapter 9 of the laws of the Board of Education, passed Dec. 24, 1859, entitled an act to provide for appeals, it was taken up.

Senator Hilsinger offered a substitute for the bill under consideration, which was read.

Senator Crookham moved that the substitute be adopted.

The hour for special order, it being Senate File No. 137, A bill for an act to provide for the taxation of the currency of the National Banks having arrived, Senator Paulk moved that the special order be postponed for twenty minutes.

The motion prevailed, and the consideration of Senate File No. 188, was continued.

Senator Crookham moved to amend by striking out the publication clause.

The motion prevailed.

Senator Bulis asked for leave of absence for Senator Warren. Leave granted.

Senator Farwell asked for leave of absence for Senator Shippen. Leave granted.

Senator Ross asked for leave of absence for Senator McJunkin. Leave granted.

Senator Edwards moved that the bill be read *seriatim*.

The motion prevailed, and the bill was so read.

The question recurring upon the motion to adopt the substitute, it was agreed to.

Senator Hilsinger moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Brayton, Crookham, Doud, Edwards, Hart, Hedges, Hilsinger, Hollman, Hunt, King, Knoll, Leake, McMillan, Meyer, Paulk, Patterson, Powers, Reed, Robertson, Wharton—21.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Cutts, Farwell, Hillyer, Lakin, Larimer, Moore, Oliver, Parvin, Richards, Ross, Sampson, Smith, Stubbs, Udell—20.

So the bill failing to receive a constitutional majority was lost.

The hour for the special order having arrived, it being Senate File 137, A bill for an act to provide for the taxation of the currency of National Banks, and substitute therefor, the further consideration of the bill was resumed.

Senator Leake moved to refer the bill and substitute to Committee of Ways and Means, with instructions to ascertain whether any additional legislation is needed to enable assessors to assess the stock or shares of National Banks doing business within this State, and if so, to report by bill as soon as possible.

Senator Clark moved to amend by striking out "Ways and Means," and inserting "Judiciary."

The motion did not prevail.

The question being on the motion to refer to Committee on Ways and Means, with instructions, the yeas and nays were demanded, and

The yeas were Senators Clarkson, Crookham, Cutts, Doud, Hilsinger, Hillyer, King, Lakin, Larimer, Leake, McMillan, Parvin, Patterson, Reed, Robertson, Ross, Sampson—17.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Edwards, Farwell, Hart, Hedges, Henderson, Hollman, Hunt, Knoll, Meyer, Moore, Oliver, Paulk, Powers, Richards, Smith, Stubbs, Udell, Wharton—24.

So the motion did not prevail.

Senator Hunt moved that the vote by which the Senate refused to refer the bill to Committee of Ways and Means, with instructions, be reconsidered, on which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, McMillan, Moore, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Stubbs, Wharton—29.

The nays were Senators Clark, Edwards, Hart, Hedges, Hollman, Knoll, Meyer, Oliver, Paulk, Richards, Smith, Udell—12.

So the motion prevailed.

Senator Wharton moved to reconsider the vote by which the amendment to strike out "Ways and Means" and insert "Judiciary," was lost.

Upon this, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Doud, Edwards, Hart, Henderson, Hilsinger, Hillyer, King, McMillan, Oliver, Paulk, Smith, Udell, Wharton, Mr. President—21.

The nays were Senators Cutts, Farwell, Hedges, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Stubbs—20. So the motion prevailed.

The question recurring upon the amendment, it was adopted, and the motion, as amended, was agreed to.

Senator Henderson obtained leave to introduce Senate File No. 213, A bill for an act fixing the times of holding courts in the 11th Judicial District, which was read the first and second times.

Senator Henderson moved that the 11th Rule be suspended, and that the bill be read a third time now.

The motion prevailed.

The question being, "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Wharton—41.

The nays were none.

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

On motion of Senator Brayton, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, }  
March 21, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by the Rev. Mr. Geiger.

The Journal of yesterday was read and approved.

On motion of Senator Clarkson, Senate File No. 121, A bill for an act to amend Chapter one hundred and seventeen of the acts of the Tenth General Assembly, was taken up and recommitted to the Committee on Agriculture.

Senator Stubbs moved to reconsider the vote by which substitute for Senate File No. 188, A bill for an act to provide for appeals under the school laws of the State of Iowa, and to repeal Chapter 9 of the laws passed by the Board of Education, December 24th, 1859, was lost.

The following message was received from the House:

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

House File No. 89, A bill for an act to amend Sec. 752 of the Revision of 1860.

House File No. 177, A bill for an act to legalize the acts of the Board of Supervisors of Washington county, Iowa.

House File No. 257, A bill for an act to authorize and empower counties and cities to compromise and pay off bonds, coupons and judgments thereon, and to provide the means therefor.

I also return herewith the following bills, which have passed the House without amendment :

Senate File No. 122, A bill for an act to legalize the acts of the Board of Supervisors of Cass county in relation to the survey and plat of the town of Lewis, in said county.

Substitute for Senate File 127, A bill for an act providing dockets for Justices of the Peace.

I am also directed to inform your Honorable Body that the House has ordered printed the usual number of copies of the report of the Committee on the Suppression of Intemperance, upon the various petitions praying for changes in the Prohibitory Liquor Law.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Udell the House messages on file were taken up.

House File No. 177, A bill for an act to legalize the acts of the Board of Supervisors of Washington county, Iowa, was read the first and second times.

On motion of Senator McJunkin Sec. 2 was amended by adding thereto the following words, viz : " Without expense to the State."

Senator McJunkin moved that the bill be read a third time now. The motion prevailed.

The question being " Shall the bill pass ? "

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—40.

The nays were none.

Absent, but not excused, Senators Lakin, Oliver and Richards.

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

On motion of Senator Bassett, Senator Bridges was granted leave of absence.

House File No. 19, A bill for an act to amend the law in reference to the execution of Judgments for the foreclosure of Mortgages, was read the first and second times and referred to the Committee on Judiciary.

Substitute for House File No. 40, A bill for an act requiring swamp land certificates to be recorded, was read the first and second times and referred to the Committee on Public Lands.

House File No. 158, A bill for an act to repeal Section 2742, of the Revision of 1860, in relation to limitation of actions, was read the first and second times and referred to the Committee on Judiciary.

House File No. 222, A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860, was read the first and second times and referred to the Committee on Judiciary.

House File No. 104, A bill for an act authorizing the sub-division of lands in certain cases, and requiring the plats thereof to be recorded, was read the first and second times and referred to the Committee on Public Lands.

House File No. 89, A bill for an act to amend Section 752, of the Revision of 1860, was read the first and second times and referred to the Committee on Ways and Means.

House File No. 223, A bill for an act amendatory to an act entitled an act authorizing mill dams, approved January 24, 1855, was read the first and second times and referred to the Committee on Agriculture.

Senate File No. 85, A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244, of the Revision of 1860, with House amendment thereto, was taken up.

The question being "shall the Senate concur in the House amendment?"

The yeas were Senators Basset, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were, none.

Absent but not excused, Senators Lakin and Oliver.

So the amendment was concurred in.

Senate File No. 101, A bill for an act legalizing conveyance of real estate to the St. Charles Cemetery Association, with House amendment thereto was taken up.

The question being "shall the Senate concur in the House amendment?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—39.

The nays were, none.

Absent but not excused, Senators Clark, Hunt, Lakin, and Paulk.  
So the amendment was concurred in.

Substitute for Senate File No. 72, A bill for an act to provide Justices of the Peace with a copy of the Revision of 1860, with House amendment thereto, was taken up.

The question being "shall the Senate concur in the House amendment?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hillsinger, Hillyer, Hollman, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—40.

The nays were none.

Absent, but not excused, Senators Henderson, Hunt, and Lakin.  
So the amendment was concurred in.

House File No. 257, A bill for an act to authorize and empower counties and cities to compromise and pay off bonds, coupons, and judgments thereon, and to provide means therefor, was taken up.

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

Senator Clarkson was granted leave of absence for the morning.

House substitute for Senate File No. 141, A bill for an act fixing the salaries of the District and Supreme Judges was taken up, and read the 1st and 2d times.

Senator Parvin moved that Section 2 be stricken out.

Upon this the yeas and nays were demanded, and

The yeas were Senators Cattell, Farwell, Hedges, Hillyer, Hollman, Lakin, Meyer, Moore, Oliver, Parvin, Richards, Robertson, Wharton—13.

The nays were Senators Bassett, Brayton, Bulis, Clark, Crookham, Cutts, Doud, Edwards, Hart, Henderson, Hillsinger, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Patterson, Powers, Reed, Ross, Sampson, Smith, Stubbs, Udell, Warren—28.

Absent, but not excused, Senator Paulk.

So the motion did not prevail.

Senator Ross moved that the 11th rule be suspended and the bill be read a third time now.

Pending which, the President announced that the hour for the Special order had arrived, being Senate File No. 186, A bill for an act to aid in the support and education of soldiers' orphans of Iowa, and for the benefit of the Iowa Soldiers' Orphans' Home, and on motion of Senator Leake the special order was postponed until the bill under consideration is disposed of.

The question recurring upon the motion to read the bill a third time, it was agreed to.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Clark, Crookham, Cutts, Doud, Edwards, Hart, Henderson, Hilsinger, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Patterson, Powers, Reed, Ross, Sampson, Smith, Stubbs, Udell, Warren—28.

The nays were Senators Cattell, Farwell, Hedges, Hillyer, Hollman, Lakin, Meyer, Moore, Parvin, Richards, Robertson, Wharton—12.

Absent but not excused Senator Paulk.

So the bill passed and the title was agreed to.

The hour for the Special order having arrived, being Senate File No. 186, it was, on motion of Senator Powers, postponed until tomorrow morning at 9½ o'clock.

Senator Smith obtained leave to present the petition of Win. F. Coon and fourteen others, citizens of Clinton City School District, asking the passage of a law legalizing certain acts of said School District, which was referred to the Committee on Schools and School Lands.

#### BILLS ON SECOND READING.

Senate File No. 52, A bill for an act to authorize the sale of certain lands for taxes.

Also Senate File No. 61, A bill for an act to amend Section 763 of the Revision of 1860 and to define the time when taxes shall cease to be a lien upon real property, with report of Committee recommending the adoption of a substitute therefor, was taken up.

Senator Leake moved to amend Section 3 by striking out in the fourth line the word "ten" and inserting the word "five."

The amendment was not adopted.

Senator Bassett moved to amend Section 2 by adding thereto the following words, viz: *Provided*, That the provisions of Sections 1 and 2 shall not apply to taxes hereafter to be levied.

The amendment was adopted.

Senator Bulis moved to amend Section 5 by striking out the words "Iowa Statesman," and inserting "Iowa Homestead."

Senator Reed moved to amend by striking out all of the Section.

The amendment was adopted and motion as amended was agreed to.

Senator Patterson moved to amend Section 3 by striking out in the fourth line the word "ten" and inserting "seven."

The amendment was adopted.

Senator Richards moved to amend Section 2 by adding thereto the following words, viz: "and such less sum shall be in full for all taxes, costs and interest then due."

The amendment was adopted.

Senator Patterson moved to amend Section 3 by adding thereto

the following words, viz: "except for the taxes, provided to be collected by sale under the provisions of the 1st and 2d Sections of this act."

The amendment was adopted.

Senator Paulk moved to amend Section 4 by adding thereto the following words, viz: "a receipt for taxes on real estate shall be conclusive evidence that all taxes thereon prior to the date of such receipt have been paid."

The amendment was not adopted.

Senator Cutts moved to reconsider the vote by which the amendment was adopted, adding to Section 3 the words: "except for the taxes provided to be collected by sale under the provisions of the first and second sections of this act."

The motion prevailed.

Senator Cattell moved that the bills and substitute be recommitted to a special committee of three, of which Senator Cutts shall be chairman, with instructions to report such bill as the expression of the Senate has indicated.

The motion prevailed.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills beg to report that they have examined the following bills, to-wit: Senate File Nos. 203, 205, and substitute for Senate File Nos. 37 and 109; the same are correctly enrolled.

W. B. LAKIN.  
CHAS. PAULK.

On motion of Senator Larimer, Senate File No. 64, A bill for an act to amend Section 2, Chapter 54, of the laws of the Tenth General Assembly and substitute therefor, was taken up and recommitted to the Committee on Charitable Institutions.

Senator Edwards moved that the Senate do now adjourn until 9 o'clock to-morrow morning.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bulis, Cattell, Clark, Doud, Edwards, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Moore, Paulk, Powers, Reed, Richards, Robertson, Sampson, Smith, Udell, Warren—27.

The nays were Senators Bassett, Brayton, Crookham, Cutts, Farwell, Hart, Hillyer, King, McMillan, Parvin, Patterson, Ross, Stubbs, and Wharton—13.

Absent but not excused, Senator Oliver.

So the motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, }  
 March 22, 1866. }

The Senate convened at 9 o'clock A. M.

The President *pro tem.* in the chair.

Prayer by the Rev. Mr. Phillips.

The Journal of yesterday was read and approved.

The following message was received from the House :

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

House File No. 117, A bill for an act in relation to County Court records.

Substitute for House File 215, A bill for an act providing for the completion of the geological survey of the State of Iowa.

Substitute for House File No. 221, A bill for an act to authorize incorporated cities, towns and villages to discontinue their corporations.

I am also directed to inform the Senate that the House has passed a substitute for the Senate memorial to Congress for a grant of land to aid in the construction of St. Louis & Cedar Rapids Railway, which is herewith transmitted, and in which the concurrence of the Senate is respectfully asked.

I also present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker :

Substitute for House File No. 71, A bill for an act regulating appeals to the Supreme Court in certain cases.

House File No. 124, A bill for an act to provide for the education and support of the blind.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Powers, Senate File No. 143, A bill for an act to reinvest County Courts with power to establish roads, was taken up.

Senator Knoll moved that the bill be read a third time now.

Pending which, the hour for the special order having arrived, being Senate File No. 186, A bill for an act to aid in the support and education of Soldiers' Orphans of Iowa, and for the benefit of the Soldiers' Orphans' Home, it was, on motion of Senator Stubbs, postponed until ten o'clock.

The consideration of Senate File No. 143 was continued.

Senator Stubbs offered the following amendment: "On the final hearing of the establishment of any road the County Judge shall have the power to summons a jury of six men, for the purpose of assessing damages on demand of either party. Each party shall have three peremptory challenges in addition to challenges for

cause, as provided by law for juries in the District Court. Either party shall have the right of appealing to the District Court.

Senator Farwell moved the previous question, which was seconded, and the main question ordered to be put.

The question being the adoption of Senator Stubbs' amendment, the yeas and nays were demanded; and

The yeas were Senators Bassett, Cattell, Crookham, Doud, Knoll, Lakin, McJunkin, Moore, Paulk, Patterson, Reed, Ross, Stubbs, Udell, Warren—15.

The nays were Senators Brayton, Bridges, Bulis, Clark, Clarkson, Cutts, Edwards, Farwell, Hart, Hedges, Hillyer, Hollman, Hunt, King, Larimer, Leake, Marshman, McMillan, Meyer, Parvin, Powers, Richards, Robertson, Sampson, Smith, Wharton—26.

So the amendment was lost.

The question being "Shall the bill be read a third time?" the motion prevailed.

On the question "Shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, Patterson, Powers, Reed, Richards, Ross, Sampson, Stubbs, Udell, Warren—27.

The nays were Senators Bassett, Clarkson, Edwards, King, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Robertson, Smith, Wharton—13.

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

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills, which have passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House:

Senate File No. 37, A bill for an act to legalize the proceedings had to incorporate the city of Independence, Buchanan county, Iowa, and to legalize the acts of the officers of said city.

Substitute for Senate File No. 109, A bill for an act dispensing with locks in dams, and draws in bridges on the Des Moines River.

Senate File No. 203, A bill for an act in relation to the town of Morning Sun, in Louisa county, Iowa.

Senate File No. 105, A bill for an act declaring the continuation of the incorporation of the town of Sigourney, and legalizing the election of officers thereof.

I am also directed to inform your Honorable Body that the House of Representatives has passed the following bill, in which the concurrence of the Senate is asked.

House File No. 313, A bill for an act to enable the Union Agricultural Society to purchase certain school land.

CHAS. ALDRICH, Chief Clerk.

Senator Udell from the Committee on Ways and Means, obtained leave to submit the following report :

The Committee of Ways and Means have directed me to report House File No. 89, An act to limit the time when the County Treasurer shall assess property omitted in the assessment as provided in Section 752 of the Revision of 1860, with the following amendment: Strike out the words "two years," and insert *one year* in the 7th line; and thus amended, your Committee recommend its passage.

UDELL, Chairman.

Ordered that the report pass on file.

Senator Lakin, for Committee on Enrolled Bills, submitted the following reports :

The Committee on Enrolled Bills, report that they have examined, and find correctly enrolled, the following bills to wit :

A substitute for Senate File No. 7, A bill for an act providing dockets for Justices of the Peace.

Also, Senate File 122, A bill for an act to legalize the acts of the Boards of Supervisors of Cass county, in relation to the survey and plat of the town of Lewis in said County.

W. B. LAKIN.

CHAS. PAULK.

The Committee on Enrolled Bills, report that they have presented to the Governor, for his approval, this 22d day of March, 1866, the following Bills :

House File Nos. 205, 203, 109, and 37.

W. B. LAKIN.

CHAS. PAULK.

The hour for the special order having arrived, Senator Ross moved that the special order be postponed until the House messages be disposed of.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT:—I herewith return Senate File No. 213, A bill for an act fixing the times of holding Courts in the 11th Judicial District, which has passed the House with the following amendments, in which the concurrence of the Senate is respectfully asked:

Strike out "At Eldora, in Hardin county," in the 17th line of Sec. 1, and insert "In Wright county."

Strike out "In Wright county," in the 22d line of Sec. 1, and insert "In Hardin county."

CHAS. ALDRICH, Chief Clerk.

Substitute for House File No. 215, "A bill for an act providing for the Geological Survey of the State of Iowa," was taken up and read first and second time.

Senator Ross moved that the bill be referred to a select committee of five.

Senator Parvin moved to refer to Committee on Agriculture, on which the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Clarkson, Farwell, Hart, Hillyer, Lakin, Larimer, Leake, McMillan, Meyer, Parvin, Paulk, Powers, Sampson, Smith, Stubbs—17.

The nays were Senators Bassett, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Knoll, Marshman, McJunkin, Moore, Patterson, Reed, Richards, Robertson, Ross, Udell, Warren, Wharton—26.

So the motion did not prevail.

The question being, "Shall the bill be referred to a special committee of five?" the motion prevailed.

House File No. 231, A bill for an act to authorize incorporated cities, towns, and villages to discontinue their corporations, was taken up, read a first and second time, and referred to Committee of Incorporations.

House File No. 117, A bill for an act in relation to Co. Court records, was taken up, read a first and second time, and referred to Committee of Township and County Organizations.

House File No. 313, A bill for an act to enable the Union Agricultural Society to purchase certain school lands, was taken up, and read a first and second time.

Senator Smith moved that the 11th Rule be suspended, and that the bill be read a third time now.

The motion prevailed.

The question being, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Richards, Robertson, Sampson, Smith, Stubbs, Warren, Wharton—35.

The nays were Senators Clarkson and Udell—2.

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

House substitute for Senate memorial to Congress for a grant of land to aid in the construction of the St. Louis and Cedar Rapids Railway, was taken up and read a first and second time, and on motion of Senator Sampson, the 11th rule was suspended, and the resolution was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—35.

The nays were Senator Bassett—1.

Absent but not excused, Senators Clark, Clarkson, Hedges, Hollman, Hunt, Larimer and Powers.

So the resolution passed.

Senate File No. 213, A bill for an act fixing the time for holding Courts in the 11th Judicial District, with House amendments thereto was taken up.

The question being "shall the Senate concur in the House amendments?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, and Wharton—41.

The nays were, none.

Absent but not excused, Senators Hunt and Clarkson.

So the amendments were concurred in.

The President announced as Special Committee on substitute for House File No. 215, Senators Ross, Warren, Richards, Bulis, and Robertson.

The President announced that the hour for the special order had arrived, being Senate File No. 186, A bill for an act to aid in the support and education of Soldiers' Orphans of Iowa, and for the benefit of the Iowa Soldiers' Orphans' Home, with report of Committee recommending amendments, and the same was taken up.

The first and second amendments were passed.

Senator Paulk moved to amend the third amendment by striking out the words "all of its property" and inserting the words "and convey all their right, title and interest in and to all the real estate and personal property owned by them, without any restriction, qualification, or reservation whatever."

Pending which, on motion of Senator Richards, the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened and was called to order by the President.

Senator Leake moved a call of the Senate, which was ordered.

Senator Bulis asked for leave of absence for Senator Warren, and leave was granted.

The Secretary proceeded to call the roll with the following result:

Absent without leave, Senators Bassett, Edwards, Henderson, Hillyer, Hunt, Lakin, Marshman, and McJunkin.

Senator Paulk moved that further proceedings under the call be dispensed with, which motion prevailed.

Senator Bridges, from Committee on Internal Improvement, submitted the following report:

The Committee on Internal Improvement, to whom was referred a petition of citizens of Keokuk, Iowa, in reference to legal standard for day's labor, have had the same under consideration, and have directed me to report the same to the Senate and recommend its reference to Committee on Incorporations.

C. G. BRIDGES, for Committee.

On motion of Senator Bridges, the report was concurred in.

Senator Reed, from the Committee on Printing, submitted the following report:

*To the Senate of Iowa*:—I am instructed by the Committee on Printing to report back House File 305, A bill for an act to provide for the publication and distribution of the laws of the 11th General Assembly of the State of Iowa, without amendment, and recommend its passage.

J. R. REED, Chairman.

Ordered, that the report pass on file.

Senator Larimer, from the Committee on Incorporations, submitted the following report:

*To the Senate of Iowa*:—Your Committee to whom was referred House File No. 208, have had the same under consideration, and have instructed me to report the same back with the following amendments, viz.: strike out all of Section 2; and thus amended, recommend its passage.

A. M. LARIMER, for Committee.

Ordered, that the report pass on file.

Senator Ross, from Committee on Public Lands, presented the following reports:

The Committee on Public Lands have had under consideration House File No. 104, A bill for an act relating to the sub-division of lands, and have instructed me to report the same and recommend its indefinite postponement.

L. W. ROSS, Chairman.

Ordered, that the report pass on file.

Also the following:

The Committee on Public Lands have had under consideration substitute for House File No. 40, A bill for an act requiring swamp land certificates to be recorded, and have instructed me to report it back without amendment and recommend its passage.

L. W. ROSS, Chairman.

Ordered, that the report pass on file.

Senator Leake from the Committee on Judiciary, submitted the following report:

*To the Senate of Iowa*: The Judiciary Committee to which was

referred the bill hereinafter named, have had the same under consideration, and have directed me to report thereon, as follows :

1. House File No. 184, A bill for an act to legalize the proceedings of certain county courts, and to repeal Section 262 of the Revision of 1860.

The Committee recommend that the bill do pass.

2. House File No. 200, A bill for an act to relinquish an escheat.

The Committee recommend that the bill do pass.

3. House File No. 19, A bill for an act to amend the law in reference to the execution of judgments for the foreclosure of mortgages.

The Committee recommend that the bill be indefinitely postponed.

4. House File No. 222, A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860.

The Committee reports a substitute and recommend its adoption.

5. Senate File No. 191, A bill for an act to amend Chapter 111, of the Revision of 1860.

The Committee recommend that the bill be indefinitely postponed.

All of which is respectfully submitted.

J. B. LEAKE, Chairman.

Ordered, that the report pass on file.

The consideration of Senate File No. 186 was resumed.

The question being on the amendment to the 3d amendment recommended by the Committee, the yeas and nays were demanded, and

The yeas were Senators Brayton, Balis, Clark, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hollman, King, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Stubbs, Udell, Wharton—31.

The nays were Senators Bridges, Cattell, Clarkson, Moore—4.

Absent but not excused Senators Bassett, Edwards, Henderson, Hillyer, Hunt, Marshman, McJunkin, and Smith.

So the amendment was adopted.

Senator Patterson offered as a substitute for the first amendment the following: Strike out all after the word "dollar," in the fifth line, to the word "paid," in the seventh line, and insert "and said tax shall be levied as a part of the State tax, and collected and"—which was agreed to, and the amendment, as amended, was agreed to.

The second amendment of committee was agreed to.

Senator Larimer moved to further amend the third amendment by adding thereto the following: "Provided, that after said Soldiers' Orphans' Home shall cease to exist as a Soldiers' Orphans' Home, the State of Iowa shall appropriate all real estate, conveyed

by said association to the State, to the purpose of establishing a State Orphans' Asylum, and for no other purpose."

The amendment was not adopted.

Senator Oliver offered a substitute for the bill under consideration.

Upon its adoption the yeas and nays were demanded, and

The yeas were Senators Edwards, Farwell, Hedges, Hillyer, Hollman, Marshman, Oliver, Paulk, Patterson, Richards, Ross, Sampson, Smith, Stubbs—14.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Doud, Hart, Hilsinger, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Powers, Reed, Robertson, Wharton—23.

Absent but not excused, Senators Clark, Clarkson, Henderson, Hunt, Knoll, and Udell.

So the substitute was not adopted.

The third amendment recommended by Committee as amended was adopted.

Senator Hilsinger moved to amend Section 2, by adding thereto the following:

"Provided that after the first day of January, 1868, the General Assembly shall have the right and power, to elect the entire Board of the Association, and when they are so elected, the Association shall cease to exist as a corporation and the Iowa Soldiers' Orphans' Home shall then be under the entire control and management of the State, and the corporation shall amend its Articles of Incorporation so as to allow the State to do so before it shall be entitled to any of the benefits of this act and that the Board of the Iowa Soldiers' Orphans' Home shall consist of the number of officers that it now does. After the corporation shall cease to exist as provided by this act, until the General Assembly shall otherwise determine by law.

The amendment was adopted.

Senator Lakin moved to further amend Section 2, by adding thereto the following:

And it is further provided, and the transfer of all the property, rights and credits of said Association is upon the express condition that the President hereafter appointed by the State for the Orphans' Home, shall not receive any pecuniary compensation for his services, except that he shall be entitled to actual expenses incurred in the discharge of his duties.

The amendment was not adopted.

Senator Parvin moved to amend Section 1, by adding thereto the following:

"Provided that the expenses of sending the Soldiers' Orphans to the Home, shall be paid out of the general fund for the support of said Home."

The amendment was adopted.

Senator Cattell moved to further amend Section 1, by striking out all after the enacting clause to the word "Provided" in the eighth line and inserting "That the Census Board when fixing the rate of State tax to be levied each year as required by Section 743, of the Revision of 1860, and Chapter 24, of the the acts of the extra session of the Ninth General Assembly, shall include in the rate so fixed one half of one mill on the dollar, tax for the support, education and maintenance of the Soldiers' Orphans, and the Board of Supervisors of the several counties, shall levy the said tax as a part of the State tax for each year, which shall be collected and paid into the State Treasury, as other State taxes."

Senator Stubbs moved to amend by striking out the word "one-half" and inserting "one-fourth."

Upon this the yeas and nays were demanded, and

The yeas were Senators Cutts, Edwards, Farwell, Hedges, Hill-  
yer, Hollman, Knoll, Oliver, Paulk, Ross, Sampson, Stubbs—12.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Doud, Hart, Henderson, Hilsinger, Hunt, King, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Robertson, Smith, Udell, Warren, Whar-  
ton—28.

Absent, but not excused, Senators Bulis, Crookham, and Lakin.  
So the amendment was not adopted.

Senator Parvin moved to amend by striking out the word "one-half," and inserting "three-eighths."

The amendment was agreed to, and the amendment, as amended, was adopted.

Senator Hilsinger moved to amend Sec. 5 by adding thereto the following:

And that on or before the first day of January, 1868, the corpora-  
tion shall convey and assign over to the State all other property, including bonds, notes, mortgages, and other securities owned and not expended by the corporation, after deducting sufficient to pay all the debts then due, or to become due, which are then outstanding against the corporation.

The amendment was not adopted.

On motion of Senator Paulk, ordered that the bill be engrossed and read a third time to-morrow at 10 o'clock, A. M.

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 amendments to House File 177, A bill for an act to legalize the acts of the Board of Supervisors of Washington county, Iowa.

I also return Senate File No. 3, A bill for an act granting to the Iowa State University certain property in Iowa City, which has passed the House with the following amendment, in which the concurrence of the Senate is respectfully asked:

Add to Sec. 2 the following: "Provided, that the State of Iowa

shall not be rendered liable to any party or parties for any claim whatever."

I also return Senate File No. 98, "A bill for an act to authorize the County Judge of Des Moines county to record and complete the record of proceedings had before his predecessor in office," which has passed the House with the following amendments:

1. That the words "Jno. C. Power," also the word "present," be stricken out of the first section.

2. That the second section be stricken out, and the following inserted in lieu thereof: "His record so made shall be *prima facie* evidence of its validity."

In which the concurrence of the Senate is respectfully asked.

I also present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker:

Substitute Senate File No. 7, A bill for an act providing dockets for Justices of the Peace.

Senate File No. 122, A bill for an act to legalize the acts of the Board of Supervisors of Cass county, in relation to the survey and plat of the town of Lewis, in said county.

I return herewith Senate File No. 42, "A bill for an act for the transfer of real estate, to regulate the assessment thereof, and facilitate the collection of revenue," the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined the following bills, to-wit:

Senate File No. 85, A bill for an act concerning acknowledgments of deeds in foreign countries, and to repeal Section 2244 of the Revision of 1860.

Senate File No. 101, A bill for an act legalizing conveyances of real estate to the St. Charles Cemetery Association.

The same are correctly enrolled.

W. B. LAKIN.  
CHAS. PAULK.

The Committee on Enrolled Bills further report that they have examined and find correctly enrolled, the following bills, to-wit: Senate File No. 213, A bill for an act fixing the time for holding Courts in the 11th Judicial District.

Substitute for Senate File No. 72, A bill for an act to provide Justices of the Peace with a copy of the Revision of 1860.

W. B. LAKIN.  
CHAS. PAULK.

Senator Sampson, by leave, submitted the following report:

The Joint Committee of Conference appointed upon the disagreement of the two Houses in relation to the concurrent resolu-

tion fixing the per diem of the Post Master, &c., report that they have performed the duty imposed upon them, and have agreed and instructed their Chairmen to recommend to their respective Houses that the per diem of the Postmaster be fixed at \$4.50.

E. S. SAMPSON, Chairman.

Senator Sampson moved that the report be placed on file.

The motion did not prevail.

Senator Hilsinger moved that the report be concurred in.

On this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Clark, Crookham, Cutts, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Sampson, Stubbs, Udell, Warren, Wharton—31.

The nays were Senators Bridges, Cattell, Clarkson, Doud, Edwards, Farwell, Hillyer, King, Knoll, Paulk, Ross, Smith—12.

So the motion prevailed.

Senator Moore from Committee on Military Affairs, submitted the following report :

The Committee on Military Affairs to which was referred the claim of Dr. David Beach for two hundred dollars for "services under commission and appointment as Assistant Surgeon to the 4th Iowa Infantry, in going to and returning from said regiment, (about five weeks time,)" have carefully considered said claim, and find that the said David Beach was appointed and commissioned by Governor Kirkwood, Assistant Surgeon of the 4th Iowa Infantry on the 7th day of July, 1863; and was ordered by the Adjutant General of Iowa to report immediately to his regiment, then supposed to be near Vicksburg, Mississippi.

Dr. Beach presented himself at the office of the Assistant Commissary of Musters, 1st Division, 15th Army Corps, at Black River Bridge, Mississippi, on the 16th day of August, 1863. The Commissary of Musters refused to muster him into the service of the United States, assigning as a reason for his refusal, that "General Orders No. 182, (from the War Department, dated June 20th, 1863,) deprives regiments of infantry that are reduced below the minimum, of one Assistant Surgeon. The 4th Regiment Iowa Infantry being thus reduced, there cannot be another Assistant Surgeon mustered in, without violation of the order referred to."

Dr. Beach failing to get mustered into the service of the United States, returned home, and in June, 1864, presented a claim for \$76.70 to the Paymaster General of Iowa, for expenses incurred in going to, and returning from the regiment. The Paymaster declined to pay the claim, and gave it as his opinion that "if this claim is to be paid, certainly its payment seems to devolve upon the United States, since it failed to communicate the order in that prompt manner which would have avoided a useless appointment."

The claim was then presented to the War Department, and pay-

ment refused, on the ground that his appointment as Assistant Surgeon of the 4th Iowa Infantry, was in violation of General Orders No. 182, which had been issued sixteen days prior to his appointment and Commission by Governor Kirkwood.

Failing to secure the payment of his claim of \$76.70 for expenses, either from the State or General Government, he made out a claim on the 12th day of January, 1866, against the State of Iowa, for \$200.00, and presented the same to the General Assembly.

A majority of the Committee believing that the said David Beach should be reimbursed for the expenses incurred by him while acting in good faith under the orders of the Governor, have instructed me to recommend that he be allowed the sum of seventy-six dollars and seventy cents, (\$76.70,) and that the Committee on Ways and Means be instructed to provide for its payment in the special appropriation bill.

MOORE, Chairman.

Senator Bridges moved that the report be adopted, on which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Lakin, Marshman, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Stubbs, Warren, Wharton—31.

The nays were Senators Cutts, Farwell, King, Knoll, Larimer, Leake, Meyer, Paulk, and Smith—9.

Absent, but not excused, Senators Hunt, Powers, and Udell.

So the motion prevailed.

On motion of Senator Bulis, the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
March 23, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

The journal of yesterday was read and approved.

The following message was received from the House:

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

House File No. 314, A bill for an act to legalize the official acts of Roger N. Cresup, a Notary Public of Van Buren county, Iowa.

House File No. 272, A bill for an act to legalize the acts of the

Board of Supervisors of Harrison county, in conveying swamp lands to soldiers as bounties.

Substitute for House File No. 295, A bill for an act to provide for additional argument terms of the Supreme Court.

Also, a joint resolution asking the muster-out of service of the 8th Regiment Iowa Veteran Volunteer Infantry.

House File No. 250, A bill for an act to quiet titles to certain lands sold by the State to individuals as part of the Des Moines River Land Grant.

House File No. 2, A bill for an act disfranchising certain persons who evaded military service.

House File No. 274, A bill for an act to provide for the election of Police Justices in cities of the second class.

House File No. 252, A bill for an act fixing the time of holding courts in the 12th Judicial District.

House File No. 265, A bill for an act to secure the back pay due the 1st Iowa Cavalry.

I also return the following bills, which have passed the House without amendment:

Senate File No. 125, A bill for an act to amend Chap. 91 of laws of 10th General Assembly entitled an act granting the right of way to open and drain coal mines.

Senate File No. 130, A bill for an act for the relief Major D. J. Waggoner.

I also herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker:

Senate File No. 213, A bill for an act fixing the times of holding courts in the Eleventh Judicial District.

Senate File No. 85, A bill for an act concerning acknowledgements of deeds in foreign countries, and to repeal section 2244 of the Revision of 1860.

Senate File No. 101, A bill for an act legalizing the conveyance of real estate to the St. Charles Cemetery Association.

Substitute for Senate File No. 72, A bill for an act to provide Justices of the Peace with a copy of the Revision of 1860.

CHAS. ALDRICH, Chief Clerk.

Senator Hollman called up Senate File 184, A bill for an act to amend Chapter 59 of the Revision of 1860, and on motion further action thereon was postponed till 2 o'clock P. M.

Senator McMillen called up House Resolution relating to the 8th Iowa Volunteer Infantry.

The resolution was read a first and second time and on motion of Senator McMillan the 11th rule was suspended and it was read a third time.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart,

Hedges, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Marshman, McJunkin, McMillan, Meyer, Oliver, Parvin, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—36.

The nays were, none.

Absent but not excused Senators Cutts, Henderson, Hilsinger, Hunt, Leake, Moore, Paulk and Patterson.

So the resolution passed.

Senator Bassett from Committee on Railroads submitted the following report.

The Committee on Railroads to whom was referred Senate File No. 161, being a bill for "an act to extend the time for the completion of the Dubuque and Sioux City Railroad, and providing for the release of certain lands," have considered the same and a majority of said Committee have instructed me to report the same back without amendment, and recommend its passage.

GEO. W. BASSETT, Chairman.

Ordered, that the report pass on file.

Senator Oliver called up Senate File No. 210, "A bill for an act to prevent Indian trespasses and depredations," and moved that the bill be read a third time now.

The motion prevailed.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, King, Leake, Marshman, Meyer, Oliver, Patterson, Powers, Reed, Ross, Stubbs, Warren, Wharton—26.

The nays were Senators Brayton, Bridges, Edwards, Farwell, Hilsinger, Knoll, Lakin, Larimer, McJunkin, McMillan, Moore, Parvin, Paulk, Richards, Robertson, Sampson, Smith, Udell—18.

So the bill passed and the title was agreed to.

Senator Meyer from Committee on Engrossed Bills submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have had under consideration Senate File No. 186 and they have found the same correctly engrossed.

JOHN MEYER, for the Committee.

Senator Lakin from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, the following bills, Nos. 75, 85, 101 and 213.

W. B. LAKIN.  
CHAS. PAULK.

The hour for the special order having arrived, it being the third reading of Senate File No. 186, A bill for an act to aid in the support and education of Soldiers' Orphans of Iowa and for the benefit of the Iowa Soldiers' Orphans' Home,

Senator Powers moved that the vote by which the bill was ordered to a third reading be reconsidered.

The motion prevailed.

Senator Cattell moved to amend as follows :

“ That after the taking effect of this act, whenever any State tax shall be received at the State Treasury from County Treasurers, the State Treasurer shall apportion the same between the revenue fund proper and the Orphans' Home fund, provided for in this act, in proportion to the rate of tax levied for each of said funds, and shall receipt for the same accordingly.”

The amendment was adopted.

Senator Paulk moved the following amendment to Section 5: insert after the words “ real estate ” the following words: “ free of all incumbrances.”

The amendment was adopted.

Senator Powers moved that the bill be read a third time now.

The motion prevailed.

The question being “ Shall the bill pass ? ”

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hunt, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Smith, Udell, Warren, and Wharton—34.

The nays were Senators Clarkson, Hedges, Hillyer, Hollman, Knoll, Marshman, Oliver, Patterson, Richards, and Stubbs—10.

So the bill passed and the title was agreed to.

Senator Henderson, from Committee on Schools and School Lands, submitted the following report:

The Committee on Schools and School Lands have had under consideration Senate File No. 172, A bill for an act in relation to building school houses in new sub-districts, &c., and have directed me to report the same back with an amendment striking out the third section, and, so amended, to recommend the passage of the same.

Also Senate File No. 214, A bill for an act to legalize the elections and acts of the independent district of Clinton City, in conformity to the petition of electors of said district, referred to the Committee, and the Committee have directed me to report said bill to the Senate, and recommend the passage of the same.

The petition is returned with this report.

H. C. HENDERSON, Chairman.

Ordered, that the report pass on file.

The hour for the special order having arrived, being House File No. 227, A bill for an act to provide for the payment of the bonds of the State of Iowa, maturing January 1st, 1868, and providing for the loaning of the School Fund, the same was taken up.

On motion of Senator Cattell, the Senate went into Committee of the Whole for the consideration of said bill.

And after some time spent therein, the President resumed the chair, and Senator Richards reported that the Committee of the Whole, to whom was referred House File No. 227, being a bill for an act to provide for the payment of the bonds of the State of Iowa, maturing January 1st, 1868, and providing for the loaning of the School Fund, have considered the same and made sundry amendments thereto, and thus amended, the Committee recommend the passage of the bill.

On motion of Senator Cattell, the amendments were adopted.

Senator Udell moved that the bill be read a third time now.

Pending which, on motion of Senator Clark, the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened pursuant to adjournment.

The President in the chair.

Senator Udell moved that the House message be taken up.

The motion prevailed.

Senate File No. 98, A bill for an act to authorize the County Judge of Des Moines county to record and complete the record of proceedings had before his predecessor in office, with House amendments thereto, was taken up.

Senator Warren moved that the amendments be concurred in.

On this question the yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, McMillan, Meyer, Moore, Parvin, Powers, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, and Whar-  
ton—34.

The nays were, none.

Absent but not excused, Senators Bridges, Clarkson, Henderson, Marshman, McJunkin, Paulk, and Reed.

So the amendments were concurred in.

Senator Cutts asked for leave of absence for Senator Patterson.

Leave was granted.

Senator Leake asked for leave of absence for Senator Larimer.

Leave was granted.

Senate File No. 3, A bill for an act granting to the Iowa State University certain property in Iowa City, with House amendments, was taken up.

Senator Ross moved that the amendments be concurred in.

On this question,

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark,

Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, McMillan, Meyer, Moore, Parvin, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—33.

The nays were none.

Absent but not excused, Senators Bridges, Clarkson, Henderson, Marshman, McJunkin, Paulk, Powers and Reed.

So the amendments were concurred in.

House File No. 265, A bill for an act to secure the back pay due the 1st Iowa Cavalry, was taken up, and read a first and second time.

Senator Parvin moved that the eleventh rule be suspended and that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Wharton, Woolson—38.

The nays were none.

Absent, but not excused, Senators Henderson and McJunkin.

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

House File No. 252, A bill for an act fixing the time of holding Court in the 12th Judicial District, was read the first and second times.

On motion of Senator Hart, the 11th rule was suspended, and the bill was read a third time.

The question being, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Wharton, Woolson—38.

The nays were none.

Absent but not excused, Senators Edwards, Henderson, McJunkin, Oliver, and Warren.

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

House File No. 274, A bill for an act to provide for the election of Police Justices in cities of the second class, was read the first and second times, and referred to the Committee on Incorporations.

House File No. 250, A bill for an act to quiet the title to certain lands sold by the State to Individuals as part of the Des Moines River Land Grant, was read the first and second times and referred to the Committee on Public Lands.

House File No. 314, A bill for an act to legalize the official acts of Roger N. Cresap, a Notary Public of Van Buren County, Iowa, was read the first and second times.

On motion of Senator Leake, the 11th rule was suspended, and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McMillan Meyer, Moore, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—39.

The nays were none.

Absent, but not excused, Senators Edwards, Henderson, McJunkin, and Oliver.

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

House File, No. 272, A bill for an act to legalize the acts of the Board of Supervisors of Harrison county, in conveying certain swamp lands to soldiers as bounty, was read the first and second times, and referred to the Committee on Public Lands.

Substitute for House File No. 295, A bill for an act to provide for additional argument terms of the Supreme Court, was read the first and second times and referred to the Committee on Judiciary.

House File No. 2, A bill for an act disfranchising certain persons who evaded military service, was read the first and second times and referred to the Committee on Judiciary.

The further consideration of House File No. 227, A bill for an act to provide for the payment of the Bonds of the State of Iowa, maturing January 1, 1868, and providing for the loaning of the school fund, was resumed.

Senator Hart moved to amend by striking out all of Section No. 5, after the word "bonds" in the fourth line.

Senator Lakin moved the previous question, which was seconded and the main question ordered and put, first on the amendment.

Upon this the yeas and nays were demanded, and

The yeas were Senators Basset, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—40.

The nays were Senators Clarkson, Patterson—2.

Absent but not excused, Senators Henderson and Oliver.

So the amendment was adopted.

Second: "Shall the bill be read a third time now?" which prevailed.

The question being, "Shall the bill pass?"

The yeas were Senators Bassett, Cattell, Clark, Clarkson, Doud, Hart, Hilsinger, Lakin, Leake, Meyer, Moore, Parvin, Patterson, Reed, Robertson, Sampson, Stubbs, Udell, Warren, Wharton, and Woolson—21.

The nays were Senators Brayton, Bridges, Bulis, Crookham, Cutts, Edwards, Farwell, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Marshman, McJunkin, McMillan, Paulk, Powers, Richards, Ross, Smith, Wharton—22.

Absent, but not excused, Senators Henderson and Oliver.

So the bill was lost.

Senator Bulis moved that the vote last taken be reconsidered.

Senator Bridges moved that that motion be laid on the table.

On this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Crookham, Farwell, Hillyer, Hollman, Hunt, King, Knoll, Marshman, McMillan, Paulk, Powers, Ross, Smith, Wharton—17.

The nays were Senators Bassett, Cattell, Clark, Clarkson, Cutts, Doud, Edwards, Hart, Hedges, Hilsinger, Lakin, Leake, McJunkin, Meyer, Moore, Parvin, Patterson, Reed, Richards, Robertson, Sampson, Stubbs, Udell, Warren, Woolson—25.

So the motion did not prevail.

The question being on the motion of Senator Bulis to reconsider the vote by which the bill was lost, the yeas and nays were demanded, and

The yeas were Senators Bassett, Cattell, Clark, Clarkson, Cutts, Doud, Hart, Hilsinger, Lakin, Leake, Meyer, Moore, Parvin, Reed, Robertson, Sampson, Stubbs, Udell, Warren, and Woolson—20.

The nays were Senators Brayton, Bridges, Bulis, Crookham, Edwards, Farwell, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Marshman, McJunkin, McMillan, Paulk, Patterson, Powers, Richards, Ross, Smith, and Wharton—22.

Absent but not excused, Senator Henderson.

So the motion did not prevail.

The hour for the special order having arrived, it being Senate File No. 184, A bill to amend Chapter 59 of the Revision of 1860, it was taken up.

Senator Ross offered a substitute for the bill.

Senator Cattell moved to amend Section 1 by striking out, in the thirty-eighth and thirty-ninth lines, the words "shall add such amount to the next State tax" and inserting the words "shall add such amount to the tax levied to pay expenses of insane persons in the Hospital for the Insane, or otherwise provide for the payment thereof."

The amendment was adopted.

Senator Stubbs moved to strike out of the seventeenth line the word "neighboring" before the word "State," and insert the word "other."

The motion to so amend prevailed.

Senator Ross moved to amend Sec. 1 by inserting in the 13th line, after the word "satisfied," the words "from the certificate of the clerk of the Board of Supervisors where the idiot or imbecile resides."

The amendment was adopted.

The substitute bill was then adopted.

Senator Parvin moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hillyer, Hollman, Hunt, King, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Powers, Reed, Richards, Robertson, Ross, Sampson, Stubbs, Udell, Warren, Wharton, Woolson—38.

The nays were Senators Hilsinger, Patterson, Smith—3.

Absent, but not excused, Senators Henderson and Knoll.

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

Senator Patterson obtained leave to submit the following report:

Your Committee on Township and County Organizations have had under consideration House File No. 120, A bill for an act authorizing the re-survey of lands in certain cases, and providing rules, duties and powers of County Surveyors, and a majority of said committee direct me to report the same back with the following amendments:

Strike out the word "one" in the fourth line of Section one, and insert the word "five" in lieu thereof.

Strike out Section 19.

And that so amended, the bill be ordered printed, and recommend its passage.

J. G. PATTERSON, Chairman.

Ordered, that the report pass on file.

Senator Paulk, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined the following bills and find the same correctly enrolled: Senate File 130, A bill for "an act for the relief of Major David J. Waggoner.

Senate File 42, A bill for an act for the transfer of real estate, to regulate the assessment thereof and to facilitate the collection of revenue.

Also Senate File 125, A bill for an act to amend Chapter 91 of the laws of the 10th General Assembly, entitled "an act granting the right of way to open and drain coal mines."

LAKIN, } Committee.  
PAULK. }

The following communication from His Excellency the Governor, was laid before the Senate by the President.

*Gentlemen of the Senate* :—I herewith return without my approval an act relative to the legalization of an election in the town of Morning Sun, in the county of Louisa, in the month of April, 1865, for the formation of an Independent School District.

The act in question has no title. Section 29 of Article 3 of the New Constitution of Iowa, requires that the subject of an act shall be expressed in the title, and that if a subject is embraced in an act and not expressed in the title thereof, the act so far shall be void.

I am compelled, therefore, to return the present act unapproved for your further consideration.

W. M. STONE.

The question being "Shall the bill pass notwithstanding the objections of the Governor?"

The yeas were Senators Bulis, Farwell, Hart, Robertson—4.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Parvin, Paulk, Patterson, Powers, Reed, Richards, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—34.

Absent but not excused, Senators Hedges, Henderson, Hart, Moore, Oliver and Ross.

So the bill was lost.

Senator Ross from Special Committee, submitted the following report :

The Special Committee to whom was referred substitute for House File No. 215, A bill for an act providing for the completion of the Geological Survey of the State of Iowa, have had the same under consideration, and have directed me to report the same without amendment, and recommend its passage.

L. W. ROSS, Chairman.

Ordered, that the report pass on file.

Senator Patterson from the Committee on Township and County Organizations, submitted the following report :

Your Committee on Township and County Organizations have had under consideration Senate File No. 183, A bill for an act to change the name of the North and South Skunk Rivers, and have directed me to report the same back, and recommend its indefinite postponement.

J. G. PATTERSON, Chairman.

And also the following :

Your Committee on Township and County Organizations have had under consideration Senate File No. 6, A bill for an act to increase the fees of recorder of deeds, and have directed me to report it back with the following substitute, and recommend the passage of the substitute.

J. G. PATTERSON, Chairman.

Ordered, that the reports pass on file.

Senator Udell moved that Senator Clarkson be added to the Committee on Enrolled Bills.

Upon this motion the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Crookham, Doud, Edwards, Hilsinger, Knoll, Lakin, Marshman, McMillan, Paulk, Reed, Richards, Robertson, Sampson, Udell, Warren, Wharton, and Woolson--21.

The nays were Senators Bridges, Clark, Clarkson, Cutts, Farwell, Hart, Hillyer, Hollman, King, Leake, McJunkin, Meyer, Moore, Parvin, Patterson, Ross, Smith, and Stubbs—18.

Absent but not excused, Senators Hedges, Henderson, Hunt, Oliver, and Powers.

So the motion prevailed.

Senator Reed moved to adjourn.

The motion did not prevail.

Senator Wharton moved that the Senate take a recess of five minutes.

The motion did not prevail.

Senator Patterson moved that the Senate do now adjourn.

The motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, {  
March 24, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Senator Wharton.

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

The following message was received from the House:

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

House File No. 127, A bill for an act to amend an act to change and fix the time of holding Courts in the 7th Judicial District.

House File No. 170, A bill for an act to accept of the grant, and carry into execution the trust conferred upon the State of Iowa, by an act of Congress entitled an "An act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State.

House File No. 258, A bill for an act to amend Chapter 172 of the acts of the Ninth General Assembly.

I also return Senate File No. 142, which has passed the House

with the following amendments to Sec. 1, in which the concurrence of the Senate is respectfully asked :

1. Strike out the word "and," before Superintendent of Public Instruction.

2. Insert "and Attorney General," after the word Instruction.

3. After the words "per annum," in the last line, insert the words "provided, that after the taking effect of this act, no mileage or per diem shall be allowed the Attorney General."

I also return the following bills, which have passed the House without amendment :

Senate File No. 113, "A bill for an act to legalize and make valid the acts of the County Treasurer of Jasper county, Iowa, in collecting the taxes on the tax list for said county for the year 1860."

Senate File No. 140, "A bill for an act to amend Chapter 98 of the acts of Tenth General Assembly."

I am also directed to inform the Senate that the following bill has been indefinitely postponed by the House :

Senate File No. 143, A bill for an act to re-invest county courts with power to establish roads.

CHAS. ALDRICH, Chief Clerk.

Senator Robertson, by unanimous consent, introduced Senate File No. 215, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an Independent School District, and the official acts of the officers of said district, which was read a first and second time, and on motion of Senator Robertson, the 11th rule was suspended and the bill was read a third time.

Senator Hart asked for leave of absence for Senators Powers and Clarkson. Leave was granted.

The question being, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warten, Wharton, Woolson—40.

The nays were none.

Absent, but not excused, Senators Hunt and King.

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

Senator Smith called up Senate File No. 214, A bill for an act to legalize the elections and acts of the independent district of Clinton City, with report of Committee recommending that the bill do pass.

And on motion of Senator Smith, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin,

Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, and Woolson—42.

The nays were, none.

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

Senator Marshman called up Senate File No. 199, A bill for an act fixing the compensation of Justices of the Peace, reported by special committee, which was read a first and second time.

Senator Patterson moved to amend the tenth line of Section one as follows: Insert after the word "continuance" the words, "of one day or more."

The amendment was adopted.

On motion of Senator Cutts, the Senate went into Committee of the Whole for the consideration of said bill.

And after some time spent therein, the President resumed the chair, and

Senator Warren reported that the Committee have had under consideration Senate File No. 199, A bill for an act fixing the compensation of Justices of the Peace, and have made sundry amendments thereto, and have instructed me to report the same back to the Senate and recommend its indefinite postponement.

The question being, "Shall the report of the Committee be adopted?" the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Cutts, Farwell, Hilsinger, King, Leake, Meyer, Oliver, Parvin, Paulk, Richards, Robertson, Smith, and Woolson—19.

The nays were Senators Brayton, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, Knoll, Lakin, Marshman, McJunkin, McMillan, Moore, Patterson, Reed, Ross, Sampson, Stubbs, Udell, Warren, and Wharton—24.

So the report was not adopted.

Senator Leake moved that the amendments be adopted.

The motion prevailed.

Senator Stubbs moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Brayton, Clark, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Patterson, Reed, Sampson, Stubbs, Udell, Warren, Wharton—24.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Cutts, Farwell, Hilsinger, King, Meyer, Moore, Oliver, Parvin, Paulk, Richards, Robertson, Ross, Smith, Woolson—19.

So the bill failing to receive a constitutional majority was lost.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills, which have passed both branches of the General Assembly and been duly enrolled and signed by the Speaker:

Senate File No. 42, A bill for an act for the transfer of real estate to regulate the assessment thereof and facilitate the collection of revenue.

House File No. 313, A bill for an act to enable the Union Agricultural Society to purchase school lands.

Substitute for House File No. 103, A bill for an act fixing the salaries of the District and Supreme Judges.

House File No. 177, A bill for an act to legalize the acts of the Supervisors of Washington county.

Senate File No. 30, A bill for an act for the relief of Major D. J. Waggoner.

Senate File No. 125, A bill for an act to amend Chapter 91 of the laws passed by the 10th General Assembly entitled an act granting a right of way to open and drain coal mines.

Senate File No. 98, A bill for an act to authorize the County Judge of Des Moines county to record and complete the record of proceedings had before his predecessors in office.

Senate File No. 3, A bill for an act granting to the Iowa State University certain property in Iowa City.

House File No. 252, A bill for an act fixing the time of holding court in the 12th Judicial District.

CHAS. ALDRICH, Chief Clerk.

Senator Udell submitted the following report:

The Committee of Ways and Means asked leave to report the following bill:

Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government, and recommend its passage.

Also Senate File No. 216, A bill for an act to provide for the payment of the bonds of the State, maturing January 1, 1868, and recommend its passage.

N. UDELL, Chairman.

On motion of Senator Udell, Senate File No. 216, "A bill for an act to provide for the payment of the Bonds of the State maturing January 1, 1868," and to issue State Bonds to the Permanent School Fund, was taken up and read a first and second times.

Senator Wharton moved that the 11th rule be suspended, and the bill be read a third time now.

Senator Paulk moved to amend the bill as follows: Add Section 3: Section 2, of Chapter 118, Laws of the tenth General Assembly is hereby repealed.

Senator Richards moved that the bill, with amendments be re-committed to the Committee of Ways and Means, with instructions.

The motion did not prevail.

Senator Lakin submitted the following report:

The Committee on Enrolled Bills beg leave to report that they have examined, and find correctly enrolled the following bills, to wit:

Senate File No. 3, A bill for an act granting to the Iowa State University, certain property in Iowa City.

Senate File No. 98, A bill for an act to authorize the County Judge of Des Moines County to record and complete the record of proceedings had before his predecessor in office.

The Committee also report that they have presented to the Governor, for his approval, Senate Files No. 3, 30, 98, and 125, this 24th March, 1866.

W. B. LAKIN, Chairman.

Senator Warren moved to adjourn.

The motion prevailed and the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened at 2 o'clock P. M.

The President in the chair.

Senator Sampson submitted the following report :

The Committee on Incorporations to whom was referred a petition of Wm. Salter, and others, Pastor, Deacons and Trustees of the Congregational Church and Society of Burlington, Iowa, asking for an act to amend an act by which said Church and Society was incorporated, have had said subject under consideration, and instructed me to report the bill which accompanied said petition, and the passage of which is prayed for by said petitioners, and to recommend its passage.

E. S. SAMPSON, for Committee.

Senate File No. 218, A bill for an act entitled an act to incorporate the Board of Trustees of the Congregational Church and Society of Burlington, approved February 12, 1844, was read a first and second time, and on motion of Senator Warren, the 11th rule was suspended and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Lakin, McMillan, Meyer, Moore, Oliver, Parvin, Reed, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton.—31.

The nays were none.

Absent but not excused, Senators Bassett, Bridges, Clarkson, Hunt, Knoll, Leake, Marshman, McJunkin, Paulk, Patterson, Powers, Richards and Woolson.

So the bill passed and the title was agreed to.

Senator Stubbs moved a call of the Senate, which was ordered and the Secretary proceeded to call the roll, and before the absen-

tees were announced, Senator Hilsinger moved that further proceedings under the call be dispensed with.

The motion prevailed.

Senator Cutts submitted the following report :

The Committee on Incorporations to whom was referred House File No. 123, A bill for an act to amend Section 1, of Chapter 25, of the laws of the extra session of the Ninth General Assembly, have had the same under consideration, and direct me to report the same back and recommend its passage.

The Committee further direct me to report Senate File No. 219, A bill for an act legalizing certain city warrants issued by the City of Des Moines, Iowa, with a recommendation that it do pass.

Also Senate File No. 221, A bill for an act to amend Section No. 1144, of the Revision of 1860, concerning taxes levied by municipal authorities and recommend its passage.

M. E. CUTTS, Chairman.

Ordered that the report pass on file.

Senator Warren from special Committee reported Senate File No. 220, A bill for an act authorizing J. N. Dewey, to settle claims of the State against the United States, and providing for his compensation.

The bill was read a first and second time, and ordered that the report pass on file.

Senator Bassett submitted the following report :

The Committee on railroads have had under consideration numerous petitions, asking that the title of purchasers from the State of, and settlers upon the Des Moines river lands may be adjusted and their rights protected, hereby report that the Committee have been informed by a communication from the Governor, which is herewith transmitted, that the Cedar Rapids and Missouri River Railroad Company have filed unconditionally a release of 28,320 acres of the Des Moines river lands, and that a satisfactory agreement has been entered into with the Company, by which the claims of settlers, not purchasers from the State will be adjusted by their paying a reasonable price therefor.

The above conveyance when accepted will settle the long controverted question in reference to these titles, and release the State and a large number of its citizens from much embarrassment. A majority of said Committee have therefore instructed me to report the accompanying Joint Resolution and recommend its adoption.

GEO. W. BASSETT, Chairman.

STATE OF IOWA, EXECUTIVE DEPARTMENT, }  
DES MOINES, March 22, 1866. }

*Hon. G. W. Bassett Chairman, Committee on R. R., Des Moines;*

SIR:—The Cedar Rapids and Missouri River Railroad Company, have this day filed with me an unconditional release to the State

for 28,320 acres of land, supposed to have been embraced with the limits of the Des Moines River Grant, and sold by the State, to individual purchasers. This release secures to the purchasers a clear and indefeasible title to their lands and removes the unfortunate difficulties which have existed for so many years between the State and these conflicting grants. By this arrangement absolute future quiet is secured to the meritorious class of purchasers in the enjoyment of their rights; and the State is relieved from any further embarrassment from this hitherto unsettled question.

The Company made this arrangement with me cheerfully, and I deem it due to them to say that in all my negotiations with them, the accredited representatives of this Company have manifested the utmost good faith, and complied with every reasonable proposition.

In addition to this, a satisfactory agreement has been entered into with the Company whereby the claims of settlers, not purchasers from the State, embracing another large proportion of these valuable lands, will be adjusted by their paying a reasonable price therefor.

In view of these premises, I recommend that the Company be allowed to receive from the indemnity lands, so called, granted to the State of Iowa, by act of Congress approved July 12, 1862, an amount of land equal to that conveyed by the deed of release above referred to.

Very truly yours,

W. M. STONE.

A Joint Resolution accepting a conveyance of lands from the Cedar Rapids and Missouri River Railroad Company, and setting apart certain indemnity lands for the benefit of said Company.

WHEREAS, The Cedar Rapids and Missouri River Railroad Company has voluntarily and unconditionally conveyed to the State of Iowa, by deed duly executed and delivered to the Governor, all the right, title and interest of said Company in and to all lands sold by the State to individuals prior to the 23rd day of December 1853, in the odd numbered sections above the Raccoon Forks of the Des Moines River, and within five miles of said River, amounting to 28,320 acres claimed by said Company, under the Acts of Congress and of the General Assembly of the State of Iowa, relating thereto, by which act of said Company, the title to said lands has been fully quieted and confirmed in the grantees of the State, therefore

*Be it resolved by the General Assembly of the State of Iowa, That said conveyance be, and is hereby accepted, and there is hereby set apart, an equal number of acres of indemnity lands (so called) referred to in Section 5 of Chapter 108 of the Acts of the Tenth General Assembly of the State of Iowa, by Act of Congress approved July 12th, 1862, which lands are to be selected at the expense of the said company by two commissioners to be appointed by the Governor for that purpose, and whenever said Company, by*

the laws relating thereto, shall be entitled to a certificate for the lands so conveyed by the Company to the State, then the Governor shall issue to the Company patents for the lands so set apart.

*Provided,* That the State shall not hereafter be liable to said Company for any failure of title to the lands so conveyed.

Senator Bassett moved that the resolution be made the special order for Monday next at 2 o'clock, P. M.

On which the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Cattell, Clark, Clarkson, Crookham, Edwards, Hart, Henderson, Knoll, Lakin, McMillan, Moore, Oliver, Patterson, Powers, Reed, Richards, Ross, Sampson, Warren—21.

The nays were Senators Brayton, Bulis, Cutts, Doud, Farwell, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Leake, McJunkin, Meyer, Parvin, Paulk, Robertson, Smith, Stubbs, Wharton, Woolson—21.

Absent, but not excused, Senator Marshman.

The President announced the motion lost. \*

The further consideration of Senate File No. 216, "A bill for an act to provide for the payment of the bonds of the State maturing January 1st, 1868, and the issue of State bonds to the permanent school fund," which was under discussion at the hour of adjournment, was resumed.

The question being on the adoption of the amendment offered by Senator Paulk, it was disagreed to.

Senator Bulis moved to amend as follows: "Strike out, in the 10th, 11th, 12th, 13th, and 14th lines of Section 1, the words, 'together with such sums as may be paid into the said treasury, under Chapter 118 of the acts of the Tenth General Assembly.'"

On which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Crookham, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Paulk, Richards, Ross, Smith—15.

The nays were Senators Cattell, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Robertson, Sampson, Stubbs, Udell, Warren, Wharton, Woolson—26.

Absent, but not excused, Senators Marshman, Powers and Reed.

So the amendment was not adopted.

Senator Woolson moved that the bill be read a third time now.

The motion prevailed.

The question being, "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin,

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\* By inadvertence of Assistant Secretary Weart, in footing up the tally list, the vote was announced, yeas 21, nays 22.

Patterson, Powers, Reed, Robertson, Ross, Sampson, Stubbs, Udell, Warren, Wharton, Woolson—31.

The nays were Senators Bridges, Bulis, Crookham, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Paulk, Richards, Smith—12.

Absent, but not excused, Senator Marshman.

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

The following message was received from the House:

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

*Resolved by the House of Representatives, the Senate concurring,*  
That the Swamp Land Investigating Committee be instructed to bring in their report on Monday next.

CHAS. ALDRICH, Chief Clerk.

Senator Paulk moved that the House message be taken up.

The motion prevailed.

The House concurrent resolution relating to the Swamp Land Investigating Committee, was taken up.

Senator Reed moved to amend by striking out the word "Monday," and inserting in lieu thereof the word "Tuesday."

On which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Cattell, Clark, Crookham, Cutts, Edwards, Farwell, Leake, McJunkin, McMillan, Meyer, Moore, Powers, Reed, Richards, Ross, Sampson, Wharton—19.

The nays were Senators Bridges, Bulis, Clarkson, Doud, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Oliver, Parvin, Paulk, Patterson, Robertson, Smith, Stubbs, Warren, Woolson—23.

Absent, but not excused, Senators Marshman and Udell.

So the amendment was not adopted.

The question being "Shall the Senate concur in the resolution?" it was decided in the affirmative.

Senate File No. 142, A bill for an act fixing the salaries of certain State officers and for other purposes, with House amendments thereto, was taken up.

The question being "Shall the House amendment be concurred in?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Hillyer, Knoll, Lakin, Leake, McJunkin, McMillan, Meyer, Paulk, Powers, Reed, Ross, Smith, Stubbs, Udell, Wharton, and Woolson—26.

The nays were Senators Clark, Farwell, Hart, Hedges, Hollman, Hunt, King, Moore, Parvin, Patterson, Richards, Robertson, Sampson, and Warren—14.

Absent but not excused, Senators Henderson, Hilsinger, Marshman, and Oliver.

So the amendment was concurred in.

House File No. 258, A bill for an act to amend Chapter 172 of the acts of the Ninth General Assembly, was taken up.

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

House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an act of Congress entitled "An act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," was taken up.

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

Substitute for House File No. 127, A bill for an act to amend an act to change and fix the time of holding Courts in the Seventh Judicial District, was read a first and second times and referred to a Committee of Senators from the Seventh Judicial District.

Senator Clarkson submitted the following report:

The Committee on Agriculture, to whom was referred Senate File No. 121, providing for the sale and lease of the Iowa State Agricultural College Lands, have carefully considered the same, and have directed me to report the accompanying substitute and recommend its passage.

C. F. CLARKSON, Chairman.

The President announced that Assistant Secretary Weart had informed him that the result of the vote was incorrectly announced upon the motion that the joint resolution accepting a conveyance of lands from the Cedar Rapids & Missouri River Railroad Company and setting apart certain indemnity lands for the benefit of said Company, be made a special order for Monday next at two o'clock P. M.; whereupon Senator Leake offered the following:

WHEREAS, The vote on the motion, that the joint resolution accepting a conveyance of lands from the Cedar Rapids & Missouri River Railroad Company and setting apart certain indemnity lands for the benefit of said Company, be made a special order for Monday next at 2 o'clock P. M., was incorrectly given to the Chair, in consequence of which the Chair announced that the motion was lost, and now the Secretary states that the vote was a tie; therefore

*Resolved*, That the Chair proceed now to give the casting vote.

Senator Hilsinger moved to amend by striking out the words "the chair proceed now to give the casting vote," and inserting the words "the roll be called again."

The amendment was agreed to, and the resolution as amended was adopted.

Whereupon the roll was called, and

The yeas were Senators Bassett, Bridges, Cattell, Crookham, Edwards, Henderson, Knoll, Lakin, McJunkin, Moore, Oliver, Patterson, Powers, Reed, Richards, Ross, Sampson, Warren, Wharton—19.

The nays were Senators Brayton, Bulis, Clark, Cutts, Doud,

Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Leake, McMillan, Meyer, Parvin, Paulk, Robertson, Smith, Stubbs, Udell, Woolson—23.

Absent, but not excused, Senator Marshman.

So the motion did not prevail, and the resolution was passed on file.

Senator Patterson moved that Senate File No. 182. A bill for an act to provide for the conveyance of the lands granted to the State of Iowa for the use of the McGregor Western Railroad Company, by an act of Congress passed July 12th, 1864, be taken up.

The motion did not prevail.

Senator Patterson moved that it be placed in its proper place on file.

The motion prevailed.

Senator Richards, by unanimous consent, obtained leave to withdraw from the files the following bills, viz :

Senate File No. 158, A bill for an act to repeal an act entitled "an act to incorporate the State Bank of Iowa," and to enable it to wind up its affairs.

Senate File No. 159, A bill for an act to repeal an act entitled "an act authorizing general banking in the State of Iowa, passed March 22d, 1858."

#### BILLS ON SECOND READING.

Senate File No. 145, A bill for an act donating laws, legislative journals and documents of the State of Iowa to the library of Congress, was taken up.

Senator Hilsinger moved to strike out the 2d section.

The motion prevailed.

Senator Brayton moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—39.

The nays were Senators Crookham, Henderson—2.

Absent but not excused, Senators Marshman and Ross.

So the bill passed and the title was agreed to.

Senate File No. 47, A bill for an act to fix the place for the management of railroads in the State of Iowa, was taken up.

Senator Henderson moved that the bill be indefinitely postponed.

The motion prevailed.

Senate File No. 106, A bill for an act to elect a Clerk of the Su-

preme Court, with report of Committee recommending amendments, was taken up, and the report was adopted.

Senator Henderson moved that the bill be indefinitely postponed. On which the yeas and nays were demanded, and

The yeas were Senators Bridges, Cattell, Clark, Hedges, Henderson, McJunkin, McMillan, Oliver, Reed, Richards, Warren, Woolson—12.

The nays were Senators Bassett, Brayton, Bulis, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Meyer, Moore, Paulk, Patterson, Powers, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Wharton—30.

Absent but not excused, Senator Marshman.

So the motion did not prevail.

Senator Powers moved to amend Section 1, by adding thereto as follows :

“The Judges of the Supreme Court shall have power to fill, by appointment, all vacancies in the office of Clerk of the Supreme Court, and the person so appointed, shall hold his office until the 1st day of January succeeding the next general election thereafter, and until his successor is elected and qualified.”

The amendment was adopted.

Senator Woolson moved to amend by striking out of the eighth line the word “four,” and inserting the word “two.”

The motion prevailed.

Senator Cutts moved that the bill be read a third time now.

The motion prevailed.

The question being “shall the bill pass?”

The yeas were Senators Bassett, Brayton, Bulis, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hollman, Hunt, King, Knoll, Lakin, Leake, Meyer, Moore, Parvin, Patterson, Powers, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Wharton, Woolson—30.

The nays were, Senators Bridges, Cattell, Henderson, Hillyer, McJunkin, McMillan, Oliver, Paulk, Reed, Richards, Warren—11.

Absent but not excused Senators Clark and Marshman.

So the bill passed, and

On motion of Senator Bulis, the title of the bill was amended so as to read, “A bill for an act providing for the election of a Clerk of the Supreme Court.”

And as so amended, was agreed to.

Senate File No. 107, “A bill for an act to elect a Reporter of the decisions of the Supreme Court,” with report of Committee, recommending amendments, was taken up, and the report was adopted.

Senator Edwards moved that the bill be indefinitely postponed, on which the yeas and nays were demanded, and

The yeas were Senators Bridges, Cattell, Clark, Edwards, Hen-

derson, Hilsinger, Hillyer, McJunkin, Oliver, Reed, Richards, Woolson—12.

The nays were Senators Bassett, Brayton, Bulis, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hollman, Hunt, King, Knoll, Lakin, Leake, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—30.

Absent, but not excused, Senators Marshman, and McMillan.

So the motion did not prevail.

Senator Parvin moved that the bill be read a third time now.

The motion prevailed.

The question being, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hollman, Hunt, King, Knoll, Lakin, Leake, Meyer, Moore, Paulk, Patterson, Powers, Robertson, Ross, Sampson, Smith, Udell, and Warren—27.

The nays were Senators Bridges, Cattell, Clark, Edwards, Henderson, Hilsinger, Hillyer, McJunkin, Oliver, Reed, Richards, Stubbs, Wharton, and Woolson—14.

Absent but not excused, Senators Marshman and McMillan.

So the bill passed and, on motion of Senator Bulis, the title was amended so as to read "A bill for an Act providing for the election of a Reporter of the decisions of the Supreme Court," and, so amended, was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed Senate File No. 118, with an amendment, in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

Senate File No. 118, A bill for an act providing for the adjustment of certain land claims with the General Government, with House amendments thereto, was, on motion of Senator Cattell, taken up.

The question being "Shall the Senate concur in the House amendments?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, and Woolson—37.

The nays were Senators Bridges, Bulis, and Knoll—3.

Absent but not excused, Senators Hunt and Marshman.

So the amendments were concurred in.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your honorable body that the House has passed a Concurrent Resolution directing the Attorney-General to commence suit against the American Emigrant

Company, and a Concurrent Resolution relative to the disposition of Swamp Land Patents and Indemnity Land Scrip.

These resolutions are herewith transmitted and the concurrence of the Senate is respectfully asked.

I herewith present for your signature the following bills which have passed both branches of the General Assembly, been duly enrolled and signed by the Speaker.

House File No. 314, A bill for an act to legalize the official acts of Roger N. Cresap, a Notary Public of Van Buren county, Iowa.

House File No. 265, A bill for an act to secure the back pay of the First Iowa Cavalry.

CHAS. ALDRICH, Chief Clerk.

House concurrent resolution relative to requesting the authorities at Washington to forward to the State Land Office certain swamp land patents and indemnity scrip, was taken up and referred to the special Committee on Swamp Land funds.

House concurrent resolution relative to instructions to the Attorney General to commence suit against the American Emigrant Company, was, on motion taken up and referred to the Committee on Judiciary.

The following message was received from the House :

MR. PRESIDENT:—I herewith return Senate File No. 216, which has passed the House with sundry amendments in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

Senate File No. 216, "A bill for an act to provide for the payment of the bonds of the State maturing January 1st, 1868, and the issue of State bonds to the permanent school fund," with House amendments thereto, was, on motion, taken up.

The question being, "Shall the Senate concur in the House amendments?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Cutts, Dond, Edwards, Farwell, Hart, Hilsinger, Hillyer, Lakin, Leake, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Stubbs, Udell, Warren, Whar-ton, Woolson—29.

The nays were Senators Bridges, Bulis, Crookham, Hedges, Henderson, Hollman, Hunt, King, Knoll, Paulk, Richards—12.

Absent, but not excused, Senators Marshman and Oliver.

So the amendment was concurred in.

Senator Edwards obtained leave to offer the following resolution :

*Resolved*, That the Committee on Judiciary be instructed to report a bill providing for the election by the people, of the following officers, to-wit: State Printer, State Binder, and Warden of Penitentiary.

Senator Bulis moved that the resolution be laid on the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Cutts,

Doud, Farwell, Hilsinger, Lakin, Leake, McMillan, Meyer, Moore, Parvin, Powers, Reed, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Wharton—23.

The nays were Senators Bridges, Clark, Crookham, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, King, Knoll, McJunkin, Oliver, Paulk, Patterson, Richards, Warren—18.

Absent, but not excused, Senator Marshman.

So the motion prevailed.

Senator Udell moved that the Senate do now adjourn.

The motion did not prevail.

Senator Hart obtained leave to offer the following resolution, which was adopted :

*Resolved by the Senate,* That the Secretary of State be and he is hereby instructed to furnish the officers of this body with a bound copy of the legislative documents of the session.

Senator Hilsinger moved that the Senate do now adjourn.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hollman, Knoll, Lakin, Leake, McMillan, Moore, Parvin, Patterson, Powers, Robertson, Ross, Sampson, Udell, Warren, Woolson—26.

The nays were Senators Bridges, Crookham, Cutts, Henderson, Hillyer, Hunt, King, McJunkin, Meyer, Oliver, Paulk, Reed, Richards, Smith, Stubbs, Wharton—16.

Absent but not excused, Senator Marshman.

So the motion prevailed, and the Senate adjourned.

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SENATE CHAMBER, DES MOINES, }  
March 26, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by the Rev. Mr. Phillips.

The Journal of Saturday was read and approved.

The following message was received from the House :

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

House File No. 228, A bill for an act to amend Chapter 100 of the Revision of 1860 in relation to the estates of decedents.

House File No. 260, A bill for an act to amend Chapter 32 of the acts passed at the regular session of 9th General Assembly, and Chap. 156 of the acts of said session amendatory thereof.

House File No. 259, A bill for an act to provide for the collec-

tion and settlement of the notes and mortgages taken by J. D. Eads for money loaned by him out of the Permanent School Fund.

House File No. 209, A bill for an act relating to Adjutant General's Report for 1867.

House File No. 139, A bill for an act allowing sheep to run at large.

House File No. 128, A bill for an act to repeal 1760 of Revision of 1860.

Substitute for House File No. 240, A bill for an act to define the liabilities of railroad and other companies in the transportation of freight.

Senate File No. 112, A bill for an act relating to accounts in the offices of Auditor of State and Treasurer of State.

House File No 267, A bill for an act for the taxing of dogs, and for the protection of sheep and other domestic animals.

CHAS. ALDRICH, Chief Clerk.

Senator Paulk submitted the following report :

The Committee on Enrolled Bills report that they have examined Senate File No. 113, A bill for an act to legalize and make valid the acts of the county treasurer of Jasper county, Iowa, in collecting the taxes on the tax list of said county, for the year 1860.

Also, a memorial and Joint Resolution asking Congress for a grant of land to aid in the construction of a railroad from the northern terminus of the North Missouri Railroad on the southern line of Iowa to Cedar Rapids, Iowa.

Also, Senate File No. 140, A bill for an act to amend Chapter 98 of the Acts of the Tenth General Assembly, entitled an act for the formation of the 12th Judicial District, and providing for the election of a District Judge and District Attorney in the 12th Judicial District, and that they find the same correctly enrolled.

LAKIN, } Committee.  
PAULK, }

Senator Bassett obtained leave to submit the following report :

The Committee on Railroads, to whom was referred House File No. 245, " A bill for an act limiting charges, and defining duties of Railroad Companies," have carefully considered the same, and a majority of the Committee have instructed me to report the same back and recommend its indefinite postponement.

GEO. W. BASSETT, Chairman.

Ordered, that the report pass on file.

Senator Patterson obtained leave to submit the following report :

The Judiciary Committee have directed me to report to the Senate the following bill, and recommend its passage: Senate File No. 222.

J. G. PATTERSON, of Committee.

On motion of Senator Hollman, Senate File No. 222, A bill for an act to legalize the record of certain deeds and conveyances in Lee county, and to provide for the recording at Fort Madison of all

such instruments affecting lands in those parts of T. 67, N. R. 4 W., and the E  $\frac{1}{2}$  of T. 67, N. R. 5 W., which are upon the "Half-Breed Tract," was taken up and read the first and second times.

Senator Hollman moved that the eleventh rule be suspended and that the bill be read a third time now.

The motion prevailed.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, and Woolson—41.

The nays were, none.

Absent but not excused, Senators Brayton, Bridges, Moore, and Powers.

So the bill passed and the title was agreed to.

Senator Leake obtained leave to submit the following report:

*To the Senate of Iowa*:—The Judiciary Committee to which was referred Senate File No. 137, and the substitute therefor, has had the same under consideration, and has directed me to report a substitute therefor and recommend the passage of the substitute.

J. B. LEAKE, Chairman.

On motion of Senator Leake, the substitute was read a first and second time, and made a special order for to-morrow at 10 o'clock A. M.

Senator Cutts obtained leave to submit the following report:

The special Committee to whom was referred substitute for Senate File Nos. 51 and 61, A bill for an act for the sale of lands for taxes to the highest bidder and to limit the time of tax liens, have had the same under consideration and direct me to recommend that the same be amended by striking out Section three and inserting the accompanying as a substitute therefor, and as amended the Committee recommend that the bill do pass.

M. E. CUTTS, for the Committee.

On motion of Senator Bassett, the bill was taken up and the report was adopted.

Senator Bassett moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Patterson, Powers, Richards, Robertson, Sampson, Smith, Udell, Warren, Wharton—35.

The nays were Senators Bridges, Clarkson, Hillyer, Parvin, Reed, Ross, Stubbs—7.

Absent but not excused, Senators Clark and Henderson.

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

Senator Ross obtained leave to submit the following report :

The Judiciary Committee have had substitute for House File 295 under consideration, and a majority have instructed me to report the same without amendment and recommend its passage.

L. W. ROSS, for majority.

Ordered, that the report pass on file.

Senator Clarkson obtained leave to submit the following report :

The Committee on Agriculture, to whom was referred House File 223, upon the subject of mill-dams, have amended the same by striking out the words "and testimony" in the 14th and 15th lines of Sec. two, and inserting the words "being deemed of immediate importance" in the first line of the publication section.

And thus amended, the committee direct me to recommend its passage.

C. F. CLARKSON, Chairman.

Senator Warren from Committee on Federal Relations submitted the following report :

The Committee on Federal Relations, to whom was referred Joint Resolution respecting the introduction of foreign troops into Mexico, have had the same under consideration and have instructed me to report it back to the Senate, with the recommendation that it be indefinitely postponed.

WARREN, Chairman.

On motion of Senator Edwards the House messages on file were taken up.

Substitute for House File No. 240, A bill for an act to define the liabilities of railroad companies in the transportation of freight, was read the first and second times and referred to the Committee on Judiciary.

House File No. 239, A bill for an act allowing sheep to run at large, was read the first and second times and referred to the Committee on Agriculture.

House File No. 259, A bill for an act to provide for the collection and settlement of the notes and mortgages taken by J. D. Eads for money loaned by him out of the Permanent School Fund, was read the first and second times and referred to the Committee on Schools and School Lands.

House File No. 209, A bill for an act relating to Adjutant General's Report for January, 1867, was read the first and second times.

On motion of Senator Parvin Sec. 2 was amended by striking out in the 13th and 14th lines the words "at Cedar Falls and at Davenport."

Senator Bulis moved that the 11th rule be suspended, and that the bill be read a third time now.

The motion prevailed.

The question being, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton—41.

The nays were Senator Woolson—1.

Absent but not excused, Senators Clark, Henderson, and Hunt. So the bill passed, and the title was amended and agreed to.

House File No. 260, A bill for an act to amend Chapter 32 of the acts passed at the regular session of the Ninth General Assembly, and Chapter 156 of the acts of said session, amendatory thereof, was read the first and second times and referred to the Committee on Schools and School Lands.

House File No. 228, A bill for an act to amend Chapter 100 of the Revision of 1860, relative to the estate of decedents, was read the first and second times and referred to the Committee on Judiciary.

House File No. 267, A bill for the taxing of dogs, and for the protection of sheep and other domestic animals, was read the first and second times and referred to the Committee on Agriculture.

House File No. 218, A bill for an act to repeal Section 1760 of Revision of 1860, was read the first and second times and referred to the Committee on Incorporations.

House joint resolution relative to the distribution of the Adjutant General's Report to United States Examining Surgeons, was read the first and second times.

Senator Edwards moved that the 11th rule be suspended, and that the resolution be read a third time now.

Senator Hilsinger moved that the resolution be referred to the Committee on Military Affairs.

The motion did not prevail.

The motion to suspend the 11th rule and read the resolution now was agreed to.

On motion of Senator Woolson the vote just taken was reconsidered and the resolution was referred to the Committee on Military Affairs.

The following message was received from the House:

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

*Resolved by the General Assembly of the State of Iowa, That one copy of each volume of the Adjutant General's Reports be furnished to each United States Examining Surgeon in this State, and the Secretary of State is directed to carry this resolution into effect.*

I also herewith present for your signature the following bills,

which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Senate File No. 113, A bill for an act to legalize and make valid the acts of the County Treasurer of Jasper County, Iowa, in collecting the taxes on the tax list of said county for the year 1860.

Senate File No. 140, A bill for an act to amend Chapter 98 of the acts of the Tenth General Assembly entitled "An act providing for the formation of the Twelfth Judicial District and fixing the time for holding Courts in the Tenth and Eleventh Judicial Districts, and providing for the election of a District Judge and District Attorney in the Twelfth Judicial District.

Also, a memorial and joint resolution asking Congress for a grant of land to aid in the construction of a railroad from the northern terminus of the North Missouri Railroad, on the southern line of Iowa, to Cedar Rapids, Iowa.

CHAS. ALDRICH, Chief Clerk.

Senator Oliver moved that substitute for House File No. 215, A bill for an act providing for the completion of the geological survey of the State of Iowa, be taken up.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, McJunkin, McMillan, Oliver, Paulk, Powers, Reed, Robertson, Ross, Warren, and Wharton—29.

The nays were Senators Farwell, Hart, Lakin, Larimer, Leake, Marshman, Meyer, Moore, Parvin, Patterson, Sampson, Smith, Stubbs, and Woolson—14.

Absent but not excused, Senator Udell.

So the motion prevailed.

Senator Woolson moved that the bill be considered section by section.

The motion prevailed.

Senator Clarkson moved to amend Section 1 by striking out in the second line the word "completing" and inserting the word "continuing."

The amendment was not adopted.

Senator Farwell moved to amend Section 1 by striking out in the fifth line the word "two" and inserting the word "twelve."

Senator Hart moved that the bill be recommitted to the Committee on Ways and Means.

Upon this the yeas and nays were demanded, and

The yeas were Senators Hart and Larimer—2.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards,

Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, and Woolson—43.

So the motion did not prevail.

The question recurring upon the motion to amend Section 1, by striking out the word "two," and inserting "twelve," it was disagreed to.

Senator Clarkson moved to amend Section 1, by adding thereto the following:

"*Provided*, That the Geologist, until otherwise ordered by the General Assembly, shall confine his surveys and researches to the useful and practical departments, which will develop the true natural riches of the State, and invite hither emigration, leaving that which is only valuable to science to other days."

Upon this the yeas and nays were demanded, and

The yeas were Senators Cattell, Clarkson, Cutts, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Larimer, Leake, Marshman, McMillan, Moore, Parvin, Patterson, Powers, Robertson, Sampson, Stubbs, Woolson—22.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Clark, Crookham, Doud, Edwards, Hedges, Hollman, Knoll, Lakin, McJunkin, Meyer, Oliver, Paulk, Reed, Richards, Ross, Smith, Stiles, Udell, Warren, Wharton—24.

So the amendment was not adopted.

Senator Patterson moved to adjourn.

The motion did not prevail.

Senator Clarkson moved to amend Section 2, by adding thereto the following:

"All the specimens of minerals, fossils, rocks, soils, coals, ores, or other geological or mineral substances of any value or interest to either the practical or amateur geologist: and any drawings or sketches of the same, obtained or made by said State Geologist, as well as the copyrights of the reports, and all books printed therefrom, shall belong to the State, and no specimen, copy, draft, or part of the same, shall be given away or sold, or permitted to be carried away contrary to the provisions of this act.

And the State Geologist or any of his assistants or employees, or any other persons who shall violate any provisions of this Section, shall be deemed guilty of a misdemeanor.

Pending which, On motion of Senator Parvin, the Senate adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

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

The question recurring upon the amendment which was under consideration at the hour of adjournment,

The yeas and nays were demanded, and

The yeas were Senators Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hilsinger, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Parvin, Patterson, Powers, Sampson, Smith, Stubbs, Udell, Woolson—22.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Edwards, Hedges, Hillyer, Hollman, Knoll, McJunkin, Meyer, Moore, Oliver, Paulk, Reed, Robertson, Ross, Warren, Wharton—20.

Absent, but not excused, Senators Brayton, and Henderson.

Senator Farwell moved to further amend Sec. 2 by striking out, in the first line, the words, "The State Geologist shall be authorized to," and inserting the words, "the Legislature shall."

The amendment was not adopted.

Senator Clarkson moved to amend Sec. 4 by inserting in the seventh line, after the words "General Assembly," the following words, viz: "The State Geologist shall, so far as practicable, use such words in his reports as are in common use, and that he shall accompany each volume of his reports with a glossary."

The amendment was adopted.

Senator Farwell moved to amend Sec. 5 by striking out in the eighth line, the words "State University," and inserting the words "State Agricultural College."

The amendment was not adopted.

Senator Robertson moved to amend Sec. 5 by adding thereto the following words: "and the Medical College at Keokuk."

The amendment was adopted.

Senator Farwell moved to amend Sec. 6 by striking out in the tenth line, the words "two thousand," and inserting "eighteen hundred."

Upon this the yeas and nays were demanded, and

The yeas were Senators Cutts, Farwell, Hart, Hilsinger, Hunt, Larimer, Leake, McMillan, Moore, Parvin, Paulk, Patterson, Powers, Sampson, Smith—15.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Hedges, Henderson, Hillyer, Hollman, King, Knoll, Lakin, McJunkin, Meyer, Oliver, Reed, Robertson, Ross, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—29.

Absent, but not excused, Senator Marshman.

So the amendment was not adopted.

Senator Oliver moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Hedges, Henderson, Hill-

yer, Hollman, Hunt, King, Knoll, Marshman, McJunkin, McMillan, Oliver, Paulk, Powers, Reed, Robertson, Ross, Stiles, Warren, Wharton—28.

The nays were Senators Bridges, Cutts, Farwell, Hart, Hilsinger, Lakin, Larimer, Leake, Meyer, Moore, Parvin, Patterson, Sampson, Smith, Stubbs, Udell, Woolson—17.

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

Senator Edwards moved that the vote last taken be reconsidered, and also moved that the motion to reconsider be laid on the table, which latter motion was agreed to.

#### BILLS ON SECOND READING.

Senate File No. 92, "A bill for an act to amend Chapter 208 of the Revision of 1860," with report of committee recommending that the bill be indefinitely postponed, was taken up, and the report was concurred in.

Senate File No. 111, "A bill for an act relating to the Keokuk and Des Moines Valley Plank Road, in the county of Lee," with report of committee recommending that the bill be indefinitely postponed, was taken up, and the report was concurred in.

Senate File No. 115, "A bill for an act to amend Sec. 2564 of the Revision of 1860, relating to foreign guardians," with report of committee recommending an amendment, was taken up, and the report was concurred in.

On motion of Senator Woolson, the bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—43.

The nays were none.

Absent, but not excused, Senator Hedges.

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

Senate File No. 116, A bill for an act to amend Section 2460, of the Revision of 1860, with report of Committee recommending that the bill be indefinitely postponed, was taken up and the report was adopted.

Senator Warren called up Senate File No. 220, A bill for an act authorizing J. N. Dewey, to settle claims of the State against the United States and providing for his compensation.

Senator Udell moved that Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government, be taken up and read.

The motion prevailed.

Senator Moore moved to amend Section 3, by striking out in the first line the word "five" and inserting "four."

Upon which the yeas and nays were demanded.

The yeas were Senators Crookham, Cutts, Farwell, Hedges, Hilsinger, Hollman, King, Knoll, Lakin, McMillan, Moore, Parvin, Paulk, Robertson, Sampson, Smith, Stubbs, Wharton—18.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Doud, Hart, Henderson, Hillyer, Hunt, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Patterson, Powers, Reed, Ross, Udell, Warren, Woolson—25.

Absent but not excused, Senator Edwards.

So the amendment was not adopted.

Senator Warren moved to amend Section 3, by striking out in the fourth line the word "twenty" and inserting the word "eighty."

The amendment was adopted.

Senator Hart moved that the bill be read a third time.

The motion prevailed.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—41.

The nays were Senator Paulk—1.

Absent but not excused, Senators Edwards and Lakin.

So the bill passed and the title was agreed to.

The following message was received from the House:

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

Substitute for House File No. 243, A bill for an act to accept the grant of land to the State of Iowa, made by an act of Congress of July 12, 1864, and to carry out the provisions of said act of Congress, approved July 12, A. D. 1864, entitled an act for a grant of land to the State of Iowa, in alternate sections to aid in the construction of a railroad in said State.

CHAS. ALDRICH, Chief Clerk.

Senator Paulk called up Senate File No. 121, A bill for an act to amend Chapter 117, of the acts of the Tenth General Assembly of the State of Iowa, with report of Committee recommending the adoption of a substitute.

Senator Woolson moved to amend Section 2, by striking out in the last line the words "to the Agricultural College."

The amendment was agreed to, and the substitute as amended was adopted.

On motion of Senator Clarkson, the 11th rule was suspended and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clarkson, Crookham, Cutts, Doud, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Paulk, Patterson, Powers, Reed, Ross, Sampson, Smith, Stubbs, Warren, Wharton, Woolson—33.

The nays were Senators Bulis, Farwell, Larimer, Meyer, Parvin, Robertson, Udell—7.

Absent but not excused, Senators Hunt and Lakin.

So the bill passed and the title was agreed to.

On motion of Senator Bulis, leave of absence was granted to Senator Edwards.

Senator Henderson called up House File No. 140, A bill for an act to credit the county of Story with certain sums of money, with report of Committee recommending an amendment, and the report was adopted.

Senator Henderson moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Oliver, Paulk, Patterson, Powers, Reed, Robertson, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—39.

The nays were Senator Parvin—1.

Absent but not excused, Senators Hunt, Moore and Ross.

So the bill passed and the title was agreed to.

Senator Robertson obtained leave to present the claim of Wm. Baker for \$160.00, for postage, while at Washington, D. C., which was referred to the Committee on Claims.

Senator Warren moved that Senator Bulis be added to the Committee on Enrolled Bills.

Senator Paulk moved to amend by striking out the name of "Senator Bulis," and inserting the name of "Senator Warren."

The amendment was adopted.

Senator Knoll moved to adjourn.

The motion was disagreed to.

The question recurring upon the motion to add Senator Warren to the Committee on Enrolled Bills, the yeas and nays were demanded, and

The yeas were Senators Bulis, Crookham, Farwell, Hart, Hedges, King, Larimer, Leake, McMillan, Oliver, Reed, Smith, Wharton—13.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Cutts, Doud, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Marshman, McJunkin,

Meyer, Moore, - Parvin, Paulk, Pitterson, Powers, Robertson, Sampson, Stubbs, Udell, Warren, and Woolson—30.

Absent but not excused, Senator Ross.

So the motion did not prevail.

Senator Lakin submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, the following bills, to-wit:

Senate File Nos. 113 and 140.

Also, a Joint Resolution asking Congress for a grant of land to aid in the construction of a railroad from the northern terminus of the North Missouri Railroad on the southern line of Iowa, to Cedar Rapids, Iowa.

W. B. LAKIN, Chairman.

Senator Clark offered the following resolution:

*Resolved*, That hereafter speeches be confined to fifteen minutes each, without the unanimous consent of the Senate.

Senator Paulk moved that the resolution be referred to the Committee on Ways and Means, pending which,

Senator Larimer moved that the Senate do now adjourn.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Cattell, Cutts, Doud, Henderson, Hilsinger, Hollman, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Sampson, Smith, Stubbs, Udell, Warren, Wharton, Woolson—28.

The nays were Senators Bridges, Bulis, Clark, Clarkson, Crookham, Farwell, Hart, Hedges, Hillyer, Hunt, King, Larimer, Meyer, Patterson—14.

Absent but not excused Senator Ross.

So the motion prevailed and the Senate adjourned.

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SENATE CHAMBER, DES MOINES, {  
March 27, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Vernon.

On motion of Senator Parvin leave of absence was granted to Senators McMillan and Moore.

Senator Richards was also granted leave of absence.

Senator Udell from the Committee on Ways and Means obtained leave to submit the following report:

The Committee of Ways and Means have instructed me to report

the accompanying bill making general appropriations for the next two years and recommend its passage.

UDELL, Chairman.

The bill, Senate File No. 223, was read the first and second times.

Senator Hilsinger moved that the bill be considered section by section.

The motion prevailed.

On motion of Senator Cattell the Senate went into Committee of the Whole on the consideration of the bill, and after some time spent therein, the President resumed the Chair and Senator Henderson reported as follows :

MR. PRESIDENT :—The Committee of the Whole have had under consideration Senate File No. 223, A bill, &c., and have adopted sundry amendments, as follows :

1. Strike out of Section 3 the words : “and for a deficiency in the appropriation for 1865 the sum of two hundred and fifty dollars.”

2. Strike out same words substantially in Sections 5, 6, and 7.

3. Strike out the word “twenty,” and insert, in lieu thereof, the word “fifteen” in Section 19 ; thus making the appropriation fifteen thousand dollars in said section.

4. Strike out the words “three thousand four hundred and seventy,” and insert, in lieu thereof, the words “two thousand nine hundred and twenty,” in Section 20.

5. Strike out all of Section 29.

The Committee has directed me to report the said bill to the Senate with said amendments, and recommend the passage of the same, as amended.

On motion the first amendment was not adopted.

The amendment to Section 5 was not adopted.

Senator Cattell moved that the amendments to Sections 6 and 7 be not concurred in.

The motion prevailed.

Senator Cattell moved that the fourth amendment be not concurred in.

The motion prevailed.

The third amendment was then adopted.

Senator Paulk moved to reconsider the vote by which the Senate refused to concur in the amendments to Sections 6 and 7 ; also the fourth amendment.

The motion did not prevail.

The fifth amendment was then adopted.

Senator Hilsinger moved to amend Section 10 by striking out the words “thirty-seven thousand and two hundred dollars” and inserting the words “thirty-six thousand and seven hundred dollars.”

The amendment was not adopted.

Senator Parvin moved to amend Section 8 by striking out in the fifth, sixth and seventh lines the words "and to pay the deficiency of last appropriation the sum of six hundred and sixty dollars and sixty-seven cents."

Upon this the yeas and nays were demanded, and

The yeas were Senators Farwell, Hedges, Hillyer, Hollman, Hunt, Knoll, Meyer, Parvin, Paulk, and Robertson—10.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Henderson, Hilsinger, King, Lakin, Larimer, Leake, Marshman, McJunkin, Oliver, Patterson, Powers, Reed, Sampson, Shippen, Smith, Stubbs, Udell, Warren, and Wharton—31.

Absent but not excused, Senators Ross and Woolson.

So the amendment was not adopted.

On motion of Senator Udell the 11th rule was suspended and the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Woolson—42.

The nays were Senator Paulk—1.

So the bill passed and the title was agreed to.

The following message was received from the House:

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

House File No. 249, A bill for an act making appropriation to complete and repair the buildings of the State University.

Substitute for House File No. 144, A bill for an act providing for the erection of a building for Adjutant General's and Quartermaster General's office and for an Arsenal.

House File No. 125, A bill for an act making further appropriation for the Asylum for the blind.

I also return the following Senate File, the same having passed the House without amendment.

Senate File No. 134, A bill for an act to amend Section 6 of Chapter 129 of the acts of the 10th General Assembly.

I am also directed to inform your Honorable Body that the House has passed the following resolution in which the concurrence of the Senate is respectfully asked.

*Resolved by the House of Representatives, the Senate concurring,* That the Secretary of State be instructed to retain a sufficient amount of the postage allowed to the members of this General Assembly to pay to the Postmaster at Des Moines for amount due on newspapers subscribed for and received by the said members.

I also return the following Senate Files, the same having passed the House without amendment:

Senate File No. 214, A bill for an act to legalize the election and acts of the independent district of Clinton City.

Senate File No. 215, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa county, Iowa, to form an independent school district, and the official acts of the officers of said district.

I am also directed to inform the Senate that the House has passed a Joint Resolution appointing Trustees of the Hospital for the Insane, which is herewith transmitted and in which the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

Joint Resolution appointing Trustees of the Hospital for the Insane.

*Be it resolved by the General Assembly of the State of Iowa, That* Maturin L. Fisher, of Clayton county, John R. Needham of Mahaska county, and Benjamin Crabb, of Washington county, be and the same are hereby appointed Trustees of the Hospital for the Insane, for the full term, from July 4th, 1866.

*Resolved;* That A. W. McClure, of Henry county, be and he is hereby appointed Trustee of the Hospital for the Insane, until July 4th, 1870, to fill a vacancy.

*Resolved,* That John R. Needham, of Mahaska county, be and he is hereby appointed Trustee of the Hospital for the Insane, until July 4th, 1866, to fill a vacancy.

Senator Hilsinger, from Special Committee, obtained leave to submit the following report:

The Special Committee, to whom was referred substitute for House File No. 127, A bill for an act to amend an act to change and fix the time of holding court in the Seventh Judicial District, have had the same under consideration, and they have instructed me to report the same back to the Senate without amendment and recommend its passage.

J. HILSINGER, for the Committee.

Senator Hilsinger moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Shippen, Smith, Stubbs, Warren, Wharton, Woolson—41.

The nays were none.

Absent, but not excused, Senators Sampson and Udell.

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

Senator Henderson moved that the Senate do now adjourn, which motion was disagreed to.

Senator Patterson, from Committee on Township and County Organizations, submitted the following report :

Your Committee on Township and County Organizations, to whom was referred Senate File No. 103, A bill for an act to regulate the assessment and collection of taxes, directs me to report the same back, with the following amendment, to-wit: Strike out Sec. 5; and so amended, recommend the passage of the bill.

Also, Senate File No. 51, A bill for an act to provide for the collection of taxes in each township at stated times, by Deputy County Treasurers, and direct me to report the same back and recommend its indefinite postponement.

Also, a petition for an independent school district in Davis county.

The committee are of opinion that the prayer cannot be granted, as it would require special legislation prohibited by the Constitution.

J. G. PATTERSON, Chairman.

Senator Paulk, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined the following bills, and find the same correctly enrolled:

Senate File 142, "A bill for an act fixing the salaries of certain State officers."

Senate File 112, "A bill for an act relating to accounts in the offices of Auditor of State and Treasurer of State."

LAKIN, }  
PAULK, } Com.

Senator Ross, from the Committee on Public Lands, obtained leave to submit the following report:

The Committee on Public Lands have had under consideration House File No. 272, "A bill for an act to legalize the acts of the Board of Supervisors of Harrison county, in conveying swamp lands to soldiers as bounties," and have instructed me to report the following as substitute therefor, and to recommend its passage.

L. W. ROSS, Chairman.

Senator Ross moved that the bill be considered now.

The motion prevailed and the bill was taken up, and the substitute was adopted.

On motion of Senator Ross, the 11th Rule was suspended and the bill was read a third time.

The question being, "Shall the bill pass?"

The yeas were Senators Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Smith, Warren—31.

The nays were Senators Bassett, Clarkson, Doud, King, Paulk, Shippen, Stubbs, Udell, Wharton, Woolson—10.

Absent, but not excused, Senators Bridges and Lakin.

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

Senator Meyer, from the Committee on Military Affairs, obtained leave to submit the following report:

MR. PRESIDENT:—The Committee on Military Affairs have had under consideration the resolution pertaining to the distribution of the Adjutant-General's Report to the Examining Surgeons of the State.

The Committee recommend that the resolution be amended by adding thereto, "Provided it will not require a reprint," and, thus amended, they recommend that the resolution do pass.

JOHN MEYER, for the Committee.

Senator Meyer moved that the report be considered now.

The motion prevailed, and the report was adopted.

On motion of Senator Hart the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened at 2 o'clock P. M.

The President in the chair.

Senator Warren moved that the House messages be taken up.

The motion prevailed.

Joint resolution appointing Trustees for the Hospital of the Insane, was read the first and second times.

Senator Woolson moved that the resolution be considered now.

The motion prevailed.

Senator Doud moved to amend by striking out the words "Benjamin Crabb, of Washington" and inserting "A. H. McCrary, of Van Buren."

Senator Woolson moved to amend the amendment by striking out the words "A. H. McCrary, of Van Buren," and inserting "Joseph H. Merrill, of Wapello," which amendment was disagreed to.

The question being upon the amendment to strike out the words "Benjamin Crabb, of Washington," and insert the words "A. H. McCrary, of Van Buren," the yeas and nays were demanded, and

The yeas were Senators Brayton, Clark, Clarkson, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, Marshman, Meyer, Paulk, Powers, Reed, Ross, Warren, Woolson—23.

The nays were Senators Bassett, Bulis, Cattell, Crookham, Cutts, Hilsinger, Hillyer, King, Oliver, Parvin, Robertson, Sampson, Shippen, Smith, Wharton—15.

Absent, but not excused, Senators McJunkin, and Stubbs.

So the amendment was adopted.

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

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton, Woolson—40.

The nays were, none.

Absent but not excused, Senator Patterson.

So the resolution passed.

The following message was received from the House :

MR. PRESIDENT:—I herewith return the following bill, which has passed the House without amendment.

Senate File No. 107, A bill for an act providing for the election of a Reporter of the decisions of the Supreme Court.

I also return the following bill :

Senate File No. 106, A bill for an act providing for the election of a Clerk of the Supreme Court which has passed the House with the following amendment, in which the concurrence of the Senate is respectfully asked. Strike out "two" in the seventh line and insert "four."

CHAS. ALDRICH, Chief Clerk.

House concurrent resolution of instruction to the Secretary of State to retain a sufficient amount of postage to pay to the Postmaster at Des Moines, for newspapers of members, was read.

Senator Bulis moved that the resolution be laid on the table.

Upon which the yeas and nays were demanded, and

The yeas were Senators Brayton, Bulis, Doud, Hart, Hedges, Hillyer, Hollman, Knoll, Lakin, Larimer, McJunkin, Meyer, Reed, Warren, Wharton, Woolson—16.

The nays were Senators Bassett, Cattell, Clark, Clarkson, Crookham, Cutts, Edwards, Farwell, Hilsinger, Hunt, King, Leake, Marshman, Oliver, Parvin, Paulk, Powers, Robertson, Ross, Sampson, Shippen, Smith, Stubbs—23.

Absent but not excused, Senators Henderson and Patterson.

So the motion did not prevail.

Senator Clarkson moved to amend the resolution by striking out all after the word "retain" and inserting the words "from each member the amount of postage chargeable to such member for papers received by him through the Post-office.

On motion of Senator Paulk the resolution was referred to the Committee on Ways and Means.

On motion of Senator Cattell leave of absence was granted to Senator Udell.

Senate File No. 106, A bill for an act providing for the election of a Clerk of the Supreme Court, with House amendments, was taken up.

The question being "Shall the Senate concur in the House amendments?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Marshman, McJunkin, Meyer, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Warren—31.

The nays were Senators Edwards, Larimer, Oliver, Smith, Wharton, Woolson—6.

Absent, but not excused, Senators Henderson, Hollman, Leake, and Patterson.

So the amendments were concurred in.

House File No. 125, A bill for an act making further appropriation for the Asylum for the Blind, was taken up and read a first and second time.

Senator Woolson moved to amend Section 1 by adding thereto the words "for the blind."

The amendment was adopted.

Senator Wharton moved to strike out, in the publication clause, the words "Iowa Statesman" and add, in lieu thereof, the words "Vinton Eagle."

The amendment was adopted.

Senator Woolson moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McJunkin, Meyer, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton, Woolson—39.

The nays were none.

Absent, but not excused, Senators Marshman and Patterson.

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

Substitute for House File No. 125, A bill for an act to accept a grant of land to the State of Iowa, by act of Congress of July 12, 1864, was read the first and second times.

Senator Lakin moved that the bill be referred to the special committee on McGregor Western Railroad.

Senator Woolson moved that the bill be referred to the Committee on Judiciary, which was agreed to.

Substitute for House File No. 144, A bill for an act providing for the erection of a building for Adjutant-General's and Quartermaster-General's office, and for an Arsenal, was read the first and second times, and referred to the Committee on Public Buildings.

House File No. 249, A bill for an act making an appropriation to complete and repair the buildings of the State University, was read the first and second times, and referred to the Committee on State University.

The Joint Resolution relative to distribution of Adjutant General's Report, which was under consideration at the hour of adjournment, was further considered.

Senator Bulis moved to amend by adding thereto the following: "Provided further, that in distributing said Reports, preference shall be given to those Surgeons who are not already supplied by law."

The amendment was adopted.

Senator Wharton moved that the resolution be read a third time now.

The motion prevailed.

The question being "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Leake, McJunkin, Meyer, Oliver, Patterson, Powers, Reed, Richards, Ross, Sampson, Shippen, Smith, Wharton, Woolson--29.

The nays were Senators Edwards, Farwell, Hart, Henderson, Hollman, Larimer, Parvin, Paulk, Robertson, Stubbs--10.

Absent but not excused, Senators Hedges, Marshman and Warner.

So the resolution passed.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government with the following amendments in which the concurrence of the Senate is respectfully asked:

Strike out the words "as well as" in first and third Sections and insert "also." Strike out of Section 3, the words "for not exceeding 180 days."

Add the following as a new Section:

SEC. 6. The Adjutant-General is hereby required to furnish the Commissioner with any information, also copies of any papers in his office that in the opinion of said Commissioner will facilitate said settlement. The Governor and Auditor of State shall deliver to said Commissioner all vouchers and papers relating to said claims. *Provided*, That the said Commissioner shall receipt for said vouchers.

I also present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 112, A bill for an act relating to accounts in the offices of Auditor and Treasurer of State.

Senate File No. 142, A bill for an act fixing the salaries of certain State officers.

CHAS. ALDRICH, Chief Clerk.

Senator Hillyer obtained leave to call up Senate File No. 94, A bill for an act for the relief of Taylor county and to provide for the payment of the expenses accruing in the State case of *Iowa vs Joseph Brice and John Crans*, with report of Committee recommending an amendment, and the report was concurred in.

On motion the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Marshman, McJunkin, Oliver, Reed, Richards, Ross, Sampson, Shippen, Stubbs, Warren, Woolson—28.

The nays were Senators Clarkson, Cutts, Henderson, Lakin, Larimer, Leake, Meyer, Parvin, Paulk, Powers, Robertson Smith, Wharton—13.

Senator Woolson raised a point of order that the bill requires a two-thirds vote in order to pass it.

The President decided the point of order well taken.

Senator Hilsinger appealed from the decision of the Chair.

The question being "Shall the decision of the Chair stand as the decision of the Senate?" the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Henderson, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, Meyer, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Sampson, Shippen, Smith, Stubbs, Warren, Wharton, and Woolson—33.

The nays were Senators Bulis, Cattell, Clark, Farwell, Hedges, Hilsinger, Hillyer, McJunkin, and Ross—9.

So the decision of the Chair stood as the decision of the Senate.

The bill, having failed to receive the requisite two-thirds vote, was lost.

The following message was received from the House :

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

House File No. 213, A bill for an act to ascertain the citizens entitled to the right of suffrage and to prevent fraudulent voting.

I also return herewith the following bill, which has passed the House without amendment :

Senate File No. 218, A bill for an act to amend an act entitled "An act to incorporate the Board of Trustees of the Congregational Church and Society of Burlington, approved February 12th, 1844."

CHAS. ALDRICH, Chief Clerk.

Senator McJunkin moved to reconsider the vote by which the

joint resolution appointing Trustees for the Insane Asylum was passed.

The motion did not prevail.

On motion of Senator Edwards, Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government, with House amendments thereto, was taken up.

Senator Cattell moved that the amendments be concurred in.

Senator Woolson moved to amend as follows: that the Senate concur in all the amendments, except that striking out in Section 3 the words "for not exceeding one hundred and eighty days."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Parvin, Paulk, Powers, Richards, Robertson, Sampson, Shippen, Smith, Stubbs, Warren, Wharton, and Woolson—38.

The nays were Senators Farwell and Paulk—2.

Absent but not excused, Senators Hunt, Reed, and Ross.

So the motion prevailed.

Senator Woolson moved that the Senate do not concur in the House amendment to Sec. 3, striking out the words "for not exceeding one hundred and eighty days."

Senator Hilsinger moved to amend as follows, "that the Senate do concur."

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Cutts, Henderson, Hilsinger, Hillyer, King, Lakin, Patterson, Robertson, Warren, Wharton—16.

The nays were Senators Bassett, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Parvin, Paulk, Powers, Reed, Richards, Ross, Sampson, Shippen, Smith, Stubbs, Woolson—27.

So the Senate refused to concur.

Senator Woolson, from the Committee on Charitable Institutions, obtained leave to submit the following report:

The Committee on Charitable Institutions beg leave to report,

1st. A bill for an act to amend Article 2 of Chap. 59 of the Revision of 1860, relating to the appointment of Steward of the Hospital for the Insane, and recommend it be passed.

2d. In pursuance of the prayer of various petitions referred to the committee, they report a bill embodying the substance of the suggestions, to-wit: A bill for an act providing for the appointment of Inspectors of Penitentiary, and prescribing their duties—and recommend it be passed.

T. W. WOOLSON, for Committee.

Senate File No. 224, A bill for an act to amend Article 2 of Chapter 59 of the Revision of 1860, relating to the appointment of Steward of the Hospital for the Insane, was read the first and second times, and on motion of Senator Woolson the 11th rule was suspended and the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, Knoll, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Patterson, Powers, Reed, Richards, Robertson, Shippen, Smith, Stubbs, Warren, Wharton, Woolson—34.

The nays were Senator Paulk—1.

Absent but not excused, Senators Hillyer, Hunt, King, Lakin, Ross, and Sampson.

So the bill passed and the title was agreed to.

Senate File No. 225, A bill for an act providing for the appointment of Inspectors of the Penitentiary, and prescribing their duties, was read the first and second times, and passed on file.

The following message was received from the House:

MR. PRESIDENT:—I herewith return the following bills, which have passed the House without amendment:

Senate File No. 121, A bill for an act authorizing and regulating the sale and care of lands belonging to the Iowa State Agricultural College.

Senate File No. 145, A bill for an act donating Laws, Legislative Journals, Reports and Documents of the State of Iowa, to the Library of Congress.

Senate File No. 222, A bill for an act to legalize the records of certain deeds and conveyances in Lee county, and to provide for recording at Fort Madison of all such instruments affecting lands in those parts of T. 67, N. R. 4 W., and the E.  $\frac{1}{2}$  of T. 67, N. R. 5 W., which are upon the Half-breed tract.

I am also directed to inform the Senate that the House has concurred in the Senate amendments to House Files Nos. 209, 140, and 215.

CHAS. ALDRICH, Chief Clerk.

Senator Leake obtained leave to call up Senate File No. 137, A bill for an act to provide for the taxation of the currency of National Banks, with report of committee recommending the adoption of a substitute.

Senator Crookham moved to amend Sec. 2 by inserting in the third line, after the word "association," the words, "at their cash value, deducting the liabilities of said association from the value of the shares, and."

The amendment was not adopted.

Senator Woolson moved to amend Sec. 1 by inserting in the 10th line, after the word "corporation," the following words, viz: "de-

ducting from each share the proportion of the capital stock of such bank invested in real estate (which is otherwise taxed) which such share bears to the whole capital."

Senator Leake moved that further consideration of the bill be postponed until to-morrow morning at 10 o'clock, and that it be made a special order for that hour.

The motion prevailed.

Senator Parvin moved that the vote be reconsidered by which Senate File No. 94, "A bill for an act for the relief of Taylor county, and to provide for the payment of the expenses accruing in the State case of Iowa vs. Joseph Brice and John Crans," was lost.

Senator Cutts, from Committee on Incorporations, obtained leave to submit the following report:

The Committee on Incorporations, to whom was referred the bills herein named, beg leave to report that they have had under consideration,

House File No. 218, A bill for an act to repeal Section 1760, of of revision of 1860, and recommend its passage.

Also House File No. 231, A bill for an act to authorize incorporated cities, towns and villages, to discontinue their corporations, and recommed its passage.

M. E. CUTTS, Chairman.

Ordered that the report pass on file.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills, report that they have presented to the Governor, for his approval, the following bills, to wit:

Senate File No. 142, A bill for an act fixing the salaries of certain State officers.

Senate File No. 112, A bill for an act relating to accounts in the offices of Auditor of State, and Treasurer of State.

W. B. LAKIN.

CHAS. PAULK.

On motion of Senator Edwards, House File No. 213, A bill for an act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting, was taken up.

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

On motion of Senator Hunt, the Senate then adjourned

SENATE CHAMBER, DES MOINES, }  
 March 28, 1866. }

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Nash.

The journal of yesterday was read and approved.

On motion of Senator Hart, substitute for House File No. 96, A bill for an act to amend Sections 710 and 312, of the Revision of 1860, with report of Committee recommending that the bill do not pass, was taken up.

Senator Bassett moved to amend Section 2, by adding thereto the following words, viz: "Provided that the provisions of this act shall not apply to Counties having less than five hundred inhabitants."

Senator Woolson moved to amend the amendment by striking out the words "five hundred" and inserting the words "one thousand," which was disagreed to.

The question recurring upon the amendment offered by Senator Bassett the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Catell, Crookham, Doud, Edwards, Henderson, Hilsinger, Hillyer, Hollman, Knoll, Lakin, McMillan, Paulk, Patterson, Richards, Ross, Sampson, Smith, Woolson—20.

The nays were Senators Brayton, Bulis, Clarkson, Cutts, Farwell, Hart, Hedges, Hunt, King, Larimer, Leake, Marshman, McJunkin, Meyer, Oliver, Parvin, Powers, Reed, Robertson, Shippen, Stubbs, Warren, Wharton—23.

Absent, but not excused, Senator Clark.

So the amendment was not adopted.

On motion of Senator Hart, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Brayton, Bulis, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Udell, Warren, and Wharton—35.

The nays were Senators Bassett, Bridges, Cattell, Crookham, Hilsinger, King, Lakin, Richards, and Woolson—9.

Absent but not excused, Senator Stubbs.

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

On motion of Senator McMillan, House File No. 123, A bill for an act to amend Section 1 of Chapter 25 of the laws of the Extra Session of the Ninth General Assembly, with report of Committee recommending that the bill do pass, was taken up and considered.

Senator McMillan moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Woolson—41.

The nays were, none.

Absent but not excused, Senators Cattell, Clark, and Oliver.

So the bill passed and the title was agreed to.

On motion of Senator Hunt, House File No. 222, A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860, with report of Committee recommending the passage of a substitute, was taken up.

Senator Patterson moved that the substitute be adopted.

Senator Hilsinger moved to amend by adding thereto the following:

"Provided that such press, fixtures and material shall not be exempt from an execution issued upon a judgment rendered for the purchase money of the same."

The amendment was not adopted.

The question recurring upon the motion to adopt the substitute, it was agreed to.

Senator Leake moved that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—42.

The nays were none.

Absent but not excused, Senators Henderson, Oliver, and Woolson.

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

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined, and find correctly enrolled, the following bills, to-wit:

Senate File No. 216, bill for an act to provide for the payment of the bonds of the State of Iowa, maturing January 1, 1868, and to issue State bonds to the Permanent School Fund.

Senate File No. 215, A bill for an act to legalize the election held by the legal voters of the town of Morning Sun, Louisa

county, Iowa, to form an independent school district, and the official acts of the officers of said district.

Senate File No. 214, A bill for an act to legalize the elections and acts of the independent school district of Clinton City.

Senate File No. 134, A bill for an act to amend Section 6 of Chapter 129 of the acts of the Tenth General Assembly.

Senate File No. 118, A bill for an act providing for the adjustment of certain land claims with the General Government.

W. B. LAKIN, Chairman ;  
CHAS. PAULK.

The following message was received from the House :

MR. PRESIDENT:—I herewith return Senate File No. 223, A bill for an act making appropriation for the payment of State and Judicial officers, interest on State bonds and loans, and for other purposes, with the following amendments, in which the concurrence of the Senate is respectfully asked.

Amend Section 12 by adding thereto the following: "For the payment of the Assistant Adjutant General, five hundred dollars, or so much thereof as may be necessary."

Amend Section 26 by striking out the words "four hundred and twenty" and inserting in lieu thereof the words "two hundred and ten."

CHAS. ALDRICH, Chief Clerk.

Senator Ross, from the Committee on State University, obtained leave to submit the following report :

MR. PRESIDENT:—The Committee on State University, to whom was referred House File No. 249, A bill for an act making an appropriation to complete and repair the buildings of the State University, have had the same under consideration, and have instructed me to report the same and recommend its passage.

L. W. ROSS, for Committee.

On motion of Senator Wharton, Senate File No. 138, "A bill for an act to amend Chapter 49, of the acts of the Ninth General Assembly, relating to County Seats, was taken up.

Senator Bridges moved that the bill be indefinitely postponed.

The motion prevailed.

Senator Stiles, from the Special Committee on investigation of the alleged diversion of the Swamp Land "Indemnity Fund," obtained leave to submit the following report :

*To the Senate and House of Representatives of the Eleventh General Assembly of the State of Iowa :*

The undersigned, members of the Legislative Committee appointed under the following Joint Resolution of the 11th General Assembly, viz :

"Resolved, In accordance with the recommendation of the Governor of the State, that a Committee of five on the part of the House, with such as the Senate may join, be appointed to investigate the alleged diversion of the Swamp Land Indemnity Funds,

and that said Committee have power to send for persons and papers," beg leave to submit the following report, together with the evidence taken before them, and which they attach to, and make a part thereof:

In view of the length of time intervening between the appointment of the Committee and the making of this report, as well as the voluminousness of the testimony, some of which may appear unnecessarily cumulative and irrelevant, it is perhaps but proper and just to the Committee that they should make this explanation. At the outset, the Committee, being in possession of but little definite information in regard to the real character of the transaction, the particular interests and persons involved or implicated, and the leading material outline of facts, were necessarily obliged to grope their way somewhat in the dark, and indefinitely. Different parties were claiming to be materially interested in the investigation, and soliciting, at the hands of the Committee, the admission of their Attorneys during its course, suggesting that by so doing the Committee could the better be put in possession of important facts that would greatly conduce to a more complete and thorough investigation than would otherwise be obtained. Under these circumstances, the Committee, after consultation, admitted Thomas F. Withrow, Esq., as the Attorney of the First National Bank of Des Moines, that had cashed some of the Swamp Land Warrants in controversy, upon the endorsements of Governor Stone's name, written by Mr. Orwig, and afterwards repudiated by the Governor; D. O. Finch, Esq., as the Attorney of the State National Bank, where some of these warrants had also been cashed upon Mr. Orwig's endorsement of the Governor's name; F. C. D. McKay, Esq., as the Attorney of the American Emigrant Company; General N. B. Baker, as Attorney for R. G. Orwig; and J. A. Harvey, as Attorney for W. H. Holmes; all of whom were permitted to cross-examine the different witnesses called by the Committee, and to suggest the introduction of other witnesses, who were also introduced and examined.

Add to this, that, owing to the fact of the testimony having to be printed, the Clerk of the Committee was generally so engaged during the evenings, in transcribing, reading proof, &c., as to render it impracticable for the Committee to hold evening sessions, and you have a character of circumstances under which a voluminous and wide ranged record of testimony, and delay in making report, were unavoidable.

The Committee find from the evidence before them that during the month of December, 1864, and the year 1865, there was awarded to the State of Iowa, under act of Congress of March 2, 1855, Swamp Land Indemnity warrants for thirty-two counties, enumerated in exhibit "A," to be found on page 3 of Appendix, amounting to the sum total of \$151,254.19.

All of these warrants, with the exception of those for the coun-

ties of Montgomery, Page, Adair, Adams, Audubon, and Monona, endorsed for the agents of the American Emigrant Company, and about which there is no trouble, were forwarded by the Treasury Department at Washington to the Governor of Iowa, enclosed in envelopes and directed to him through the mail at different times during the first part of the year 1865.

In this shape they were taken from the post office in Des Moines by Major Geo. J. North, Military Secretary of the Governor, who was charged with receiving and opening all the mail matter directed to the Executive, in the Governor's absence, and by him *all* delivered over to R. G. Orwig, Private Secretary of the Governor, as matters belonging to the civil instead of the military department, except those for the counties of Butler, Alamakee, and Clayton, which were delivered by Major North, directly over to the State Treasurer. See pages 7 and 179, of Appendix.

Of these warrants so received and delivered over to R. G. Orwig, all have been accounted for, and their proceeds paid over to the proper counties, their representatives or assignees, except those for the following named counties, viz:

COUNTY.	AM'T OF WARRANT.
Boone.....	\$ 1,869.33
Story.....	1,270.76
Washington.....	2,620.66
Jasper.....	4,204.39
Mahaska.....	195.10
Appanoose.....	2,475.44
Des Moines.....	501.68
Harrison.....	2,765.72
Dallas.....	1,300.00
Henry.....	607.09
Pottawattamie.....	10,250.85
Decatur.....	4,937.18
Bremer.....	8,450.01

Making a sum total of.....\$41,448.21

There is in the hands of the Treasurer belonging to Pottawatamie county, received by him of Orwig in the \$20,000 check (Appendix, page 42) and to be deducted from this.....\$ 7,453 38

Leaving the amount unaccounted for ..... 33,994 83

This is the exact amount of the deficit and the foregoing a correct list of the counties unaccounted for with the amounts belonging to each that compose it.

Having ascertained the exact amount of the deficit, let us now endeavor to ascertain where the unaccounted for funds or warrants have gone, into whose hands, and where the deficit is.

As the first step in and as the basis of the main inquiry as to where or in whose hands the deficit is, let us ascertain into *whose*

*hands* the money or drafts of the unaccounted for counties *came and last was.*

As before alluded to, we find that the warrants for twenty-three counties, including those unaccounted for, were in the first instance taken from the post-office by George J. North, Military Secretary, and by him turned over to R. G. Orwig, then Private Secretary, as belonging to his department of the civil business.

(See pages 5 and 7 of Appendix.)

In this wise we find that all of these unaccounted for drafts or warrants came into the hands of R. G. Orwig soon after their arrival by due course of mail, endorsed by his writing the name of the Governor on them, and most, if not all, of them by him cashed or deposited at the First National or State National Banks of Des Moines. That such are the facts is not disputed, but on the contrary seems to be conceded by Mr. Orwig and on all hands.

(See Appendix, pages 90 and 106.)

We have thus definitely ascertained that these unaccounted for warrants came into the hands of Mr. Orwig.

This being the case, the burden of proof is thrown upon him to properly and satisfactorily account for them, or their proceeds, by showing that he either paid them over to the Treasurer, to the counties to which they respectively belonged, or to some person or persons authorized to receive them.

We now proceed to inquire in what manner Mr. Orwig accounts for these missing warrants, that are traced into his hands.

He undertakes to account for them in the following manner:

*First.* By stating generally that of all the warrants received, he in every instance either delivered them to the Treasurer, Mr. Holmes, or else endorsed them, got them cashed at the bank and paid the proceeds over to him, not always taking the Treasurer's receipt.

*Second.* By taking the sum total of the 32 warrants received in 1865 and accounting for them as on pages 90, 91, 92, 93, 94 of Appendix and which we for convenient reference here embody as follows:

"From such data as I have, I know that 32 warrants of this character came here during the year 1865. Their sum total is \$151,344.11. I endorsed them all except three. Those for Montgomery, Page and Adair counties, I endorsed for B. F. Allen and James C. Savery, upon Mr. Allen's assurance that he would make the matter right if there should be anything wrong about it, and Mr. Savery's statement, that the Governor had told him to come to me with them. The amount of these three warrants is \$22,613.15 The Governor told me he had endorsed for Judge McKay, the warrants for Adams and Audubon counties, and for Mr. Allen, the warrants for Monona county; their sum total is \$6,004.98. I hold nine receipts, given me by the State Treasurer, amounting in the aggregate to \$78,731.23. (Receipts here shown.) Copies furnished as follows:

\$12,946.87.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, May 17th, 1865. }

Received of W. M. Stone, Governor of Iowa, twelve thousand nine hundred forty-six and 87-100 dollars Swamp Land Funds for the following counties, to-wit :

Johnson county,.....	\$9,818.09
Marion county,.....	287.60
Guthrie county,.....	2,841.18

[Signed]

WM. H. HOLMES, State Treas.  
C. P. HOLMES, Dept.STATE OF IOWA, TREASURER'S OFFICE, }  
DES MOINES, May 27th, 1865 }

Received of Gov. W. M. Stone, the sum of twenty thousand dollars on account of Swamp Land Funds.

[Signed]

W. H. HOLMES, Treas. State.

\$1,150.00.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, June 5, 1865. }

Received of W. M. Stone, Governor of Iowa, eleven hundred and fifty dollars Swamp Land Funds belonging to Tama county.

[Signed.]

WH. H. HOLMES, State Treas.  
C. P. HOLMES, Dept.

\$7,240.17.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, June 7, 1865. }

Received of W. M. Stone, Governor of Iowa, seven thousand two hundred forty-nine and 17-100 dollars Swamp Land Funds belonging to Polk county.

[Signed.]

WM. H. HOLMES, State Treasurer.  
By C. P. HOLMES, Deputy.

\$6,182.01.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, June 13, 1865. }

Received of W. M. Stone, Governor of Iowa, six thousand one hundred eighty-two and 1-100 dollars Swamp Land Funds belonging to Fremont county.

[Signed.]

WM. H. HOLMES, State Treas.  
C. P. HOLMES, Deputy.

\$21,630.14.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, July 10, 1865. }

Received of W. M. Stone, Governor of Iowa, Swamp Land Funds as follows, to-wit :

For Butler county.....	\$15,125.66
For Alamakee county.....	6,259.30
For Clayton county.....	245.18

---

\$21,630.14

[Signed]

WM. H. HOLMES, State Treas.  
C. P. HOLMES, Dept.

\$7,210.29.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, Aug. 10, 1865. }

Received of W. M. Stone, Governor of Iowa, Swamp Land fund as follows:

For Cedar county .....\$7,098.93  
For Clinton county..... 121.35

\$7,210.28

[Signed]

WM. H. HOLMES, State Treas.  
C. P. HOLMES, Dept.

\$2,312.75.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, Sept. 30, 1865. }

Received of Wm. M. Stone, Governor of Iowa, two thousand three hundred twelve and 75-100 dollars, Swamp Land Funds for Louisa county.

[Signed]

WM. H. HOLMES, State Treas.  
C. P. HOLMES, Dept.

\$50.00.

STATE TREASURER'S OFFICE, IOWA, }  
DES MOINES, Sept. 30, 1865. }

Received of W. M. Stone, Governor of Iowa, fifty dollars Swamp Land Funds for Fremont county.

[Signed.]

WM. H. HOLMES, State Treas.  
C. P. HOLMES, Dept.

The receipt for \$12,546.62, to be added to the \$78,731.23, was in the Executive office, and should now be in the Governor's possession. I know that I never surrendered it to Holmes. I gave the State Treasurer, June 13th, 1865, this check:

[Copy.]

"TREASURER'S OFFICE, DES MOINES, }  
JUNE 13, 1865. }

"National State Bank, pay to W. H. Holmes, State Treasurer, six thousand dollars.

"\$6,000.

W. M. STONE,  
"Per R. G. ORWIG, Priv. Sec'y."

This check was paid, according to the Bank Book, the following day, and was, on account of the warrant for \$8,450.01, deposited June 5th. This warrant was payable at St. Louis. Mr. Holmes told me Capt. West had refused to give him the money for it without a charge for collection, hence I deposited it and gave the check for part of it. I have no receipt for this \$6,000; neither have I a receipt for the warrant, but I claim that the check itself, which was payable to Mr. Holmes and not to bearer, and its payment by the Bank to him is sufficient voucher. I also gave William Barker, the agent for Bremer county, a check for \$1,000.59, for which his endorsement on the check is a receipt, (check here presented,) and copied as follows:

DES MOINES, IOWA, June 15, 1865.

National State Bank of Iowa, pay to the order of William Baker one thousand 59-100 dollars, bankable funds.

\$1,000 59-100. W. M. STONE,  
Per R. G. ORWIG, Priv. Sec.

For the warrants handed over to Holmes in the month of January and early part of February, upon his written request, although not receipted for by him, some, if not all, were endorsed by him, and my checks show that I paid him on account of those returned to me, \$14,350, (checks here shown.)

"STATE OF IOWA, TREASURER'S OFFICE,  
"DES MOINES, January 24, 1865."

"Des Moines Branch State Bank pay to W. H. Holmes or order one thousand one hundred and fifty dollars, in currency.

\$1,150.00. W. M. STONE,  
Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, January 31, 1865."

"Des Moines Branch State Bank of Iowa, in currency, pay to Contingent Fund or bearer, five thousand dollars."

\$5,000.00. W. M. STONE,  
Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, February 3, 1865.

"Des Moines Branch State Bank of Iowa, in currency, pay to N. Y. Draft, or bearer, one thousand dollars."

\$1,000. W. M. STONE,  
"Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, February 10, 1865.

"Des Moines Branch State Bank of Iowa, in currency, pay to W. H. Holmes, or bearer, two thousand dollars.

\$2,000. W. M. STONE,  
"Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, March 25, 1865.

"Des Moines Branch State Bank of Iowa, in currency, pay to W. H. Holmes, or bearer, five hundred dollars.

\$500. W. M. STONE,  
"Per R. G. ORWIG, Priv. Sec."

"DES MOINES, IOWA, April 17, 1865.

"Des Moines Branch State Bank of Iowa, in currency, pay to W. H. Holmes, or bearer, fifteen hundred dollars.

\$1,500. W. M. STONE,  
Per R. G. ORWIG, Priv. Sec."

“DES MOINES, IOWA, May 12, 1865.

“Des Moines Branch State Bank of Iowa, in currency, pay to R. G. Orwig, or bearer, seventeen hundred dollars.

“W. M. STONE.  
Per R. G. ORWIG, Priv. Sec.”

\$1,700.

“DES MOINES, IOWA, August 3, 1865.

“National State Bank pay to W. H. Holmes, or bearer, fifteen hundred dollars in current funds.

“W. M. STONE.  
“Per R. G. ORWIG, Priv. Sec.”

\$1,500.

These checks were all drawn on the same bank, but the name of the bank was changed, and I wish to say in further explanation that the check payable to “Contingent fund or bearer,” was drawn in the bank at the time that drafts were deposited on which Mr. Holmes wanted \$5,000, and was at once paid to Mr. Holmes. The check payable to “N. Y. Draft or bearer,” was given for a Draft which was delivered to Holmes, and the endorsements on the draft ought to show that he had it. I do not know that they do. The check payable to myself or bearer, I drew the money on to pay Holmes a balance due on drafts deposited April 3d, and I gave the money to him for that purpose.

I also paid Mr. Holmes a New York draft drawn by B. F. Allen for \$3,000. My impression is, that I afterwards gave him the money for this draft, but I am not certain about it. I also paid him in the month of March, 1865, the sum of \$300 in money. I do not claim credit on account of the Swamp Land Fund for this \$300. Neither do I claim such credit for the largest part of the \$3,000 New York draft, because they were never receipted for by Mr. Holmes, and were intended to be for his individual use.

RECAPITULATION.

Warrants endorsed to B. F. Allen and James C. Savery,	\$22,613.15
Warrants endorsed by the Governor, and paid to the Emigrant Company.....	16,004.98
Nine receipts from the State Treasurer for.....	78,731.23
State Treasurer's receipt in possession of the Governor for.....	12,546.62
Check to State Treasurer on account of Bremer county paid June 14, 1865.....	6,000.00
Check to Wm. Baker, Agent for Bremer county.....	1,000.59
Amount of checks given for drafts given me for collection, other than the Bremer County Draft.....	14,350.00
B. F. Allen's draft on N. Y. paid to W. H. Holmes...	3,000.00
Cash paid to Holmes on account of profits.....	300.00
Total.....	<u>\$154,546.57</u>

If we should take this statement as a verity, as undisputed and consistent in itself it would go very far in relieving Mr. Orwig from all responsibility with regard to the unaccounted for drafts, and placing it upon the Treasurer, W. H. Holmes.

But is it to be so taken? Is it undisputed? Is it consistent in itself and with the testimony in the case?

In regard to the general statement of Mr. Orwig, Mr. Holmes emphatically denies that Orwig ever paid to him any of the warrants, or their proceeds, of the unaccounted for counties, or that he ever received them or any portion of them from Orwig or any other person, and states that for all warrants or money belonging to counties delivered to him by Mr. Orwig, he gave him a receipt at the time. Here, then, is a specific denial of Mr. Holmes against the allegation of Mr. Orwig in that behalf. The burden of proof, as we have before stated, is on Mr. Orwig to account for the drafts, and unless there is something in the case to corroborate his allegation, and establish its truth against the denial of Mr. Holmes, this method of accounting must be held insufficient to relieve Mr. Orwig from the responsibility of the unaccounted for funds shown to have come into his hands. Without entering into details of the evidence, we simply announce it as our unqualified opinion that such necessary corroboration cannot be found in the testimony when taken together.

We now proceed to examine the strength and consistency of his accounting for the warrants in his detailed statement, found in Appendix, pages 90, to 94, and which we have before embodied herein. It is the opinion of the committee that this statement of Mr. Orwig contains in itself the most satisfactory and conclusive evidence of its falsity and unreliability. In this statement he gives himself credit (see his recapitulation where the credits are summed up,) among other items for nine receipts from State Treasurer, \$78,731.23. Now included in these nine receipts, and that goes to make up the said amount, is the receipt for \$20,000, of May 27th, set out on page 90 of Appendix, which included the money of Mills, and part of Pottawattamie counties, (see page 42 and 106 of Appendix.)

And yet, the next item that he gives himself credit for, is the Treasurer's receipt for \$12,546.62, for this same, Mills county, which Orwig states Holmes had executed to the Governor when the money was paid by him (Holmes) to said county.

It will be seen that Orwig here, and in this manner, gives himself double credit for \$12,546.62, the money due Mills county. 1st, in the \$20,000 receipt, and 2d, in the receipt of the Treasurer to Mills county.

Another credit that he gives himself in this statement is amount of certain checks paid to Holmes for drafts given Orwig for collection, of \$14,350.00. (Copies of these checks found in the statement of Orwig hereinbefore embodied.) Now let us compare

this part of his showing with his statements in his cross examination on page 106 of Appendix. In the first part of his answer he undertakes to state what disposition he made of drafts for counties "No. 1 Tama, No. 2 Louisa, No. 3 Cedar, No. 4 Clinton, No. 5 Boone, No. 6 Story," and states that they were received in January and delivered to Holmes. That in April Holmes gave him for collection Nos. 4, 5, and 6, that he deposited them April 3d, and on April 17, paid Holmes' check on account thereof for \$1,500 and paid him \$1,700 in money May 12th. Now this check of April 17, and this alleged payment of May 12th are two of the checks which are included in the said credit of checks for 14,350, as will be seen by reference to pages 92 and 93 of Appendix and which is hereinbefore embodied. Now turn to the nine receipts for which he credits himself as aforesaid and which are set out in his statement, and it will be seen that included in the one for \$7,210.29 is the amount for Clinton county of \$111.36. In this wise Mr. Orwig has given himself credit twice, as clearly shown from his own statements for the said amount of \$111.36, first by including it in the nine receipts, second in the checks of April 17th and May 12th.

Again, in the same part of said answer, page 106, he states that those numbered 2 and 3 (Cedar and Louisa counties) were given to him by Holmes, January 13th, by him deposited and paid to Holmes by checks of January 31, February 3 and 10, and March 25. These checks by which he claims he paid Holmes for said Cedar and Louisa counties (Nos. 2 and 3) are also included in the said credit for checks before referred to and are to be found on pages 92 and 93 of appendix and the portion of Orwig's statement before set out, and amount to the aggregate sum of \$8,500.

Now turn to the credit for the nine receipts before mentioned, and it is seen that included in these receipts are the receipts for these same counties of Cedar and Louisa.

Here and in this manner Mr. Orwig has given in this account-current of his, credit twice for the amount of said checks \$8,500.00. *First*—In the nine receipt credit in which are included the receipts for the two counties aforesaid of Cedar and Louisa. *Second*—In the credit for the said checks which he swears, on page 106, were given to Holmes on account of the proceeds of the drafts for those identical counties.

This duplication of credits, amounting in the aggregate to \$21,157.98, may be in accordance with some newly invented system of double-entry book-keeping not generally known, and with which the Committee are not familiar, but viewing it from an ordinary stand-point, and with the light we have, we are of the opinion that this duality of credits is unjustifiable, and most seriously affects the faith and reliability of Mr. Orwig's whole theory and statements. But let us further examine this account current of Mr. Orwig's. In it he further gives himself credit for the following item: "Check

to Wm. Baker, Agent for Bremer county, \$1,000.59." It is to be borne in mind that he claims this as a credit to himself as for that amount in his accounting for the *Swamp Land Funds* traced into his hands, and yet it is abundantly shown in the evidence that this \$1,000.59 was taken by Orwig from the *Contingent Fund*. On page 94, Appendix, Mr. Orwig states: "of this sum total, \$1,000.59 is due to the Governor's Contingent Fund, *from which* the check to Wm. Baker was paid *and has not been reimbursed.*" [The italics are ours.] See also as to Orwig's admissions and statements, pages 188 and 189 of Appendix. If, then, this amount was from the Contingent Fund, which has not been reimbursed, and not from the Swamp Land Fund, Mr. Orwig's credit for that amount in his account is certainly unauthorized.

Another item for which Mr. Orwig gives himself credit in said statement, is "Check to State Treasurer on account of Bremer county, \$6,000.00."

Now, Mr. Orwig states, on page 106 of Appendix, that he received Bremer county draft June 1st; that he delivered it to Holmes; that Holmes returned it to him to get the money for it; and that on account thereof, he gave Holmes a check for \$6,000.00.

Now, aside from this statement of Mr. Orwig itself, there is no evidence of its truth. It is not corroborated by any circumstance that the committee have been able to find in the evidence. If Orwig gave it to him why did he not take a receipt for the draft or for the \$6,000 when paid to him? There is no such receipt. Besides it is abundantly shown in several parts of the evidence that during the summer and fall after he alleges that he received the Bremer county draft, he, at different times and on several occasions, positively denied ever having received said draft. On this point see Wm. Baker's testimony, page 183, Appendix; Mr. Harvey's testimony, page 188; Orwig's letter to H. C. Moore, 189; testimony of D. E. Jones, page 191. On pages 128 and 129, Appendix, Orwig states positively and unequivocally that he never, with Holmes's knowledge or consent, did convert or use any Swamp Land fund for any private purpose whatever. Now, then, if this was the case, why did Orwig continually deny, through a period of several months, that he had received the Bremer county draft, if it is a fact, as now claimed, that he received it in June and paid it or its proceeds over to Holmes?

Mr. Holmes states that he did receive of Orwig a check for \$6,000 in payment or as the proceeds of the January drafts which he claims were all the drafts he ever delivered to Orwig, and which were given to him for reasons stated on page 39 of Appendix. About these drafts there is no trouble, they having been paid over to the counties by the Treasurer. The Treasurer states that all other Swamp Land Drafts that ever came into his hands were collected and by him paid over to the counties entitled to it, or are still held by him. [Appendix, 42.] The Committee, governed by

the weight of testimony and all the circumstances of the case, are forced to conclude that the said \$6,000 credit of Mr. Orwig's is not substantiated.

The other credits in said statement of Mr. Orwig respectively for \$3,000 and \$300, at the close of recapitulation, Mr. Orwig does not himself claim as credits on account of Swamp Land Drafts that came into his hands. We do not, therefore, feel called upon as in the purview of the investigation, to give them any examination or to speak of the testimony relative to them, preferring not to touch upon those matters not relative to the main object of the investigation, leaving every one to draw his own conclusions upon all irrelevant points from the testimony reported.

Having thus examined the items of credit contained in Mr. Orwig's statement, let us for a moment review them and see what ones are substantiated. The first one for warrants endorsed to Savery, \$22,613.15; the second for those paid to Emigration Co., \$16,004.98; the third for the nine receipts of Treasurer, \$78,731.23; he is entitled to; indeed about these warrants there is no dispute. Their sum total is \$117,349.36. None of the other items are substantiated by the evidence in the case for reasons hereinbefore specifically pointed out.

Deduct from the sum total of the 32 counties received in 1865, \$151,344.19, the aforesaid amount, \$117,349.36, and we have a deficit identical in amount with the aggregate amount of the warrants for the unaccounted for counties enumerated in the first part of this report, to-wit: \$33,994.83. For this amount of the warrants for the said unaccounted for counties that came into the hands of Mr. Orwig, the Committee, from the weight of testimony, unanimously conclude he has not accounted, and that said deficit is with and in the hands of said R. G. Orwig.

Without endeavoring to go into details of the testimony or point out the inconsistencies, discrepancies and contradiction in and bearing upon Mr. Orwig's testimony, we propose to now refer to a portion of Mr. Orwig's evidence contained in his statement on page 96 of Appendix, which seems to place the correctness of our conclusion beyond much doubt. We refer to Mr. Orwig's letter to the Governor found in his statement on said page of Appendix, and the following portion of which we here quote:

“DES MOINES, IOWA, June 27, 1865.

“DEAR GOVERNOR: Mr. Holmes tells me that you have written to him for a statement of the Indemnity claim account, and wish me to give such information as there is in the Executive office relative to the same.

“The whole amount of drafts received at the Executive office is \$78,368.48. Of this amount the State Treasurer has receipted to you for \$54,718.34, and he holds drafts not yet endorsed and for which he cannot receipt to you until they are endorsed for \$21,630.14.”

Now it is shown from the evidence that at the time Orwig wrote this letter to the Governor, there had been forwarded to and received at the Executive office Swamp Land drafts for all the counties forwarded to the Executive during the year 1865, (not including the six endorsed to Emigration Co.,) being 26 in number and amounting to \$112,726.06 instead of \$78,368.48 as stated by Mr. Orwig in said letter, (see pages 230 and 231 Appendix.) Here was a false statement to the Governor of the amount. Why did Mr. Orwig make it? How far was it false?

Take the amount actually received.....	\$112,726.06
And deduct the amount reported to to be received by Mr. Orwig.....	78,368.48

And we have a difference of.....	34,357.58
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—About the amount of the deficit.

If we take the exact amount shown to have been paid to the Treasurer at the date of said letter.....	\$78,731.23
From the said amount received at the Executive office	112,726.06

And we have a difference of.....	\$33,894.83,
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the exact amount of the missing warrants. On its face, unexplained, this showing proves conclusively from out of Mr. Orwig's own mouth that at the time he wrote that letter he had the amount of this deficit in his own hands never having paid it over to the Treasurer, and that he misstated to the Governor in order to cover it up.

Let us see what explanation Mr. Orwig gives. How does he relieve himself from the position? On page 97 of Appendix, immediately following the letter referred to, Mr. Orwig gives the following explanation. He says: "I did not at the time of writing this letter know that drafts were sent by North direct to Holmes. I supposed the amount of drafts he reported to me to be in his hands to be drafts that I had given him, and to the extent that he had drafts from North my statement to the Governor was erroneous, because I had no knowledge of them whatever."

Is this explanation satisfactory? Let us examine it. He says in this that he did not know that any drafts had been delivered by North direct to Holmes, and that the reason of his error was that he *did not include* the amount of the drafts so delivered by North, because he "had no knowledge of them whatever." Now, the evidence shows conclusively that he *did include* the amount of drafts delivered by North to the Treasurer—that they were *all* included in the \$21,630.14 given in the part of the letter before quoted, which he says was the amount of drafts held by the Treasurer "not yet endorsed, and for which he could not receipt until endorsed." This is proven from the following facts: During the year 1865, there was received at the Executive office drafts for 26 counties, (not including, of course, the six drafts of the Emigration Com-

pany.) These were all the drafts received, and they were received all of them prior to date of Orwig's letter; all of these drafts came into the hands of, and were endorsed by, Orwig to the banks, except three. These three were for Butler, Alamakee, and Clayton counties.

See Orwig's statement, on pages 106 and 107 of Appendix, in which he admits the receipt and endorsement of all the drafts for the twenty-six counties, except the three last named. On page 8 of Appendix, Major North says: "All the warrants that came to me during Governor Stone's administration, with the exception of these three last mentioned, (Butler, Alamakee, and Clayton counties,) were delivered to Mr. Orwig without any information from me to Governor Stone of their receipt." Again, on page 179, he states: "I think I received twenty-six drafts in all. I delivered all but three to Orwig. The other three I delivered to Mr. Holmes, and they were for Butler, Alamakee, and Clayton counties." We might, in addition to this evidence of Major North and Mr. Orwig's own admission, refer to several other portions of the testimony to show that of all the drafts forwarded to the Executive in 1865, all were received by Orwig except those for the three said counties.

In this view, then, what drafts did Orwig refer to in said letter to the Governor wherein he says "he (the Treasurer) holds drafts not yet endorsed, and for which he cannot receipt to you until they are endorsed, for \$21,630.14?" As Mr. Orwig had received and endorsed *all* the drafts received in 1865 *except the three which Major North had delivered direct to Holmes,—for Butler, Alamakee and Clayton counties*, they could not possibly have been any other than the identical drafts that North had delivered over to the Treasurer which Mr. Orwig in another breath has the boldness to state he knew nothing whatever of and did not take into account. It cannot be otherwise.

It is further proven in the following way:

Take the amount of Butler county.....	\$15,125.66
Alamakee .....	6,259.30
Clayton.....	245.18
	<hr/>

The three delivered by North to Holmes, and they foot up..... \$21,630.14

Just the sum that Orwig says in the letter, the drafts held by the Treasurer "not yet endorsed" amount to.

The demonstration is clear then that Orwig did include in his statement to the Governor in the letter just what he says he did not include, the three drafts that the Treasurer had received from North, and which Orwig afterwards endorsed under authority of the Governor's letter of July 7th, written in consequence of the one from Orwig to him. See Appendix, 44, and Orwig's statement, 98.

This attempted explanation, then, of Orwig, of his false statement in his letter to the Governor, only makes the matter worse, by ad-

ding to one misrepresentation still another. And the letter must stand as additional and, when taken with the rest, convincing evidence that he applied the missing drafts to his own use, and sought by studied effort to conceal it from the Governor.

Further evidence corroborative of this idea is, that Mr. Orwig stated in this letter, and upon other occasions, that the reason of all the trouble in relation to the matter was the delivering of drafts to the Emigrant Company, and the sending of drafts by the Department, without notice to what counties they belonged. He continually gave as a reason for the absence of some of the missing drafts, that he supposed they had been delivered to the Emigration Company, when, as since shown, those same drafts had been received by him. [See Governor Stone's testimony, Appendix. 8, 9, 10; also, Mr. Harvey's testimony, 188; and that of D. E. Jones, 190, 191.]

If, as Mr. Orwig claimed, one cause of confusion and difficulty was the not being notified by the Department to what counties the warrants belonged, it was, evidently, his duty to have written to Washington in order to ascertain. And on page 149 of Appendix, when asked by Mr. Harvey, he states that he "did write several times," but adds, "I do not remember the dates;" and he again states the same thing on page 164 of Appendix, and in his letter to Moore page 155. But the facts in the case are, as shown by the records and files of the Executive office, by correspondence from the Department, and by letter of Commissioner of General Land Office, written since the commencement of this investigation, that Orwig wrote *only one letter*, and that was on the 19th of June, 1865, and simply requests the Commissioner "to direct drafts to the Governor at Des Moines, and not to deliver them to any agent of the State." [Pages 180 and 181, Appendix.]

We might dilate more extensively upon the different portions of testimony, running through the whole record, to support the correctness of our conclusions, but do not deem it necessary to further prolong the report. To take up and speak of all the testimony is a task too Herculean to be undertaken, and we close this part of the report with the general statement that the justice and correctness of our finding, is, in our opinion, thoroughly substantiated by the whole evidence of the case when taken together, much of which could not necessarily be touched upon herein, and which we herewith report for general examination; leaving all matters not strictly relevant to the main inquiry as to how much and where the Swamp Land deficit is, untouched by us, and in such positions as the testimony may put them.

To recapitulate, then, in conclusion, we find that the amount of the Swamp Land Indemnity deficit is \$33,994.83, and that this deficit is in the hands of R. G. Orwig. The Committee find further that on the 16th day of December, the said R. G. Orwig, for the purpose of securing all parties interested against any loss that

might result or accrue from the receipt, endorsement, or non-accounting of said Orwig, executed to B. F. Allen, as Trustee, the Deed of Trust, and accompanying defeasance which are embodied in the Appendix, and are to be found on pages 161, 162, 163, and 172, 173, 174 and 175 thereof.

The value of the property included in the Deed of Trust is estimated by some as high as \$50,000, with incumbrances of \$11,000. This is what Mr. Orwig puts it at—168 Appendix. But from the testimony of Mr. Withrow, and from other information, we put the value, after deducting incumbrances, at about \$30,000.

The course, which in the opinion of a majority of the Committee should be adopted and pursued in relation thereto, is pointed out in the resolution hereto attached and herewith presented at the close of this report, and its adoption by the General Assembly recommended.

The foregoing Report was written with the view and under the agreement or understanding that it should be joined in by all the members of the Committee. This was desirable, and for this purpose the majority of the Committee were willing to concede not a little, and modified the original plan of the Report to the extent of laying aside fifteen pages of manuscript which seemed in some of its details objectionable to the minority, in order that it might meet the approval and be satisfactory to all the members of the Committee, which it seemed to after most of it had been read and submitted to them.

But at this late stage, and while on the eve of submitting the Report, those members of the Committee belonging to the political minority in the Legislature, have for some reasons, (perhaps satisfactory to themselves,) concluded to dissent from the Report of the majority of the Committee. We state these facts for the reason that our Report, being written under this understanding, purports in its expression to be the unanimous report of the Committee, and because it is now too late to revise or change it in these respects.

We here submit and recommend the adoption of the following resolutions :

EDWARD H. STILES, Chairman,  
NATHAN UDELL,

*On part of the Senate.*

WM. HALE, Chairman,  
JOHN RUSSELL,  
L. CLARK,

*On part of the House.*

## RESOLUTIONS.

*Resolved by the General Assembly of the State of Iowa, That all the evidence taken before the Committee appointed to investigate*

the "supposed diversion of the Swamp Land Indemnity Fund," and the report of that Committee to this General Assembly, be, and the same are hereby referred to the Attorney General, with instructions that said Attorney General be, and he is hereby, required to proceed at once, to take such legal steps as he may deem advisable, against such person, or persons, or securities already given, as may be necessary to secure the amount of the deficit found by said Committee, for the benefit of the counties interested.

2. *Resolved*, That all actions or suits which it may be necessary to institute in order to carry into effect this resolution may be prosecuted in the name of the State of Iowa for the use and benefit of the counties affected by said defalcation.

3. *Resolved*, That the State of Iowa shall pay all costs that may be legally expended in the prosecution of all suits by virtue of or under the foregoing resolutions; and the amount thereof shall be reported by the Attorney General to the Auditor of State, who shall draw his warrants for the same in favor of the parties to whom the same may be due.

4. *Resolved*, That all moneys which may be realized by the Attorney-General in the performance of his duties in this respect, shall be paid over by him to the State Treasurer, who shall receipt in duplicate therefor in the usual manner, and the same shall be paid out by said Treasurer as now provided by law for paying Swamp Land Indemnity funds, except that he shall divide the funds thus paid into his hands *pro rata* between the several counties affected by said defalcation.

The President announced that the hour for the special order had arrived, being Senate File No. 137, A bill for an act to provide for the taxation of the currency of National Banks, with report of committee recommending the passage of a substitute, and the same was taken up.

The question recurring upon the amendment pending at the hour of last adjournment, the yeas and nays were demanded, and the yeas were Senators Brayton, Crookham, Henderson, Marshman, McJunkin, Meyer, Robertson, Wharton, Woolson—10.

The nays were Senators Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Holman, Hunt, King, Knoll, Lakln, Larimer, Leake, McMillan, Parvln, Paulk, Patterson, Powers, Richards, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren—33.

Absent, but not excused, Senators Bassett, Clark, Oliver.

So the amendment was not adopted.

Senator Leake moved to amend Section 1 by striking out the words "Approved June, 1864," in the seventh line thereof, and by adding the letter "s" to the word "Act," in the 4th line.

The amendment was adopted.

The substitute as amended was adopted, and on motion of Senator Leake the bill was read a third time.

The question being, Shall the bill pass?

The yeas were, Senators Bassett, Brayton Bulis, Catell, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hill-  
yer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJenkin, McMillan, Parvin, Paulk, Patterson, Pow-  
eus, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton—39.

The nays were Senators Bridges, Crookham, Henderson, Meyer, Woolson—5.

Absent but not excused, Senators Clark and Oliver.

So the bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has concurred in the Senates amendments to House File No. 125, A bill for an act making appropriations for the Asylum for the Blind.

I also return Senate File No. 224, which has passed the House without amendment.

I am also directed to inform the Senate that the House insists upon its amendments to Senate File No. 217, A bill for an act for the settlement of certain claims against the general Government.

The House asks a Committee of Conference, and Messrs. Sherman, Glasgow and Shippen, have been appointed as said Committee on the part of the House.

CHAS. ALDRICH, Chief Clerk.

Senator Stubbs from the Committee on Federal Relations obtained leave to submit the following report:

*To the Honorable Senate*:—The Committee on Federal Relations to whom was referred Joint Resolution relating to property sent by soldiers to their families and friends, have had the same under consideration and have instructed me to report the same back with the recommendation that it be indefinitely postponed.

D. P. STTBBS, for the Com.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House refuses to concur in the Senate's amendment to the Joint Resolution appointing Trustees for the Iowa Hospital for the Insane.

I am also directed to inform the Senate that the House has passed the Senate substitute for House File No. 222, A bill for an act to amend Section 3309, Chapter 125, of the Revision of 1860.

CHAS. ALDRICH, Chief Clerk.

Senator Stubbs moved that the report of the Committee on the alleged diversion of the Swamp Land Indemnity Fund be taken up and be made a special order for to-morrow morning at 9½ o'clock.

Senator Ross moved to amend by striking out the words "to-morrow morning" and inserting the words "Friday morning."

The amendment was adopted and the motion as amended was agreed to.

Senator Richards from the Committee on alleged diversion of the Swamp Land Indemnity Fund, obtained leave to submit the following minority report, and moved that the report be considered, printed and bound with the majority report.

The motion prevailed.

*To the General Assembly of the State of Iowa :*

The undersigned, members of the committee appointed by your honorable body to investigate the diversion of the Swamp Land Indemnity Funds, beg leave to submit this their report.

While we concur in much of the reasoning and many of the positions and conclusions of the other members of the committee as to the serious dereliction of duty and the corrupt practices of an obscure agent of a high official of the State, and believe that he has appropriated an amount of the public funds nearly or quite equal to the swamp land deficit, (but whether that appropriation is wholly or only in part from the Swamp Land Indemnity Fund, the testimony does not clearly show,) we yet must dissent from the main position of the other members of the committee, that this humble secretary—this obscure agent—is the chief or only wrong-doer; and the lengthened argumentation and liberal quotation from the testimony to establish this theory and to darken the guilt of that agent, and thus by implication or silence to exculpate others high in position and responsible directly to the people, is not warranted by the testimony, not consistent with justice, nor calculated to promote the public welfare.

As the testimony is all submitted to the General Assembly we do not deem it necessary, nor have we the time to enter into details or to make a critical analysis of the evidence adduced, or nicely to attempt to balance probabilities amidst obscure and conflicting statements. That there is a serious deficit in the public Treasury no one will find it difficult to conclude. That the amanuensis of the Governor has been the willing and wicked agent to help to cause that deficit all will admit. But painful as the duty may be, (and it is one of the most painful we have ever performed,) we deem it our duty nevertheless, to declare our conviction that the gross negligence of one high State official and the malpractices of another, are among the fruitful sources of all the loss, derangement and shame under which the State now labors, and which is partially exposed by this investigation.

And we cannot too strongly condemn the negligence in the Executive Department, and the malpractice in the financial department of the State as revealed by the testimony submitted herewith.

In conclusion we would recommend,

1. That the Attorney-General of the State be instructed by the

General Assembly to at once institute suit against the responsible parties, on behalf of the State of Iowa, for the recovery of the missing funds and the exposure of the guilty actors.

2. We would also recommend as an act of manifest justice, that the State at once make provision to pay to the different counties entitled to the same, the swamp land funds that have come into the possession of the State and have been corruptly misapplied.

B. B. RICHARDS,  
W. T. BARKER,  
W. C. MARTIN.

NOTE.—The latter part of the majority report was first seen by the undersigned after the same was in print. We never assented to it, and are not aware that the majority report was ever submitted to or passed upon by the committee. We desired that the report should be unanimous, and so expressed ourselves. But we uniformly insisted that any report should embrace substantially what the minority report contains.

W. C. MARTIN,  
B. B. RICHARDS,  
W. T. BARKER.

Senator Henderson, from the Committee on Schools and School Lands, obtained leave to submit the following report:

House File No. 259. The Committee on Schools and School Lands, have had under consideration, House File No 259, "A bill for an act to provide for the collection and settlement of the notes and mortgages taken by James D. Eads, for money loaned by him out of the permanent school fund, and of judgments thereon," and the Committee have directed me to report the same back without amendment, and recommend the passage of the same.

Also House File No. 260, "A bill for an act to amend Chapter thirty two, of the acts passed at the regular session of the Ninth General Assembly, and Chapter one hundred and fifty-six, of the acts of said session, amendatory thereof;" And the Committee recommend that the title of the bill be amended by adding at the end thereof, the words, "relating to the purchase of real estate, sold on execution issued upon judgments rendered in favor of the State," and so amended, a majority of the Committee recommend the passage of the same.

Also House File No. 258, "A bill for an act to amend Chapter 172, of the acts of the Ninth General Assembly, passed April 8th, 1862, in relation to schools," and the Committee have directed me to report the same back without amendment, and recommend the passage of the same.

H. C. HENDERSON, Chairman.

On motion of Senator Henderson, House File No. 259, "A bill for an act to provide for the collection and settlement of the notes and mortgages received by James D. Eads, for money loaned by

him out of the Permanent School Fund, and of judgments thereon was taken up and considered.

On motion of Senator Cattell, the bill was read the third time. The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, and Woolson—40.

The nays were, none.

Absent but not excused, Senators Hollman, Hunt, Oliver, Paulk, and Richards.

So the bill passed and the title was agreed to.

House File No. 260, A bill for an act to amend Chapter 32 of the Acts passed at the regular session of the Ninth General Assembly and Chapter 156 of the Acts of said session amendatory thereto, with report of Committee recommending amendments, was taken up and the report was adopted.

Senator Woolson moved to amend Section 1 by inserting in the seventeenth line the words "for the lowest sum possible."

The motion prevailed.

On motion of Senator Henderson, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Powers, Reed, Robertson, Ross, Smith, Stiles, Udell, Warren, Wharton, and Woolson—23.

The nays were Senators Farwell, Hilsinger, Knoll, Parvin, Paulk, Patterson, Sampson, and Stubbs—8.

Absent but not excused, Senators Brayton, Hunt, Oliver, Richards, and Shippen.

So the bill passed and the title was agreed to.

On motion of Senator Henderson, Senator Oliver was granted leave of absence.

On motion of Senator Henderson, House File No. 258, A bill for an act to amend Chapter 172 of the Acts of the Ninth General Assembly, passed April 8, 1862, in relation to schools, was made a special order for to-morrow morning at 9½ o'clock.

Senator Cutts, from the Committee on Railroads, obtained leave to submit the following report:

The undersigned, a minority of the Committee on Railroads, to whom was referred House File No. 245, A bill for an act to regulate the tariffs of rates to be charged by railroad companies in the State of Iowa, beg leave to report the accompanying bill as a substi-

tute for the original bill, and recommend its adoption and passage.

M. E. CUTTS,	} Minority of Committee.
J. F. McJUNKIN,	
WM. B. KING,	
L. W. HILLYER,	

Senator Cattell, from Committee on Claims, by leave, submitted the following report :

The Committee on Claims have considered the bill of Mr. Wm. Baker for expenses for postage, office rent and stationery during the time he was in the employ of the State as Swamp Land Agent, and instructed me to report the same back and recommend that the bill be not allowed. The law providing for the appointment of such agents expressly provides that, "The agent or agents appointed by the Governor under the provisions of this act shall receive, as a full compensation for the services rendered *and expenses incurred* by virtue of said appointment, the sum of four dollars per day, which compensation shall be paid by the State.

J. W. CATTELL, Chairman.

Senator Stubbs submitted the following protest :

We the undersigned wish to enter our protest against the action of the Senate on the 23d inst., in passing Senate File No. 186, A bill for an act to aid in the support and education of soldiers' orphans of Iowa, and for the benefit of the Iowa Soldiers' Orphans' Home. We most earnestly believe in supporting the orphans of our brave soldiers whose lives were a willing sacrifice for their country and their country's rights. No trust that has been committed to our care should be regarded more sacred than that of caring for and protecting those helpless little ones.

Our objections to the provisions of this bill and the action of the Senate in passing it in its present form, are these :

It provides only for the support and education of those who are or may be sent to the Home. It is admitted by all that but a small portion of soldiers' orphans will be placed under the immediate care of the Home.

While female affection holds its exalted position, many, very many, of these helpless children will not be sent from their hearth stone and the family altar, be their homes never so humble, and scanty their supply. As patriotic was the father of this class, who fell, as was the father of those who may be sent to be cared for by strangers.

A substitute was offered for this bill, which provided for the relief of all who were needy ; but it did not receive the support of those who favored the bill that passed ; but on the contrary they appeared to be of the opinion that if relief were extended to those who remain at home, that the institution must necessarily fail—that such a preference would be manifested for the county aid system that few if any would be sent away. This then, in the

opinion of the undersigned, is a strong reason why the county aid policy should have been adopted.

It is not the most worthy mothers in every instance who send their children to the Orphans' Home; and put the question to any one who does send, that if one half the aid was given her for the support of her children, that is required to keep them at the Home, if she would part with them, and she will emphatically answer No!

The influence of *home* and the mother's love upon the child cannot be overlooked. If such aid, within the reasonable power of the State, can be extended to the mother as will enable her to bring up these precious charges with all the advantages of such love and home, can any patriot dispute the imperative obligation resting upon the General Assembly to furnish such aid? And this can be done only through the county system, while it is absolutely denied by the bill passed.

We therefore protest against such legislation as provides for but a tenth part of the orphans and leaves unprovided for nine tenths, when all should alike claim our serious consideration.

F. M. KNOLL,	D. P. STUBBS,
JOSEPH HOLLMAN,	J. G. PATTERSON,
B. B. RICHARDS,	C. F. CLARKSON,
L. W. HILLYER,	W. M. MARSHMAN,
N. G. HEDGES.	

On motion of Senator Richards, memorial and Joint Resolution relative to the improvement of the rapids in the Mississippi river was taken up, and made a special order for to-morrow afternoon at 2½ o'clock.

On motion of Senator Stiles, Senate File No. 152, A bill for an act apportioning the State of Iowa into Senatorial Districts, was taken up, and made a special order for this afternoon at 2½ o'clock.

On motion of Senator Clark, the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

The Senate convened at 2 o'clock P. M.

Called to order by the President.

On motion of Senator Ross, House File No. 249, A bill for an act making an appropriation to complete and repair the buildings of the State University, was taken up.

On motion of Senator Ross, the bill was read the third time.

By unanimous consent, Section 1 was amended by inserting in the second line the words "the State of."

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Leake, Marshman, McMillan, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stiles, Stubbs, Udell, Warren—32.

The nays were Senators Edwards, Knoll, Larimer, Paulk, Wharton, Woolson—6.

Absent but not excused, Senators Cattell, Lakin, McJunkin, Meyer, Oliver, Parvin and Patterson.

So the bill passed and the title was agreed to.

On motion of Senator Udell, Senate File No. 223, A bill for an act making appropriation for the payment of State and Judicial officers, interest on State bonds and loans, and for other purposes, with House amendments thereto, was taken up.

The question being on concurring in the first amendment :

The yeas were Senators Bassett, Bridges, Bulis, Clark, Hedges, Larimer, Leake, McJunkin, McMillan, Powers, Reed, Smith, Stiles, Udell, Warren, Wharton—16.

The nays were Senators Brayton, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Marshman, Meyer, Parvin, Paulk, Patterson, Richards, Robertson, Ross, Sampson, Shippen, Stubbs, Woolson—27.

Absent but not excused, Senators Hart, Lakin and Oliver.

So the Senate refused to concur.

The question being on concurring in the second amendment,

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Crookham, Doud, Edwards, Hillyer, Hollman, King, Knoll, Larimer, McJunkin, McMillan, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Smith, Warren, Woolson—24.

The nays were Senators Cattell, Clark, Clarkson, Farwell, Hart, Hedges, Lakin, Leake, Marshman, Meyer, Patterson, Richards, Shippen, Stiles, Stubbs, Udell, Wharton—17.

Absent, but not excused, Senators Cutts, Henderson, Hilsinger, Hunt, and Oliver.

So the Senate refused to concur.

Senator Wharton moved to reconsider the vote last taken.

The motion did not prevail.

Senator Wharton moved that a Committee of Conference be appointed, as asked by the House, as to the disagreeing votes of the two Houses on Senate File No. 217, A bill for an act for the settlement of certain claims against the Government."

The motion prevailed, and the President appointed Senators Warren, Clark and Woolson, as such Committee.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 216, A bill for an act to provide for the payment of the Bonds of the State of Iowa, maturing January 1, 1868, and issue State Bonds to the Permanent School Fund.

Senate File No. 215, A bill for an act to legalize the election held by the legal votes of the town of Morning Sun, Louisa county, Iowa, to form an Independent School District, and the official acts of the officers of said District.

Senate File No. 214, A bill for an act to legalize the elections and acts of the Independent School District of Clinton city.

Senate File No. 134, A bill for an act to amend Section 6, of Chapter 129, of the acts of the Tenth General Assembly.

Senate File No. 118, A bill for an act to provide for the adjustment of certain land claims with the general Government.

Substitute for House File No. 127, A bill for an act to amend an act entitled an act to change and fix the time of holding courts in the Seventh Judicial District.

CHAS. ALDRICH, Chief Clerk.

The President announced that the hour for the special order had arrived, being Senate File No. 152, A bill for an act apportioning the State of Iowa into Senatorial Districts, and it was taken up.

Senator Patterson moved that the special order be postponed for half an hour, which was disagreed to.

Senator Edwards moved that the Bill be recommitted to the Committee on Senatorial Districts.

The motion did not prevail.

Senator Edwards moved to amend by striking Clarke county from the Fifth District and adding it to the Seventh District.

The amendment was not adopted.

Senator Patterson moved to amend as follows: That Howard, Mitchell, Worth, and Winnebago counties shall compose the 47th District, and is entitled to one Senator. Strike Cerro Gordo from the 40th District. Strike Worth and Winnebago counties from the 46th District.

The amendment was not adopted.

On motion of Senator Bassett, the bill was read a third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Marshman, McJunkin, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Udell, Warren, Wharton, Woolson—41.

The nays were none.

Absent but not excused, Senators Clark, Knoll, Leake, Stubbs. So the bill passed and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed Senate substitute for House File 272. A bill for

an act to legalize the acts of the Board of Supervisors of Harrison County in conveying certain swamp lands to soldiers as bounties.  
 CHAS. ALDRICH, Chief Clerk.

On motion of Senator Hollman, leave of absence was granted to Senator Hedges.

Senator Shippen moved to reconsider the vote by which Senate File No. 138, A bill for an act to amend Chapter 49 of the acts of the ninth General Assembly relating to County Seats, was indefinitely postponed.

The motion prevailed.

The question being "Shall the bill be indefinitely postponed?" the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, King, Lakin, Larimer, Leake, Marshman, Parvin, Patterson, Powers, Reed, Roberston, Smith, Stiles, Stubbs, Udell, Warren, 27.

The nays were Senators Crookham, Cutts, Doud, Hollman, Hunt, Knoll, McJunkin, Meyer, Oliver, Richards, Ross, Sampson, Shippen, Wharton, and Woolson—15.

Absent but not excused, Senators Clark, McMillan and Paulk.

So the bill was indefinitely postponed.

Senator Hilsinger from the Committee on Township and County Organizations, obtained leave to submit the following report:

The Committee on Township and County Organizations, to whom was referred House File No. 117, A bill for an act in relation to county court records, have had the same under consideration, and they have instructed me to report the same back to the Senate without amendment, and recommend its passage.

J. HILSINGER, for Committee.

Senator Hilsinger moved that the bill be considered now.

The motion prevailed.

Senator Woolson moved to amend Section 1 by striking out in the sixth line, the words "keep a record of," and inserting the word "record."

The amendment was adopted.

On motion of Senator Leake, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, and Woolson—40.

The nays were Senators Oliver and Parvin—2.

Absent but not excused, Senators Bulis, Hart, and Larimer.

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

Senator Clarkson obtained leave to offer the following resolution :

*Resolved by Senate, the House concurring,* That both houses meet in joint convention on Saturday next at 3 o'clock P. M., to elect twelve Trustees of the Iowa State Agricultural College and Farm.

Senator Ross moved to amend by adding the words, "and Bank Directors and Bank Commissioners."

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

Senator Ross, from Committee on Public Lands, obtained leave to submit the following report :

The Committee on Public Lands have had under consideration House File 250, A bill for an act to quiet title to certain lands sold by the State to individuals as part of the Des Moines River land grants, and have directed me to report certain amendments, viz :

1. Strike out all of second whereas after words "Raccoon Fork" in the 4th line.

2. After words "indemnity lands" in 6th line, 2d section, insert "Reserved in Section five of Chapter one hundred and eight, of the Acts of the Tenth General Assembly."

3. Add at the end of the second section the following :

*Provided,* That none of the indemnity lands set apart in this section shall be certified to the Mississippi & Missouri Railroad grant, unless the Supreme Court of the United States shall decide that the lands described in the grant of lands made to the State of Iowa by Act of Congress, approved May 15th, 1856.

And so amended, to recommend its passage.

L. W. ROSS, Chairman.

Senator Farwell moved that the bill be made a special order for Saturday next at 9½ o'clock A. M.

The motion was disagreed to.

Senator Cattell moved that the bill be considered now.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Cattell, Crookham, Edwards, Henderson, Hillyer, Leake, McJunkin, McMillan, Oliver, Parvin, Reed, Robertson, Ross, Sampson, Udell, Warren, Woolson—19.

The nays were Senators Brayton, Bulis, Clark, Clarkson, Cutts, Doud, Farwell, Hart, Hilsinger, Hollman, King, Knoll, Larimer, Marshman, Meyer, Powers, Richards, Smith, Stubbs, Wharton—20.

Absent but not excused, Senators Hunt, Lakin, Paulk, Patterson, and Shippen.

So the motion did not prevail.

On motion of Senator Cattell the bill was made a special order for to-morrow afternoon at 3½ o'clock.

On motion of Senator Clarkson substitute for House File No. 223, A bill for an act amendatory to an act entitled "an act au-

thorizing mill dams," with report of committee recommending amendments, was taken up and the report was adopted.

On motion of Senator Powers the bill was read the third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Leake, Marshman, McJunkin, McMillan, Meyer, Oliver, Paulk, Patterson, Powers, Reed, Ross, Warren, Wharton—30.

The nays were Senators Brayton, Cattell, Knoll, Larimer, Parvin, Richards, Robertson, Sampson, Shippen, Stiles, Stubbs, Udell, Woolson—13.

Absent but not excused, Senators Hedges and Smith.

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

The following message was received from the House:

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

House File No. 264, A bill for an act to provide for the refunding of certain moneys to the 2d and 3d Regiments Iowa Infantry.

I also present for your signature the following bills, which have passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House:

Substitute for House File No. 215, A bill for an act providing for the completion of the geological survey of the State of Iowa.

House File No. 209, A bill for an act providing for the publication and distribution of the Adjutant General's Report for January 1867.

House File No. 140, A bill for an act to credit the county of Story with certain sums of money.

ALDRICH, Chief Clerk.

On motion of Senator Reed, House File No. 305, "A bill for an act to provide for the publication and distribution of the laws of the Eleventh General Assembly of the State of Iowa," with report of Committee recommending the passage of the bill, was taken up and read the third time.

The question being "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bullis, Clarkson, Crookham, Cutts, Doud, Edwards, Hart, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—39.

The nays were Senator Richards—1.

Absent, but not excused, Senators Cattell, Clark, Farwell, Hunt, and McJunkin.

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

On motion of Senator Warren, Senate File No. 6, "A bill for

an Act to increase the fees of Recorders of deeds," with report of Committee recommending the adoption of a substitute, was taken up, and the report was adopted.

On motion of Senator Warren, the bill was read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Hart, Henderson, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Stiles, Udell, Warren, Wharton, Woolson—36.

The nays were Senators Bridges, Clarkson, Farwell, Hilsinger, King, Larimer, Oliver, Smith, Stubbs—9.

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

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills, report that they having presented to the Governor for his approval, the following Bills, to wit:

Senate File Nos. 214, 215, 216, 118 and 134.

W. B. LAKIN, Chairman.

Also the following:

The Committee on Enrolled Bills reported that they have examined and find correctly enrolled the following bills, to-wit:

Senate File No. 108, A bill for an act providing for the election of a Clerk of the Supreme Court.

Senate File No. 107, A bill for an act providing for the election of a Reporter of the decisions of the Supreme Court.

Senate File No. 45, A bill for an act donating laws, Legislative journals, reports and documents of the State of Iowa to the Library of Congress.

Senate File No. 210, A bill for an act to amend an act entitled an act to incorporate the Board of Trustees of the Congregational Church and Society of Burlington, approved February 12, 1844.

Senate File No. 222, A bill for an act to legalize the record of certain deeds and conveyances in Lee county, and to provide for the recording at Fort Madison of all such instruments affecting lands in those parts of T. 67 N. R. 4 W., and the E.  $\frac{1}{4}$  of T. 67 N. R. 5 W., which are upon the Half Breed Tract.

W. B. LAKIN,  
CHAS. PAULK.

The Committee also report that they have examined and find correctly enrolled the following bills: A bill for an act authorizing and regulating the sale and lease of lands belonging to the Iowa State Agricultural College.

LAKIN,  
PAULK.

The following message was received from the House:

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

Substitute for House File No. 311, A bill for an act making an appropriation to complete the Agricultural College Buildings.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Reed, House File No. 118, A bill for an act to provide for the publication of general and local laws, and of the proceedings of Boards of Supervisors in the several counties, with report of Committee recommending its passage, was taken up.

Senator Larimer moved to amend Section 1 by adding thereto the following :

*Provided*, That in counties having a population exceeding 18,000 inhabitants, in which a newspaper is printed in the German or other foreign language, the same shall be published in one of such papers in addition.

The amendment was adopted.

Senator Udell moved to adjourn.

The motion was disagreed to.

Senator Paulk moved to amend Section 4 by striking out at the end thereof the words "county in which such publication is made," and inserting "State."

Pending which, on motion of Senator Lakin, the Senate adjourned.

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SENATE CHAMBER, DES MOINES,  
March 29, 1866.

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. McCagne.

The Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bill which has passed both branches of the General Assembly, been duly enrolled and signed by the Speaker.

House No. 259, A bill for an act to provide for the collection and settlement of the notes and mortgages received by J. D. Eads, for money loaned by him out of the permanent school fund, and judgments thereon.

CHAS. ALDRICH, Chief Clerk.

Senator Sampson obtained leave to present the petition of C. H. Mackay, and sixteen others, praying the passage of a bill for

the relief of Messrs. Evans and Shollenberger for damages done to their printing press and type by State troops while quartered in Sigourney in August, 1863, which was referred to the Committee on Claims.

Senator Stiles obtained leave to present the claim of Messrs. Evans and Shollenberger, which was referred to the Committee on Claims.

The House messages were, on motion of Senator Udell, taken up.

House File No. 264, A bill for an act to provide for the refunding of certain moneys to the Second and Third Regiments Iowa Infantry, was read the first and second times and referred to the Committee on Military Affairs.

Substitute for House File No. 311, A bill for an act making an appropriation to complete the Agricultural College Buildings, was read the first and second times and referred to the Committee on Agriculture.

House Joint Resolution appointing Trustees of the Hospital for the Insane, with non-concurrence of House to the Senate amendment thereto was taken up.

Senator Parvin moved that the Senate do recede from its amendments.

Senator Woolson moved as a substitute for the motion that the Senate insist upon its amendment.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Cattell, Clark, Clarkson, Doud, Edwards, Farwell, Hedges, Hillyer, Hollman, Knoll, Larimer, Leake, Meyer, Paulk, Patterson, Powers, Richards, Shippen, Stiles, Stubbs, Udell, Warren, Woolson—24.

The nays were Senators Bassett, Bulis, Crookham, Cutts, Hart, Hunt, King, Lakin, McJunkin, McMillan, Oliver, Parvin, Reed, Robertson, Ross, Sampson, Smith, Wharton—18.

Absent but not excused, Senators Bridges, Henderson, Hilsinger, and Marshman.

The motion prevailed.

Senator Stiles moved that a committee of conference be appointed on the part of the Senate, to confer with a similar committee from the House on the disagreement of the two houses on said resolution, which was agreed to.

On motion of Senator Cutts, House File No. 218, A bill for an act to repeal Section 1760 of the Revision of 1860, with report of Committee recommending its passage, was taken up.

Senator Cutts moved to amend Section 1 by adding thereto as follows :

*Provided*, That this act shall not be construed so as to prevent mutual life insurance companies incorporated by the laws of any other State than the State of Iowa, from transacting business within this State, as provided by Chapter 39 of the acts of the 9th General Assembly.

The amendment was adopted.

On motion of Senator Cutts, the bill was read the third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Oliver, Patterson, Powers, Reed, Saunpson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—36.

The nays were Senators Hilsinger, Knoll, Parvin, Paulk, Richards, Robertson—6.

Absent but not excused, Senators Bridges, Hedges and Ross.

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

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, been duly enrolled, and signed by the Speaker.

House File No. 123, A bill for an act to amend Section 1, of Chapter 25, of laws of the Extra Session of the 9th General Assembly.

Senate File No. 121, A bill for an act authorizing and regulating the sale and lease of lands belonging to the Iowa State Agricultural College.

Senate File No. 145, A bill for an act donating laws, legislative journals, reports and documents of the State of Iowa, to the library of Congress.

Senate File No. 145, A bill for an act to amend an act entitled an act to incorporate the Board of Trustees of the Congregational Church and Society of Burlington, approved February 12, 1844.

Senate File No. 107, A bill for an act providing for the election of a Reporter of the decisions of the Supreme Court.

Senate File No. 106, A bill for an act providing for the Clerk of the Supreme Court.

Senate File No. 222, A bill for an act to legalize the record of certain deeds and conveyances in Lee county, and to provide for the recording at Fort Madison of all such instruments affecting lands in those parts of T. 67, N. R. 4 W. and the E  $\frac{1}{2}$  of T. 67, N. R. 5 W., which are upon the "Half-Breed Tract."

CHAS. ALDRICH, Chief Clerk.

Senator Shippen asked for leave of absence for Senator Marshman. Leave granted.

The President announced a Committee of Conference on the disagreeing votes of the two Houses on joint resolution appointing Trustees for the Hospital for the Insane, Senators Stiles, Parvin, and Doud.

The hour for the special order having arrived, being House File

No. 258, A bill for an act to amend Chapter 172 of the Acts of the Ninth General Assembly, and it was taken up, and on motion of Senator Henderson, was considered section by section.

On motion of Senator Farwell, section three was amended by striking out in the sixth line the words "thirty-two" and inserting "twenty-four."

Senator Bulis moved to amend by striking out section four.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bulis, Clark, Clarkson, Crookham, Cutts, Farwell, Hillyer, King, McMillan, Meyer, Parvin, Powers, Sampson, Smith, Stubbs, Udell, Wharton, Woolson—19.

The nays were Senators Bridges, Cattell, Doud, Edwards, Hedges, Henderson, Hilsinger, Hollman, Knoll, Lakin, Larimer, Leake, McJunkin, Oliver, Paulk, Patterson, Reed, Richards, Robertson, Stiles, and Warren—21.

Absent but not excused, Senators Bassett, Hart, Hunt, Ross, and Shippen.

So the amendment was not adopted.

On motion of Senator Parvin, the fifth section was stricken out.

Senator Wharton moved to amend section eight by inserting in the third line before the word "History" the word "Hildreth's," which was disagreed to.

Senator Clarkson moved to amend section nine by striking out in the fifth line the word "two" and inserting "three."

The amendment was not adopted.

Senator Paulk moved to amend section nine by striking out all after the word "revenue" in the sixth line.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bridges, Clarkson, Farwell, Paulk, Reed, Stubbs, and Wharton—7.

The nays were Senators Brayton, Bulis, Cattell, Crookham, Cutts, Doud, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, McMillan, Meyer, Oliver, Parvin, Patterson, Powers, Richards, Robertson, Ross, Sampson, Shippen, Stiles, Udell, Warren, and Woolson—32.

Absent but not excused, Senators Bassett, Clark, Hart, Leake, McJunkin, and Smith.

So the amendment was not adopted.

Senator Paulk moved to amend Section 9 by adding thereto as follows, "Provided also that the total fees shall not exceed \$500 in any one year."

Senator Bulis moved to amend by striking out \$500 and inserting "1,000."

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bulis, Clarkson, Crookham, Doud, Farwell, Hilsinger, King, Knoll, Larimer, Leake, Meyer, Oliver, Powers, Reed, Richards, Ross, Smith, Stubbs, and Wharton—20.

The nays were Senators Bridges, Cattell, Clark, Cutts, Edwards, Hedges, Henderson, Hillyer, Hollman, Lakin, McJunkin, McMillan, Parvin, Paulk, Patterson, Robertson, Sampson, Shippen, Stiles, Udell, Warren and Woolson—22.

Absent, but not excused, Senators Bassett, Hart and Hunt.

So the amendment was not adopted.

The question recurring upon the amendment of Senator Paulk, the yeas and nays were demanded, and

The yeas were Senators Clarkson, Parvin, Paulk, Wharton—4.

The nays were Senators Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hollman, King, Knoll, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Oliver, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren and Woolson—37.

Absent, but not excused, Senators Bassett, Hart, Hillyer and Hunt.

So the amendment was not adopted.

On motion of Senator Warren the Senate then adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

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

The consideration of House File 258, was resumed.

Senator Farwell moved to amend Section 10, by striking out in the last line, the word "two" and inserting "one."

The amendment was not adopted.

The bill having been considered section by section, Senator Parvin moved to amend Section 1, striking out in the last line, the word "ten" and inserting "seven," also to amend Section 4, by striking out in the seventh line "15," "and inserting" "10½."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bulis, Cattell, Clark, Clarkson, Crookham, Edwards, Farwell, Hart, King, McMillan, Parvin, Powers, Sampson, Smith, Stubbs, Udell, Wharton, Woolson—18.

The nays were Senators Bridges, Cutts, Doud, Hedges, Henderson, Hilsinger, Hollman, Knoll, Lakin, Larimer, Leake, Meyer, Oliver, Paulk, Patterson, Reed, Richards, Robertson—18.

Absent, but not excused, Senators Hillyer, Hunt, McJunkin, Ross and Warren.

The vote being a tie, the President voted aye.

So the amendment was adopted.

On motion of Senator Farwell, Senator Brayton was granted leave of absence.

On motion of Senator Reed, Senator Bassett was granted leave of absence.

On motion of Senator Patterson, Senator Stiles was granted leave of absence.

Senator Clarkson moved to amend Section 1, by adding thereto the following words, viz; and by striking out "the," in the third line of the fifth Division of Section 7, and inserting in place the word "Independent."

Pending which Senator Oliver moved that the bill be laid on the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Clarkson, Cutts, Farwell, King, Knoll, Larimer, McJunkin, McMillan, Meyer, Oliver, Parvin, Paulk, Richards, Sampson, Smith, Wharton—16.

The nays were Senators Bridges, Bulis, Cattell, Clark, Crookham, Doud, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Lakin, Patterson, Powers, Reed, Robertson, Ross, Stiles, Stubbs, Udell, Warren, Woolson—24.

Absent but not excused, Senators Edwards, Leake, and Shippen.

So the motion did not prevail.

The question recurring upon the amendment, it was disagreed to.

Senator Woolson moved to amend by adding Section 17: Section 29, of Chapter 172, of the acts of the Ninth General Assembly is hereby amended by adding thereto the following, viz.: *Provided further*, That in case where by reason of streams or other natural obstacle any portion of the inhabitants of any school district township, cannot in the opinion of County Superintendents with remarkable facility enjoy the advantages of any school in their township, the said County Superintendent, with the consent of the Board of Directors of each District Township, as may be affected thereby, may attach such part of said Township to an adjoining Township, and erect a new Sub-District with part of the said adjoining Township, and the order erecting the same shall be transmitted to the Township District Clerk in each District, and be by him recorded in his records of Sub-District, and the proper entry thereof made on his plat of Sub-Districts, and such order shall designate the Township District to which the new Sub-District shall be attached, and all Sub-Districts heretofore conforming substantially to the principles above expressed, are hereby declared to be legal and valid as if formed under this provision.

Senator Edwards moved to reconsider the vote upon the amendment offered by Senator Parvin to Sections 1 and 4.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bridges, Cutts, Doud, Edwards, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Lakin, Larimer, Leake, McJunkin, Oliver, Paulk, Patterson, Reed, Richards, Robertson, Ross, Stiles, Warren, Woolson—24.

The nays were Senators Bassett, Bulis, Cattell, Clark, Clarkson, Crookham, Farwell, Hunt, King, Knoll, McMillan, Meyer, Parvin, Powers, Sampson, Smith, Stubbs, Udell, Wharton—19.

Absent, but not excused, Senator Shippen.

So the motion prevailed.

The question recurring upon the adoption of the amendment, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Clarkson, Edwards, Farwell, King, McMillan, Meyer, Parvin, Powers, Robertson, Sampson, Smith, Stubbs, Udell, Wharton, Woolson—18.

The nays were Senators Bridges, Cattell, Clark, Crookham, Cutts, Doud, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, McJunkin, Oliver, Paulk, Patterson, Reed, Richards, Ross, Stiles, Warren—25.

Absent, but not excused, Senators Hart and Shippen.

So the amendment was not adopted.

Senator Henderson moved that the bill be read a third time now.

The motion prevailed.

The question being, Shall the bill pass?

The yeas were Senators Bridges, Bulis, Cattell, Clark, Crookham, Doud, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Leake, McMillan, Oliver, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Stiles and Warren—27.

The nays were Senators Bassett, Brayton, Clarkson, Cutts, Edwards, Farwell, King, Meyer, Parvin, Sampson, Smith, Stubbs Udell, Wharton and Woolson—15.

Absent but not excused, Senators Hart, McJunkin, Shippen.

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

Senator Woolson obtained leave to offer the following resolution:

*Resolved by the Senate, the House concurring,* That a Committee of five on the part of the Senate be appointed to act in concert with a like committee on the part of the House, in the examination of all bills pending in either branch of the General Assembly, and that the Committee be instructed to report on Friday morning and from time to time as be necessary, such bills as should be first considered and voted upon, in order to subserve the best interest of the State.

On motion of Senator Farwell the resolution was laid on the table.

The Committee on Enrolled Bills submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor, for his approval, Senate File Nos. 222, 120, 145, 218, 107 and 108.

W. B. LAKIN, Chairman.

Also the following:

The Committee on Enrolled Bills also report that they have examined; and find correctly enrolled, the following bill: A Bill for an Act to amend Article 2 of Chapter 59, of the Revision of 1860, relating to the appointment of Steward of the Hospital for the Insane.

W. B. LAKIN,  
CHAS. PAULK.

The hour for the special order having arrived, being Memorial and Joint Resolution relative to the improvement of the Rapids in the Mississippi river, and substitute therefor, and it was taken up.

Senator Richards moved to fill the blank in the second resolution of substitute with the words "three thousand."

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Crookham, Farwell, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Knoll, Larimer, Meyer, Oliver, Parvin, Patterson, Powers, Richards, Robertson, Ross, Smith, Stiles, Stubbs, and Warren—23.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Cutts, Edwards, Hillyer, Lakin, Leake, McJunkin, McMillan, Paulk, Reed, Sampson, Udell, Wharton, Woolson—19.

Absent but not excused, Senators Hart and Shippen.

The motion prevailed.

Senator Cutts moved that the second resolution be stricken out.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Bulis, Cattell, Clarkson, Cutts, Edwards, Hillyer, Lakin, McJunkin, McMillan, Oliver, Parvin, Reed, Robertson, Ross, Sampson, Udell, Wharton, and Woolson—20.

The nays were Senators Brayton, Clark, Crookham, Doud, Farwell, Hedges, Henderson, Hilsinger, Hollman, King, Knoll, Larimer, Leake, Meyer, Paulk, Patterson, Powers, Richards, Smith, Stiles, Stubbs, and Warren—22.

Absent but not excused, Senators Hart, Hunt, and Shippen.

So the motion did not prevail.

Senator Edwards moved to amend the 1st resolution by striking out all after the word "Congress," in the 8th line, to the word "and," in the eleventh line.

Upon this the yeas and nays were demanded.

The yeas were Senators Cutts, Edwards, Hillyer, Lakin, McMillan, Parvin, Robertson, Wharton, Woolson—9.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Farwell, Hedges, Henderson, Hilsinger, Hunt, King, Knoll, Leake, McJunkin, Meyer, Oliver, Paulk, Powers, Reed, Richards, Sampson, Smith, Stiles, Stubbs, Udell, Warren—30.

Absent, but not excused, Senators Hart, Hollman, Larimer, Patterson, Ross and Shippen.

So the amendment was not adopted.

Senator Stiles moved a call of the Senate.

Motion carried.

The following named Senators failed to answer to their names, viz: Bridges, Hart, Hollman, Hunt, Larimer, Leake, Patterson, Powers and Udell.

Senator Parvin moved that all further proceedings under the call be dispensed with. Lost.

The Sergeant-at-arms was ordered to bring in the absentees.

The Sergeant-at-arms having appeared with part of the absentees, on motion of Senator Richards, all further proceedings under the call were dispensed with.

Senator Hunt moved that the Senate do now adjourn.

Motion Lost.

Senator Henderson moved to amend the 1st resolution by striking out in the 5th and 6th lines the words "by canal or otherwise (as competent engineers of the United States shall decide.)"

The amendment was adopted.

The question being on the adoption of the substitute, the yeas and nays were demanded, and

The yeas were Senators Brayton, Clarkson, Crookham, Doud, Farwell, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Knoll, Meyer, Paulk, Patterson, Powers, Reed, Richards, Ross, Smith, Stiles, Stubbs, Warren—23.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Cutts, Edwards, Hillyer, Lakin, Larimer, Leake, McJunkin, McMillan, Oliver, Parvin, Robertson, Sampson, Udell, Wharton, Woolson—20.

Absent, but not excused, Senators Hart and Shippen.

So the substitute was adopted.

On motion of Senator Richards, the resolution was read the third time.

The question being, Shall the resolution pass?

The yeas were Senators Brayton, Cattell, Clark, Crookham, Doud, Farwell, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Knoll, Larimer, Leake, Paulk, Patterson, Powers, Reed, Richards, Ross, Smith, Stiles, Stubbs, Warren—25.

The nays were Senators Bassett, Bridges, Bulis, Cutts, Edwards, Hart, Hillyer, Lakin, McJunkin, McMillan, Meyer, Oliver, Parvin, Robertson, Sampson, Udell, Wharton, Woolson—18.

Absent but not excused, Senators Clarkson and Shippen.

So the resolution passed.

Senator McJunkin, from the Committee on Elections, obtained leave to submit the following report:

*To the Senate:* Your Committee on Elections, to whom was referred House File No. 213, being A bill for an act to ascertain the citizens entitled to the right of suffrage and to prevent fraudulent voting, have had the same under consideration and have instructed

me to report the accompanying substitute without recommendation.  
J. F. McJUNKIN, Chairman.

## MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform your honorable body that the House has passed a substitute for Senate File No. 186, A bill for an act to aid in the support and education of soldiers' orphans of Iowa, and for the benefit of the Iowa Soldiers' Orphans' Home, in which the concurrence of the Senate is respectfully asked.

I am also directed to inform the Senate that the House has concurred in the Senate amendments to House File 249.

CHAS. ALDRICH, Chief Clerk.

The special order for half-past three o'clock was taken up, being House File No. 250, A bill for an act to quiet the title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant, with report of Committee recommending amendments.

Senator Patterson moved that the bill be made a special order for to-morrow afternoon at 3½ o'clock, which was disagreed to.

Pending the consideration of the bill, Senator Stubbs from Committee on Public Buildings, submitted the following report:

The Committee on Public Buildings have had under consideration House File No. 144, A bill for an act providing for the erection of a building for Adjutant-General's and Quartermaster General's offices, and for a State Arsenal, and have instructed me to report the same back and recommend the following, to-wit:

1. Strike out of the 2nd Section the name of George Whittaker.
2. Add an additional Section, as follows:

SECTION 4. The money hereby appropriated shall be drawn as the work progresses, on the written order of the Adjutant-General, who shall before drawing any of said money, file a bond with surety with, and to be approved by, the Treasurer of State, in the sum of fifty thousand dollars, for the faithful disbursement of said money, as provided by this act, and shall pay out the same on the proper vouchers, and shall report to the next General Assembly a statement in detail of the expenditures.

And so amended, your Committee recommend that the bill do pass.

D. P. STUBBS, Chairman.

Senator Stubbs moved that the bill be made a special order for to-morrow afternoon at 2½ o'clock, which motion was not agreed to.

## MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return Senate File No. 217, A bill for an act to provide for the settlement of certain claims against

the general Government, the House having concurred in the recommendation of the Committee of Conference, viz.: That the House insist upon its amendments.

CHAS. ALDRICH, Chief Clerk.

Senator Hilsinger moved that the Senate do now adjourn.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Clark, Cutts, Doud, Farwell, Hilsinger, Hollman, King, Knoll, Larimer, McJunkin, McMillan, Oliver, Paulk, Patterson, Richards, Sampson, Smith, Stiles, Stubbs, Udell, Warren, Wharton—23.

The nays were Senators Bassett, Bridges, Cattell, Clarkson, Crookham, Edwards, Hart, Henderson, Hillyer, Hunt, Leake, Meyer, Parvin, Powers, Reed, Ross, Woolson—17.

Absent but not excused, Senators Bulis, Hedges, Lakin, Robertson, Shippen.

So the motion prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES, }  
March 30, 1866. }

The Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Geiger.

Senator Woolson moved that the reading of the journal of yesterday be dispensed with, which motion was agreed to.

On motion of Senator Woolson, the vote was reconsidered by which the reading of the journal was dispensed with.

The question recurring upon the motion to dispense with the reading of the journal, it was disagreed to.

The journal was then read, corrected and approved.

House File No. 250, A bill for an act to quiet title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant, which was under consideration at the hour of adjournment, was taken up.

Senator Hilsinger made the point of order that, inasmuch as the bill was a special order for yesterday afternoon and the Senate adjourned while considering it, the bill cannot be now considered.

The President overruled the point of order, and decided the consideration of the bill to be now in order.

From this decision Senator Hilsinger appealed.

The question was put, "Shall the decision of the President stand as the judgment of the Senate?" and it was decided in the affirmative.

Senator Hilsinger moved that the bill be laid on the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bulis, Clarkson, Cutts, Farwell, Hilsinger, King, Larimer, Parvin, Pauk, Smith, and Udell—11.

The nays were Senators Bassett, Brayton, Bridges, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McMillan, Meyer, Oliver, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Stubbs, Warren, Wharton, and Woolson—30.

Absent but not excused, Senators Clark, McJunkin, Powers, and Stiles.

The motion did not prevail.

The question being on the adoption of the report of the Committee, Senator Woolson moved to amend by adding to the Committee's amendment to Section 2, the following words, viz:—*“Provided further, That before any of the Indemnity lands aforesaid shall be certified to the said Rail Road Company, all incumbrances created or suffered by said Company upon the said lands hereby confirmed, or any part thereof, shall be removed therefrom,”* which was agreed to and the report as amended was adopted.

Senator Woolson moved to amend Section 1 by inserting after the enacting clause the following words, viz; “That the lands and all rights to the lands and the interest, rights, power and privileges in and to and concerning such lands hereinafter described, lying within five miles of the Des Moines River, on either side thereof heretofore conferred or intended to be conferred upon the Mississippi and Missouri River Rail Road Company if any such lands, rights, interests, powers or privileges were so conferred by an act approved July 14, 1856, entitled “An act to accept of the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled “An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,” and by an act of Congress, approved may 15, 1856, Entitled “An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,” and by an act of Congress, approved June 2, 1864, entitled “An act to amend an act entitled An act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State,” be and the same are hereby absolutely and entirely resumed by the State of Iowa.

*Provided further,* That the resumption herein provided for shall not be considered as a waiver of the right of the State to resume the remaining lands conferred or intended to be conferred upon the Mississippi & Missouri River R. R. Co.

The amendment was adopted.

Senator Hart moved that the bill be read a third time now.

Senator Hilsinger offered a substitute for the bill.

Pending the consideration of which Senator Henderson moved

the previous question which was seconded, and the main question ordered and put first, upon the adoption of the substitute, upon which the yeas and nays were demanded, and

The yeas were Senators Bulis, Clark, Cutts, Farwell, Hedges, Hilsinger, Hollman, King, Larimer, Smith, Stiles—11.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Clarkson, Crookham, Doud, Edwards, Hart, Henderson, Hillyer, Hunt, Knoll, Lakin, Marshman, McJunkin, McMillan, Meyer, Oliver, Parvin, Paulk, Patterson, Reed, Richards, Robertson, Ross, Sampson, Shippen, Stubbs, Udell, Warren, Wharton, Woolson—33.

Absent, but not excused, Senator Powers.

The substitute was not adopted.

2d. Shall the bill be read a third time now? which was agreed to, and the bill was read a third time.

On the question, Shall the bill pass?

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hillyer, Hunt, Lakin, Marshman, McJunkin, McMillan, Meyer, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—32.

The nays were Senators Bulis, Clarkson, Cutts, Hilsinger, Hollman, King, Knoll, Larimer, Paulk, Richards, Smith—11.

Absent but not excused, Senator Shippen.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that Messrs. Bennett, Morgan and Tisdale have been appointed as a Committee of Conference upon the part of the House, on the disagreement of the two Houses in reference to the appointment of the Iowa Hospital for the Insane.

I also herewith present a resolution fixing the hour of adjournment of the General Assembly, which has passed the House and in which the concurrence of the Senate is respectfully asked.

ALDRICH, Chief Clerk.

WHEREAS, The General Assembly of the State of Iowa has by resolution determined to adjourn the present session on the 3d day of April next; therefore

*Resolved by the House of Representatives of the State of Iowa, the Senate concurring,* That the hour of such final adjournment is fixed at one o'clock A. M. on said 3d day of April.

On motion of Senator Clarkson Senator Powers was granted leave of absence.

The hour for the special order having arrived, being the consideration of the report of the committee on the "alleged diversion of the Swamp Land Indemnity Fund," it was taken up and read.

Senator Stiles obtained leave to introduce Senate File No. 226,

A bill for an act to amend Section 3673 of the Revision, and to regulate the foreclosure of deeds of trust in certain cases.

Also Senate File No. 227, A bill for an act to authorize actions to be brought in the name of the State for the recovery of Swamp Land Indemnity money against the parties liable therefor.

The question being on the adoption of the majority report, Senator Paulk moved to amend by substituting the minority report therefor.

Pending which, the following message was received from the House :

MR. PRESIDENT :—I am directed to inform your honorable body that the House has adopted a proposal to amend the Constitution of the State of Iowa, and has also passed the following bill :

House File No. 138, A bill for an act to provide for due reference and publication of proposals to amend the Constitution of the State of Iowa.

In which the concurrence of the Senate is respectfully asked.

C. ALDRICH, Chief Clerk.

A PROPOSAL TO AMEND THE CONSTITUTION OF THE STATE OF IOWA.

*Be it resolved by the General Assembly of the State of Iowa, That the following amendments to the Constitution of the State of Iowa are hereby proposed :*

1. Strike the word "white" from Section 1 of Article 2 thereof.
2. Strike the word "white" from Section 33 of Article 3 thereof.
3. Strike the word "white" from Section 34 of Article 3 thereof.
4. Strike the word "white" from Section 35 of Article 3 thereof.
5. Strike the word "white" from Section 1 of Article 6 thereof.

Add to Section 5 of Article 2 the following words : "Nor shall any person who has committed or may hereafter commit the crime of treason against the United States or this State, nor any person who has absconded or may hereafter abscond for the purpose of avoiding any military conscription or draft ordered by the authority of the United States or this State, nor any person who procures an exemption from draft by fraud, be entitled to the privilege of an elector, or qualified to hold any office under the Constitution and laws of this State. In order that the provisions of this section may be effectually enforced, the Legislature may by law prescribe a suitable oath to be taken under such limitations as it may deem proper, by persons offering to qualify for office or to vote, to the effect that they are not subject to the disabilities of this section."

On motion of Senator Paulk the Senate adjourned.

## AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened at 2 o'clock, and was called to order by the President.

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

A proposal to amend the Constitution of the State of Iowa, was read the first and second times and referred to the Committee on Constitutional Amendments.

House File No. 138, A bill for an act to provide for due reference and publication of proposals to amend the Constitution of the State of Iowa, was read the first and second times and referred to the Committee on Constitutional Amendments.

House substitute for Senate File No. 186, A bill for an act regarding soldiers' orphans, was read the first and second times and referred to the Committee on Soldiers' Orphans' Home.

House concurrent resolution relative to the hour of adjournment of the General Assembly, was taken up.

Senator Stubbs moved to amend by striking out "one o'clock A. M.," and inserting "five o'clock P. M."

Senator Ross moved to amend by striking out "P. M.," and inserting "A. M.," which was disagreed to.

The question recurring upon the amendment of Senator Stubbs, the yeas and nays were demanded, and

The yeas were Senators Cattell, Crookham, Cutts, Doud, Hart, Hillyer, Lakin, Leake, Meyer, Oliver, Parvin, Powers, Reed, Sampson, Stiles, Stubbs, Wharton, Woolson—18.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Clarkson, Edwards, Farwell, Hedges, Hilsinger, Hollman, Hunt, King, Knoll, Larimer, Marshman, McJunkin, McMillan, Paulk, Patterson, Richards, Robertson, Ross, Shippen, Smith, Udell, Warren—26.

Absent but not excused, Senators Clark and Henderson.

The amendment was lost.

Senator Oliver moved that the resolution be laid on the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Cattell, Clarkson, Cutts, Hart, Hillyer, Knoll, Lakin, Leake, Meyer, Oliver, Parvin, Powers, Reed, Sampson, Stubbs, Woolson—17.

The nays were Senators Brayton, Bridges, Bulis, Crookham, Doud, Edwards, Farwell, Hedges, Hilsinger, Hollman, Hunt, King, Larimer, Marshman, McJunkin, McMillan, Paulk, Patterson, Richards, Robertson, Ross, Shippen, Smith, Stiles, Udell, Warren, Wharton—27.

Absent but not excused, Senators Clark and Henderson.

The motion did not prevail.

Senator Woolson moved to amend the resolution by striking out the word "one" and inserting "four," which was disagreed to.

The resolution was then adopted.

Senator Warren moved that when the Senate adjourn it be until 7½ o'clock this evening, which was agreed to.

Senator Warren moved that the further consideration of the report of the Investigating Committee on the alleged diversion of the Swamp Land Indemnity Fund, be postponed until this evening at 7½ o'clock, and be made a special order for that hour, which motion was disagreed to.

The consideration of the report was then resumed.

Pending which, the following messages were received from the House:

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

House File No. 318, A bill for an act in relation to swamp lands.

House File No. 323, A bill for an act to legalize the levy of taxes by the City Council of Indianola for the year 1865.

House File No. 312, A bill for an act making further appropriation for the Hospital for the Insane.

House File No. 282, A bill for an act constituting the Mayor and Council of any incorporated town or city a board of health and defining their powers.

Substitute for House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Council Bluffs, Iowa.

House File No. 300, A bill for an act to legalize certain acts of certain persons named therein.

Substitute for Senate File No. 123, A bill for an act entitled an act to amend Chapter 44 of the Acts of the 10th General Assembly, with the following amendments, in which the concurrence of the Senate is respectfully asked: After the word "forty-four" in in the third line of Section 1, insert the words "except the enacting clause." And also add the following to Section 1, "*Provided*, Said preferred stock so issued shall not exceed the sum of \$10,000 for each mile of railroad constructed by said company."

I herewith return the following bill which has passed the House with amendment, in which the concurrence of the Senate is asked:

Substitute for Senate File No. 81, A bill for an act to amend Section 2, Chapter 115 of the laws of the 10th General Assembly, in relation to printing the delinquent tax list. Amend by striking out the word "six" in the first section, and inserting the word "three."

I also return Substitute for Senate File No. 137, A bill for an act to provide for the taxation of national banks, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Udell from the Committee on Ways and Means, submitted the following report :

The Committee of Ways and Means have instructed me to report a list of per diem of members and officers of the Senate, and ask that the President and Secretary certify to the correctness of the same.

UDELL, Chairman.

Senator Larimer moved that the Senate do now adjourn until 9 o'clock to-morrow morning, which was agreed to.

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SENATE CHAMBER, DES MOINES, }  
March 31, 1866. }

The Senate convened at 9 o'clock A. M.

Prayer by Rev. Mr. Winans.

The journal of yesterday was read, corrected and approved.

Senator Clarkson obtained leave to offer the following resolution :

*Resolved*, That hereafter, all business shall come up in its regular order, taking first the bills reported on favorably by Committees and when read, the Chairman of the Committee from which the bill or resolution was reported, shall explain it, occupying not exceeding five minutes, and five minutes may be spent in objections to the bill, when final action shall be taken on all the questions. Amendments may be offered, but not discussed. Messages from the House shall be referred or placed on file, without reading, except by the title, or considered immediately.

This shall be the rule until seven o'clock of Monday evening, when the chairman of the first seven standing Committees shall bring forward such bills as the wants of the people and the business of the State, demand action on in the order of their importance.

Senator Hilsinger moved to amend by striking out the last clause of the resolution.

The amendment was not adopted.

Senator Udell moved to amend by inserting in the third line after the words "regular order," the words "except House Messages," which was agreed to.

Senator Stubbs moved to amend by inserting in the third line the words "and proposals to amend the Constitution," which was disagreed to.

Upon the adoption of the resolution, the yeas and nays were demanded, and

The yeas were Senators Brayton, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hollman, King, Larimer,

Leake, McMillan, Paulk, Powers, Reed, Ross, Sampson, Shippen, Smith, Stiles, Udell, Warren, Wharton, Woolson—26.

The nays were Senators Bassett, Bridges, Bulis, Edwards, Hedges, Hilsinger, Hillyer, Hunt, Knoll, Lakin, Marshman, McJunkin, Oliver, Parvin, Patterson, Richards, Robertson, Stubbs—18.

Absent, but not excused, Senators Cattell and Meyer.

So the resolution was adopted.

Senator Parvin obtained leave to submit the following report :

*To the General Assembly of the State of Iowa:*

The Select Joint Committee appointed to examine the allegations of fraud and misrepresentations against the American Emigrant Company, under the following resolution :

“ *Resolved* by the House of Representatives (the Senate concurring) that a Joint Committee of five on the part of the House and three on the part of the Senate be appointed to examine and report as to the allegations of fraud and misrepresentations against the American Emigrant Company, by William Baker, swamp land Agent, and by Commissioner Edwards, and to prepare a memorial addressed to the Secretary of the Interior, disavowing on the part of the State any knowledge of or participation in the alleged frauds on the part of the American Emigrant Company in prosecuting claims for swamp land, should such charge be found true, and urging upon the Secretary the necessity of adjusting all claims of the counties under the swamp land grant, not tainted with fraud ;”

#### REPORT :

That the limited time did not permit a full investigation of the subject, such as would result from sending for persons and papers in the different counties and to the Department of the Interior at Washington ;

That the evidence is, in the opinion of your Committee, sufficient to warrant a thorough examination of the transactions of that Company in its relation to the counties in which it has operated, and in its relation to the State ;

That only such evidence has been taken as could be procured at Des Moines from official records, reports and letters, and from persons resident or accidentally at the Capital.

We have examined all the witnesses offered by the Company, stated the evidence in the minutes, and received and considered all the documents presented.

Want of time did not permit the Company or the Committee to send for persons or papers from abroad. T. F. Withrow asked the privilege of appearing before the Committee as Attorney for the Emigrant Company, but the Committee decided to dis-

pense with the services of attorneys. Mr. Withrow, however, was permitted to cross-examine witnesses one evening.

An appendix, made up of copies of official letters, written statements of witnesses, and printed documents, has been compiled, which, together with the evidence taken by the Committee, is herewith presented. We recommend that those documents be filed in the office of the Secretary of State.

It appears from the evidence of agents of the Company and otherwise that the agents of that Company, in some cases, represented to the people of some counties that they had superior facilities for having the swamp land claims allowed in the Department at Washington, and by other undue influences prevailed upon the people to enter into a contract for the sale of the swamp lands of the counties for a merely nominal price, entirely inadequate to the real value of the lands claimed ;

That the agents in some instances made false and fraudulent proofs of swamp lands with a view to obtain for the Company indemnity scrip and money for the benefit of the Company, and this being discovered at Washington, induced the Commissioner of the General Land Office to suspend the claims of many other counties in which the Company had no interest ;

That when a knowledge of these frauds came to the Company, the agent, who committed the frauds, was discharged ;

That the agents of the Company, as an inducement in obtaining contracts for swamp lands, in some cases, made promises to lease sheep to resident settlers as a personal consideration to them to vote for the contracts, which your Committee deem was in fraud of the rights of the country ;

That the agents represented to the people of the counties that they were in danger of losing the swamp lands unless the proofs were speedily made of the swamp land selections, and that the Company had extraordinary facilities for adjusting the claims, and under this belief they contracted the swamp lands to the Company.

Your Committee believe that such representations were not true and that this Company had no honest facilities for adjusting swamp land claims not possessed by other agents of the counties and of the State.

Your Committee further find that the Emigrant Company has made contracts for the swamp lands of about twenty-five counties ; that in one of the counties (Kossuth) there was a provision made in the contract that every resident settler might receive eighty acres of said swamp land at the same price agreed to be paid to the county, only a few cents per acre, which your committee considers to be an indirect bribe to the voters to sustain the contract made with the board of supervisors ; that the quantity of land patented to the State for the benefit of five of those counties, up to the first of December last, is about 57,000 acres ; that the whole amount of swamp lands claimed by that company is over 400,000 acres ; that

the amount of indemnity scrip already issued, claimed by that company, is for about 23,000 acres, and that the amount of cash indemnity which the company has already received is about \$32,000. Some of these figures are considerably increased in a statement of one of the witnesses, from information obtained at the office of the Commissioner of the General Land Office.

Your Committee further find that during three years past, the attention of the Governor and of the Register of the State Land Office has been called by agents of the State to the alleged fraudulent transactions of the American Emigrant Company in reference to swamp lands as between the company and the counties; but the State officers had no authority of law to commence investigations or legal proceedings without being authorized by the General Assembly.

In 1853, the State granted to the counties the swamp lands, subject to the condition contained in the Act of Congress granting the swamp lands to the State.

By a subsequent act in 1862, the Governor was required to appoint such swamp land agents as might be recommended by the counties. The swamp land selections and proofs have, in all cases, been made by agents designated by the counties.

We cannot forbear to say that we consider it to be the duty of the Governor and of the Register of the State Land Office to immediately notify the officers of the counties which have an interest in the swamp lands of their rights in the premises, and to inform the Secretary of the Interior and the Commissioner of the General Land Office that the State had no complicity with the American Emigrant Company in reference to the difficulties that have prevented the adjustment of the swamp land claims.

In view of the evidence already obtained on the above named matters, your Committee believes there are sufficient indications of fraudulent practices and misrepresentations in obtaining the contracts for the swamp lands and indemnity, to render it advisable, for the protection of the interest of the State, and of the counties in which this Emigrant Company has been and is operating, that legal steps be taken, under the authority of the State, to annul the contracts referred to and to compel the company to refund to the State, for the benefit of the counties interested, the indemnity money and also the indemnity scrip not already used, less the value of the services of the agents of the company in making such swamp land proofs as have been accepted or may hereafter be accepted by the Department of the Interior and the Commissioner of the General Land Office.

Your Committee recommend the adoption of the accompanying resolutions.

J. A. PARVIN, Chairman.

C. PAULK.

J. G. PATTERSON.

*On part of the Senate.*

JOHN McKEAN, Chairman.

D. G. GOODRICH.

L. E. FELLOWS.

J. G. SAFELY.

*On part of the House.*

*Be it resolved by the General Assembly of the State of Iowa,* That the Register of the State Land Office be, and he is hereby instructed to inform the counties in which contracts referring to swamp lands have been made with the American Emigrant Company of the substance of the report of the Joint Committee appointed to investigate the alleged frauds and misrepresentations of that company.

*Be it resolved by the General Assembly of the State of Iowa,* That the Governor be and he is hereby requested to inform the Secretary of the Interior and the Commissioner of the General Land Office of the substance of the report of the Joint Committee appointed to investigate the alleged frauds and misrepresentations of the American Emigrant Company.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Senate File No. 224, A bill for an act to amend Art. 2, of Chapter 59, of the Revision of 1860, relating to the appointment of Steward for the Hospital for the Insane.

House File No. 249, A bill for an act making an appropriation to complete and repair the buildings of the State University.

Senate substitute for House File No. 272, A bill for an act to legalize the acts of the Board of Supervisors of Harrison county in conveying certain swamp lands to soldiers as bounties.

Senate substitute for House File No. 222, A bill for an act to amend Section 3304, Chapter 125, of the Revision of 1860.

Substitute for House File No. 96, A bill for an act to amend Sections 710 and 312 of the Revision of 1860.

House File No. 125, A bill for an act making a further appropriation for the Asylum for the Blind.

CHAS. ALDRICH, Chief Clerk.

Senator Warren, from the Committee of Conference on the disagreeing votes of the two Houses on Senate File No. 217, A bill

for an act providing for the settlement of certain claims against the Federal Government, reported and recommended that the Senate concur in the House amendment thereto.

The question being "Shall the Senate concur in the House amendment as recommended by the Committee?"

The yeas were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, King, Leake, McJunkin, McMillan, Moore, Oliver, Paulk, Patterson, Powers, Reed, Stiles, Stubbs, Warren, and Wharton—28.

The nays were Senators Brayton, Doud, Hillyer, Knoll, Lakin, Larimer, Marshman, Parvin, Richards, Robertson, Ross, Sampson, Shippen, Smith, Udell, and Woolson—16.

Absent but not excused, Senators Cutts, Hunt, and Meyer.

So the amendment was concurred in.

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

House File No. 318, A bill for an act in relation to swamp lands, was read the first and second times.

Senator Paulk moved that the bill be read the third time now.

Senator Ross moved that the bill be referred to the Committee on Public Lands, which was agreed to.

House File No. 300, A bill for an act to legalize certain acts of persons named therein, was read the first and second times.

Senator Parvin moved to amend Section 5 by inserting in the fourth line the words, "also the official acts of S. L. Ward, as Notary Public from June, 1861, to September, 1865."

Senator Woolson moved to amend by adding thereto the words, "or any other Ward," which was agreed to.

Senator Cutts moved to reconsider the vote last taken.

The motion prevailed.

The question being on the adoption of the amendment, it was disagreed to.

Senator Parvin then withdrew his amendment.

The eleventh rule was, on motion, suspended, and the bill was read the third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Sampson, Shippen, Smith, Stubbs, Udell, Warren—37.

The nays were Senators Hart, Knoll, Larimer, Paulk, Wharton, Woolson—6.

Absent but not excused, Senators Meyer, Richards, and Ross.

So the bill passed, and the title was amended and 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 :

House File No. 289, A bill for an act for the purchase and distribution of copies of the 2d volume of the Iowa Digest.

CHAS. ALDRICH, Chief Clerk.

House File No. 312, A bill for an act making further appropriations for the Hospital for the Insane, was read the first and second times.

Senator Udell moved that the 11th rule be suspended, and that the bill be read a third time now.

The motion prevailed.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—37.

The nays were Senators Edwards, Knoll, Larimer, Paulk, Richards—5.

Absent but not excused, Senators Bridges, Clark, Hart, Meyer, and Sampson.

So the bill passed and the title was agreed to.

House File No. 282, A bill for an act constituting the mayor and council of any incorporated town or city, a board of health, and defining their powers, was read the first and second times.

On motion of Senator Hilsinger, the 11th rule was suspended and the bill was read a third time.

On the question, Shall the bill pass?

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Shippen, Smith, Stiles, Stubbs, Warren, Woolson—37.

The nays were Senators Bulis, Edwards, Hedges, Hillyer, Parvin, Wharton—6.

Absent but not excused, Senators Hollman, Meyer, Sampson and Udell.

So the bill passed and the title was agreed to.

House File No. 323, A bill for an act to legalize the levy of taxes by the city council of Indianola, for the year 1865, was read the first and second times.

On motion of Senator Udell, the 11th rule was suspended and the bill was read the third time.

On the question, Shall the bill pass?

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—39.

The nays were Senators Edwards and Parvin—2.

Absent but not excused, Senators Bulis, Clark, Larimer, Meyer, Paulk and Patterson.

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

Substitute for Senate File No. 123, "A bill for an act to repeal Section first, of Chapter 44, of the acts of the Tenth General Assembly, in relation to the issue of preferred stock by Railroad Companies, and to provide a substitute thereof," with House amendments thereto, was taken up.

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

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Patterson, Powers, Reed, Richards, Ross, Sampson, Shippen, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—41.

The nays were Senators Parvin, Robertson, Smith—3.

Absent but not excused, Senators Clark, Meyer and Paulk.

So the amendments were concurred in.

House File No. 289, A bill for an act for the purchase and distribution of the second volume of the Iowa Digest, was read the first and second times.

On motion of Senator Reed, the 11th rule was suspended and the bill was read the third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cutts, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, Oliver, Paulk, Powers, Reed, Ross, Sampson, Stiles, Stubbs, Warren, Wharton—28.

The nays were Senators Bridges, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Hollman, McMillan, Moore, Parvin, Patterson, Richards, Robertson, Smith, Udell, Woolson—17.

Absent but not excused, Senators Meyer and Shippen.

So the bill passed and the title was agreed to.

Substitute for House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Council Bluffs, was read the first and second times.

Senator Cattell moved that the bill be referred to the Committee on Public Buildings, which motion was lost.

Senator Reed moved to amend Section 1, by striking out in the fourth line the words "Council Bluffs" and inserting "Winterset." Lost.

Senator McJunkin moved to amend by striking out "Council Bluffs" and inserting "Des Moines."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bridges, Bulis, Cattell, Crookham, Doud, Edwards, Farwell, Hedges, Knoll, Marshman, McJunkin, McMillan, Parvin, Reed, Richards, Sampson, Smith, Stubbs, Udell, Woolson—20.

The nays were Senators Bassett, Brayton, Clark, Clarkson, Cutts, Hart, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, Moore, Oliver, Paulk, Patterson, Powers, Robertson, Ross, Shippen, Stiles, Warren—25.

Absent but not excused, Senators Meyer and Wharton.

So the amendment was not adopted.

Senator Ross moved that the eleventh rule be suspended, and that the bill be read a third time now.

Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Clarkson, Cutts, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Larimer, Leake, McJunkin, McMillan, Moore, Oliver, Paulk, Patterson, Powers, Ross, Sampson, Shippen, Stiles, Udell, Warren, Wharton, and Woolson—28.

The nays were Senators Bassett, Bulis, Cattell, Crookham, Doud, Edwards, Farwell, King, Knoll, Lakin, Marshman, Parvin, Richards, Robertson, Smith, and Stubbs—16.

Absent but not excused, Senators Clark, Meyer, and Reed.

So the motion, failing to receive a requisite two-thirds vote, was lost.

The bill was passed on file.

Substitute for Senate File No. 81, A bill for an act to amend Section 2, Chapter 115, laws of the Tenth General Assembly, in relation to printing the delinquent tax list, with House amendments thereto, was taken up.

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

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Parvin, Paulk, Patterson, Powers, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, and Wharton—38.

The nays were Senators Bridges, Oliver, and Woolson—3.

Absent but not excused, Senators Clark, Henderson, Lakin, Meyer, Reed, and Ross.

So the amendments were concurred in.

The Committee on Constitutional Amendments, to whom was

referred the various propositions for amendment of the Constitution of this State, have had the same under consideration, and beg leave to report that a majority of the committee report back the resolutions and bill of the House, being House File No. 138, with an amendment, as follows: Strike out of line four in the second proposed series of amendments, the words, "Nor any person who procured an exemption from draft by fraud," and as thus amended recommend the adoption of the proposed amendments and bill.

T. W. WOOLSON,  
M. E. CUTTS,  
E. S. SAMPSON,  
J. F. McJUNKIN,  
J. A. L. CROOKHAM.

The undersigned, while agreeing to the above recommendation, further recommend that the following be added to Section 1, Article 2:

"*Provided*, That no person who has not, prior to the taking effect of this act, rightfully exercised the right of suffrage in this or any other of the United States, or been engaged in the active military service of the United States, or of this State, shall be permitted to vote at any election now or hereafter authorized by law, unless he shall, at the time he offers his vote, be able to read the Constitution of this State, and write his own name, unless prevented from doing so by physical disability."

T. W. WOOLSON,  
J. F. McJUNKIN,  
M. E. CUTTS.

Senator Woolson moved that the consideration of the report be made a special order for Monday morning at 9½ o'clock.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hilsinger, Hillyer, Hunt, King, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Parvin, Patterson, Powers, Reed, Robertson, Sampson, Shippen, Smith, Wharton, Woolson—32.

The nays were Senators Hart, Hedges, Henderson, Hollman, Knoll, Oliver, Paulk, Richards, Ross, Stiles, Warren—11.

Absent but not excused, Senators Lakin, Meyer, Stubbs, and Udell.

So the motion prevailed.

#### 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. 320, A bill for an act to resume all rights conferred upon the Mississippi and Missouri Railroad Company, by

act approved July 14, 1856, to repeal certain laws in relation thereto, and to create a Commission with power to provide for carrying out the trust conferred upon the State of Iowa, by act of Congress approved May 15, 1856.

CHAS. ALDRICH, Chief Clerk.

Senator Leake, from the Judiciary Committee, obtained leave to submit the following report:

*To the Senate of Iowa:*—The Judiciary Committee, to whom was referred the bills hereinafter named, have had the same under consideration, and have directed me to report thereon as follows:

1. Senate File No. 34, A bill for an act to quiet the title of Eliza Ingwerson and others to certain lands.

The Committee recommends that the bill do pass.

2. Senate File No. 114, A bill for an act to release to Beta Grecherech and Lewis Grecherech the right of the State by escheat to certain lands.

The Committee recommends that the bill do pass.

3. House File No. 158, A bill for an act to repeal section 2742 of the Revision of 1860, in relation to limitation of actions.

The Committee recommends that the bill be indefinitely postponed.

4. Substitute for House File No. 240, A bill for an act to define the liabilities of railroad and other companies, in the transportation of freight.

The Committee recommends that the bill do pass.

5. House File No. 228, A bill for an act to amend Chapter 100 of the Revision of 1860, relative to the estate of decedents.

The Committee recommends that all of Section 11, after the words "notice thereof shall," in the 4th line, be stricken out, and that in lieu thereof the following words be inserted: "be served upon him in the same manner as original notices now or may hereafter be required to be served upon defendants to civil actions in the District Court, who may be non-residents of the county in which the action is brought."

So amended, the Committee recommend that the bill do pass.

6. House File No. 2, A bill for an act disfranchising certain persons who avoided military services.

The Committee recommend that the bill do pass.

7. House File No. 257, A bill for an act to authorise and empower counties and cities to compromise and pay off bonds, coupons and judgments thereon, and to provide the means therefor.

The Committee recommend that the bill do pass.

8. Concurrent Resolution directing that the Attorney-General be directed to commence suit against the American Emigrant Company, if in his judgment deemed necessary.

The Committee recommends the passage of the resolution.

J. B. LEAKE, Chairman.

Senator Bulis obtained leave to offer the following resolution:

*Resolved by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the Secretary and Assistant Secretaries of the Senate, Chief Clerk and Assistant Clerks of the House of Representatives, and the Enrolling and Engrossing Clerks and Sergeant-at-Arms and Door Keepers of both branches of this General Assembly, each with a copy of the 15th, 16th and 17th volumes of Supreme Court Reports.*

On motion of Senator Farwell, the resolution was referred to the Committee on Judiciary.

Senator Powers from the Committee on Soldiers' Orphans' Home, obtained leave to submit the following report:

*To the Senate*:—We recommend that House substitute for Senate File 186, be amended as follows:

Strike out of the fifth line, in the first section, all after the word "successors."

Insert at the end of the third line in the second section the following: "and four additional Trustees to be elected by the present Orphans' Home Association, who shall hold their office until the first day of February, 1868."

Strike out word "Homestead" in last section and insert "Statesman."

So amended, your Committee recommend the passage of the substitute.

J. B. POWERS, Chairman.

On motion of Senator Powers, the report was adopted.

On motion of Senator Stubbs, the vote was reconsidered by which the report was adopted.

The amendments were considered separately, and were concurred in.

Senator Udell moved to amend the bill by striking out the 18th section.

Senator Woolson moved to amend Section 18 by striking out in the second line, the words "Board of Supervisors" and inserting the words "County Judge," which was agreed to.

The question recurring upon the motion to strike out the 18th section, it was agreed to.

Senator Farwell moved to amend Section 17 by striking out in the second line the figures "1866" and inserting "1867." Lost.

On motion of Senator Powers, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hunt, King, Lakin, Larimer, Leake, McJunkin, McMillan, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Woolson—36.

The nays were Senators Bridges, Bulis, Hedges, Hillyer, Hollman, Knoll, Marshman, Richards, Wharton—9.

Absent, but not excused, Senators Meyer and Sampson.  
So the bill passed, and the title was agreed to.

## MESSAGES FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed a joint resolution asking a military escort for Col. Sawyer's wagon road expedition.

This resolution is herewith transmitted, and the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

WHEREAS, We deem it to be true policy, as well as the duty of the Government to encourage and protect emigration to the gold fields of Montana and Idaho, and

WHEREAS, A wagon road has been opened by the Government from the Missouri river up the Niobrara Valley to Virginia City, and

WHEREAS, A large number of emigrants are preparing to pass over said route under the charge of Col. Sawyer to the gold fields of Idaho and Montana as soon as the season will permit, and

WHEREAS, In the opinion of the Legislature, the lives of many emigrants will be protected and the best interests of that region of country subserved by furnishing a military escort to Col. Sawyer for said trip. Therefore,

*Be it resolved by the General Assembly of the State of Iowa,* That the military authorities having control of this matter are respectfully requested and urged to furnish said escort at as early a day as the public good will permit, and that the Secretary of State be instructed to forward copies of this resolution to Major-Generals Sherman and Pope.

MR. PRESIDENT:—I am directed to inform the Senate that the House has receded from its amendment to Senate File No. 224, in relation to the salary of the Assistant Adjutant-General.

I am also directed to inform the Senate that the House has passed a resolution requiring the Secretary of State to furnish certain reports to certain institutions therein named.

The resolution is herewith transmitted, and the concurrence of the Senate is respectfully asked.

I herewith return Senate File 211, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

WHEREAS, By an Act of the Tenth General Assembly providing for the publication and distribution of the Reports of State institutions, the Asylums for the Blind and Deaf and Dumb were each entitled to one thousand copies of Reports: and

WHEREAS, The institutions for the Deaf and Dumb and Blind have failed to receive said Reports made to the present General Assembly and none are to be found; therefore,

*Be it resolved by the General Assembly of the State of Iowa,* That the Secretary of State be and is hereby required to print and forward one thousand copies to the Principal of the Asylum of the Blind and Deaf and Dumb, of their respective Reports.

Senator Stubbs moved that all Committees have leave to submit reports, which motion was adopted.

By Senator Ross: The Committee on Public Lands have had under consideration House File No. 318, A bill for an act in relation to Swamp Lands, and have directed me to report the same and to recommend its passage.

L. W. ROSS, Chairman.

Also, the following:

The Committee on Public Lands have had under consideration House File 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa by act of Congress entitled "An act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a Railroad in said State;" and a majority of said Committee have directed me to report the same without amendment and to recommend its passage.

L. W. ROSS, for Majority.

Senator Moore, from the Committee appointed to investigate the expenditures of the Contingent Fund, submitted the following Minority report:

*To the Senate of the State of Iowa :—*

The undersigned, Chairman of the Special Committee appointed by the Senate to inquire into the expenditures of the Executive Department, as contemplated by Section 27, Chapter 32, of the Acts of the 10th General Assembly, ask leave to submit the following report for myself alone, together with the testimony taken before said Committee, herewith attached, and forming a part of this report.

I deem the following explanation due to myself. I have from time to time made up the following report as the report of the Committee, believing that a majority could agree and would sign it. Earnestly desiring their full concurrence, I made from time to time such alterations and modifications suggested by the members of the Committee, as more nearly accorded with their views, and hoped that whatever difference of opinion there might exist between us, whether it pertained to the phraseology employed, or to the subject matter it contained, could be reconciled.

I entertained this view till the morning of the 30th inst., when it became apparent that, without further alterations or modifications, a majority of the Committee could not concur in the report.

While entertaining the most profound respect for the views and opinions of the honorable Senators who were associated with me

in this protracted investigation, I respectfully declined to make a portion of the alterations and modifications they desired.

I find that the whole amount of contingent fund for extraordinary expenses of the Executive Department and for the relief of sick and wounded soldiers, drawn from the Treasury, from January 25th, 1864, to February 1st, 1866, to be..... \$27,200 00  
 Amount refunded to the contingent fund, for which vouchers have been filed as payments out of that fund..... 877 00

Total..... 28,077 00

The disbursements, as per vouchers presented to the Committee, as follows, to wit:

By the Governor..... 9,516 95  
 By R. G. Orwig, Private Secretary .....16,170 16  
 By George J. North, Military Secretary.. 1,840 39  
 Balance on hand, Feb. 1, 1866..... 32 20 —27,559 70

Showing a deficit of..... \$517 30

Your Committee agree that there are improper vouchers, some of them for expenditures for improper purposes, which have not been refunded, and others containing no evidence of payment, amounting in the aggregate to the sum of..... , 3,299 39

Total, improper vouchers and deficit..... \$3,816 69

I am not willing to say that all of this sum of \$3,816.69 is a loss to the Contingent Fund. Many sums have doubtless been paid, for which proper vouchers have not been taken. Other sums have no doubt been expended, for which vouchers are on file, but should not have been paid out of this fund.

The sum of \$877.00 named on the first page of the Governor's report, as "Amount refunded to Contingent Fund," is made up of the following items, to-wit:

Money refunded from War and Defense Fund by Geo. J. North:  
 September 30th, 1864..... \$250 00  
 February 24th, 1865..... 300 00  
 December 11th, 1865..... 100 00  
 Money refunded from War and Defense Fund by A. Mathews..... 225 00  
 Money refunded by A. J. Franks (a soldier)..... 2 00

Total..... \$877 00

I herewith submit a statement of the receipts and disbursements of the Contingent Fund by R. G. Orwig, which I find from the evidence:

## RECEIPTS.

May 19, 1864, balance in bank.....	\$ 1,159.62
June 20, " on warrant.....	1,000.00
July 16, " " " .....	1,000.00
Sept. 27, " " " .....	500.00
Nov. 12, " " " .....	3,700.00
Mar. 31, 1865, " " .....	2,000.00
July 31, " " " .....	1,200.00
Aug. 3, " " " .....	1,800.00
Sept. 21, " " " .....	6,500.00
Sept. 1864. Refunded by North.....	250.00
" " " " .....	300.00
Feb. 24, 1865. Refunded by A. Mathews.....	225.00
Aug. 1865. Refunded A. J. Franks.....	2.00
<b>Total receipts.....</b>	<b>\$19,636.62</b>

## DISBURSEMENTS.

By amounts paid to Governor Stone at sundry times, in aggregate ..... \$ 3,016.35

By amount of vouchers passed by the committee as evidence of expenditures made..... 13,161.51

The following list of vouchers I find to be improper, some of them being for expenditures for improper purposes, and others do not contain evidence of payment having been made:

No. 35....	\$1,000.59, Swamp Land Order on Holmes.
No. 41....	100.00, Duplicated.
No. 42....	150.00, Duplicated in No. 93, Mrs. Chittenden.
No. 45....	50.00, Error \$50; rec't only \$100 instead \$150.
No. 75....	67.40, Powder for salute.
No. 79....	64.65, Powder.
No. 86....	160.00, Powder.
No. 65....	300.00, Duplicated in No. 93, Mrs. Chittenden.
No. 105...	15.30, Flannel for salute.
No. 122....	51.50, Vote Commissioner B. M. Orwig.
No. 125....	8.00, Vote Commissioner J. Bloomfield.
No. 145....	200.00, Mrs. Horner, duplicated.
No. 145....	45.00, Secret service, duplicated.
No. 145....	32.00, Secret service, no evidence.
No. 145....	85.00, Livery bill.
No. 159....	17.40, Todd.
No. 159....	116.40, Hatch.
No. 160....	546.00, No evidence of payment.

\$3,009.24

Of the foregoing vouchers, No. 35, for one thousand dollars and

59-100, is an order on W. H. Holmes, Treasurer, given by Wm. Baker, Swamp Land Agent. The following is a copy:

HON. W. H. HOLMES, *State Treasurer*:

Pay to Gov. W. M. Stone, on the order presented to you from Board of Supervisors of Bremer county, the sum of one thousand dollars 59-100.

June 15th, 1865.

WM. BAKER.

It appears that Mr. Baker was authorized by the Board of Supervisors of Bremer county to draw from the State Treasury, out of Swamp Land Indempity Warrants due Bremer county, the sum of \$1,000.59. He applied to the Treasurer, who informed him that he had not received the Bremer county drafts.

Mr. Orwig paid Baker \$1,000.59 out of the Contingent Fund, and took Wm. Baker's order on the Treasurer for that amount.

No. 41 is an order from Dr. Udell in favor of J. P. Grantham for \$100.00. The order was lost. The doctor gave another order. The lost order was afterward found and both are filed as vouchers.

I am of the opinion that vouchers Nos. 42 and 65 are duplicated in No. 93. These two vouchers amount to \$450.00.

No. 45 is filed as a voucher for \$150.00. The receipt is for \$100.00 only.

Nos. 75, 79, 86 and 105 are for powder and flannel for salutes fired at Des Moines, and amount in the aggregate to \$307.35. No. 122 is for \$150.00, paid to B. M. Orwig, Vote Commissioner. He refunded \$51.50 to the Contingent Fund which has not been accounted for. He received \$150.00 out of the Contingent Fund, and \$71.00 from the State Treasury.

No. 125 is \$8.00 paid to J. Bloomfield, Vote Commissioner.

Voucher No. 145 is made up of four separate vouchers attached together without dates, and are as follows, to-wit:

1st. I hereby certify that I paid to Mrs. Horner \$200.00, for which there is no proper voucher. See blank in her account in month of December, 1864, I think, and also correspondence of that date, \$200.

R. G. ORWIG.

2d. I hereby certify that I paid to different persons known to the Governor, and by his direction, the sum of one hundred and twenty-two dollars for secret service in the summer and autumn of 1864.

R. G. ORWIG.

The foregoing sums were paid by my direction, and the services rendered for the public good.

W. M. STONE.

There is an error in this voucher for secret service of \$45.00, money paid to Taylor Pierce, which I have rejected. I am clearly of the opinion that the Governor's approval to this certificate was obtained upon the statement of his Private Secretary who withheld from him the fact of its containing that item.

The Committee believe that the employment of persons in the secret service and their payment out of this fund is proper and

right, whenever in the opinion of the Executive the public safety requires it, and he alone must be the judge of the necessity.

3d. R. G. Orwig paid me for provisioning one John Ryan, charged with the crime of murder, the sum of \$42.00. This money was paid to me in autumn of 1864.

H. M. BUSH, Sheriff Polk County, Iowa.

This was on requisition of the Governor of Indiana, and the agent (Smith) failed to appear for the fugitive.

R. G. ORWIG.

This should have been paid out of the General Contingent Fund.

4th. Gov. W. M. Stone: Mr. Orwig has paid me at different times for livery hire to Boonsboro, Indianola, Newton, Knoxville, &c., the sum of eighty-five dollars, (\$85.)

C. W. ENSIGN.

I hereby certify that the above expenses were incurred in attending to the Governor's business.

R. G. ORWIG.

Approved: W. M. Stone.

This last item should have been paid by R. G. Orwig out of the private funds of the Governor, then in the hands of Mr. Orwig.

Voucher No. 159 for \$466.80, embraces the sum of \$30 received by three soldiers from J. C. Todd, Agent for the State of Iowa, in which they authorize the said Agent to deduct the sums paid them out of their back pay due from the United States.

The following memorandum is attached to the receipts:

"Allowed J. C. Todd \$30 for enclosed three vouchers. The money should be refunded by the soldiers to whom it was given."

Voucher No. 159 contains also a receipt, without date, of which the following is a copy:

R. G. Orwig paid on passes of Gen'l Baker to me and to Colonel Lathrop for transportation of soldiers, One Hundred and Sixteen dollars and forty cents. This money was advanced nearly a year ago.

\$116.40.

H. B. HATCH.

There is also attached thereto a receipt, as follows:

Received of R. G. Orwig, Private Secretary of the Governor, at different times, for subsistence of soldiers who were rejected at Davenport, and for which the General Government refused to pay, the sum of \$67.40.

Feb. 3, 1866.

JOHN CARROLL.

This same voucher contains a receipt from J. C. Todd for \$265.60.

Voucher No. 160, for \$546.06, is without date, and is as follows, to-wit:

No. 160. STATE OF IOWA, To D. Sanford and others on account of expenditures by order of the Governor.

D. Sanford, Cyrus Milner and others for advances made for rations, &c., furnished to soldiers who were rejected at Davenport, and on account of horses furnished at time of anticipated raid, and advances made for guarding prisoners, the sum of five hundred and forty-six dollars.

\$546.00.

I certify that the above account is correct and just; that the services were rendered as stated and that they were necessary for the public service.

(Signed)

R. G. ORWIG.

Approved: W. M. STONE, Governor.

The following certificate is endorsed on the back of said voucher, No. 160, to-wit:

I hereby certify that the amount of the within bill was advanced out of the Contingent Fund and the several bills which made up the amount, have been rejected by Col. Dewey and hence have never been refunded.

R. G. ORWIG.

The Governor testifies that he has no recollection of approving this bill.

Mr. Orwig testifies that the Governor, approved the bill in Col. Dewey's presence. The testimony of Colonel Dewey does not corroborate the testimony of Mr. Orwig. There is not sufficient evidence to warrant the opinion that it has ever been paid out of Contingent Fund, and is not a proper voucher.

Voucher No. 161, for \$45.00 was given by W. M. Stone to R. G. Orwig, and is as follows, to-wit:

STATE OF IOWA, EXECUTIVE DEPARTMENT, }  
Des Moines January 30, 1866. }

Received of R. G. Orwig forty-five dollars from the fund for extraordinary expenses of the Executive Office and for relief of sick and wounded soldiers, being the amount paid by said Orwig to Taylor Pierce, and properly chargeable to me personally.

W. M. STONE.

It is due to His Excellency to say in explanation of this voucher, that Mr. Orwig testifies that it was paid for electioneering purposes, out of the contingent fund. But I am of opinion that the Governor did not approve of the payment out of that fund. Nor was there any necessity of his using that fund, as he had in his possession enough of the Governor's salary to liquidate all the bills which according to his own testimony had accrued for electioneering purposes. Mr. Orwig himself testifies that the Governor did not authorize him to pay it out of the Contingent Fund.

I find the following affidavit of R. G. Orwig among the vouchers, referred to by the Governor in his report:

I, R. G. Orwig, depose and say that I am informed the vouchers furnished for the Governor's Contingent Fund, leave unaccounted for a balance of \$449.50, and an over-draft in bank of \$975.87. All the drafts and checks were not drawn by me, but I believe that nearly, if not quite every cent of the above sums, can be accounted for. Vouchers that have once been on file I know are not there now, and if lost or mislaid, duplicates can be obtained probably by correspondence. I further State that sometime in 1863

the Governor's satchel was stolen from the stage coach in this city, and rifled of its contents. The Governor has frequently stated that among those papers were vouchers belonging to the Contingent Fund and paid with money from said fund, and if I am to be charged with all the losses and deficiencies in the Contingent Fund, I should have some reasonable amount allowed me towards liquidating the whole or a very large portion of this apparent deficiency.

I further state that during the two years of the term, many small sums were paid which, in their aggregate, amount to some three or four hundred dollars, for which no vouchers were taken, and although for legitimate purposes, it would be impossible to get vouchers for them now.

R. G. ORWIG.

Sworn and subscribed before me, B. M. Orwig, a Notary Public [L. s.] this 7th day of February, A. D. 1866.

B. M. ORWIG,

Notary Public, Polk Co., Iowa.

George J. North was appointed Military Secretary, and entered upon the discharge of his duties on the 11th or 14th of January, 1864.

Among other things it was his duty to make deposits, keep the bank account, and disburse the Contingent Fund received from the Governor; to have charge of the check book, and to hand over to Mr. Orwig, Private Secretary of the Governor, all vouchers of his disbursements.

It was the duty of Mr. Orwig to enter in the record kept for that purpose, as far as possible, every payment in the order of their date.

It appears from the record that payments from the Contingent Fund were made by both the Governor and Mr. North up to about the 18th or 19th day of May, 1864, at which time Mr. North went into the army and was absent until the 1st day of October, 1864, when he again entered upon his duties as Military Secretary.

It appears from the books, papers and vouchers on file, that of this fund he received from the hands of the Governor on the 15th day of February, 1864, \$1,000.00, March 22d, 1864, \$500.00, and May 12th, 1864, \$1,500.00; total \$3,000.00. And that he deposited on the same days respectively, in the National State Bank at Des Moines, the several sums above named to the credit of Gov. W. M. Stone.

Of this sum of \$3,000.00 there was drawn on checks signed W. M. Stone, per George J. North, Military Secretary, up to the 19th day of May, 1864, the sum of \$1,840.39, leaving in bank Contingent Funds to the credit of Gov. Stone the sum of \$1,159.62, at which date Mr. Orwig took charge of the bank account.

In the absence of any direct appropriation to pay the salary of Military Secretary, Mr. North received from the Contingent Fund

from time to time from January 16th, 1864, to July 6th, 1865, the sum of \$750.

Afterwards his salary was audited and paid out of the War and Defense Fund, and the sum of \$705 78-100 refunded by him to the Contingent Fund, which leaves him or the War and Defense Fund, indebted to the Contingent Fund in the sum of \$44.22. On the 23d day of June, 1865, Mr. North deposited in bank \$50, to meet this balance, supposing that to be the amount he was indebted to the Fund, but failing to get a receipt from Mr. Orwig showing such payment, or refunding, he afterwards drew it out again.

The following is a detailed statement of the amount on salary received from Contingent Fund by Geo. J. North :

Jan. 16, 1864.....	\$ 50.00
Feb. 18, 1864.....	50.00
Mar. 29, 1864.....	50.00
April 7, 1864.....	75.00
April 16, 1864.....	25.00
May 16, 1864.....	305.00
1865.....	25.00
Dec. 9, 1865.....	100.00
July 1, 1864.....	20.00—700.00
June 26, 1865.....	25.00
	25.00
	<hr/>
	\$750.00

Amounts refunded from War and Defense Fund :

Sept. or Oct., 1864.....	\$250.00
Feb. 24, 1865.....	300.00
Dec. 11, 1865.....	100.00
June 23, 1865.....	50.00
Mar. 31, 1865.....	5.75
	<hr/>
	\$705.75

Amount due from George J. North or from War and Defense Fund as per above..... \$44.25

The sum of forty thousand dollars was appropriated by the 10th General Assembly for the "Extraordinary expenses of the Executive Department and for the relief of sick and wounded soldiers." This act of the Legislature was endorsed by the people of Iowa who were unwearied in their private contributions for sanitary purposes. The mute graves of their sons who had fallen in the great struggle stimulated them to renewed efforts, warmed their hearts, and unbarred the bolts of their treasury for the relief of the sick and wounded who languished in hospitals, awaiting their return to health and duty, or to the coffin and the grave.

Fifteen thousand dollars of this sum was placed under the *absolute* control of the Executive. Twenty-five thousand dollars was placed under the control of the Census Board, who were author-

ized to make such allowances as in their judgment the circumstances required.

The act further provides that "the Governor shall report to the next regular session of the General Assembly a full statement of the disbursements of this appropriation, with proper vouchers therefor."

Chapter 85 of the Acts of the Tenth General Assembly located the Executive office at Des Moines, and provided for a Secretary in the absence of the Executive, and that "a journal shall be kept in the Executive office in which shall be made an entry of every official act done by him, and such entry shall be made at the time when the act is done," or as soon thereafter as possible.

A full statement of the disbursements of the Contingent Fund could not be made without much inconvenience, in the absence of a record, showing, among other things, the names of Sanitary Agents, the amount of their salaries, the date of appointment, time employed by each, the amount expended by each for traveling expenses, the amount expended for the relief of sick and wounded soldiers, and the date and amount of the several payments or remittances.

The reports of each agent, received from time to time, should have been carefully examined, errors, if any, noted for correction, and the reports, correspondence, and vouchers, of each agent, properly filed.

To have done all this, it would have required some considerable care and labor on the part of the agents, and the Executive Department; but it was their duty, and it should have been done.

In the disbursements of public moneys, the officers having charge of it should be held to a strict accountability. The public faith requires it, and the law demands it.

Section 7, Chapter 36, of the acts of the extra session of the Ninth General Assembly, requires that "The said agents shall report to the Governor, prior to the next meeting of the General Assembly, a full and complete financial statement, showing all money received and disbursed by them, which statement shall be laid before the Legislature by the Governor."

His Excellency should have required of all his agents and subordinates a strict compliance with the law, and as far as practicable given his personal attention in the examination of all the books and papers pertaining to the disbursements of the Contingent Fund. While, in my opinion, the Governor was necessarily absent from the Executive Office, attending to the interests of the State, during the years 1864 and 1865, a great portion of the time, there yet remained sufficient time which, if applied to the investigation of the affairs of the Executive Office, must have shown him that the records pertaining to the Contingent Fund were not properly kept by his Private Secretary.

A Record Book *was* provided for the purpose of keeping all ac-

counts with the Contingent Fund, and the first entry made on the 14th day of January, 1864. Entries of sums drawn from the Treasury and paid out, are made up to the 13th day of July, 1864, with apparent regularity; but since that time there have been only a few entries of payments made to agents. There are some memorandums in pencil without date. The following appear on the 6th page, at the bottom of the last entry of July 13, 1865: "Vouchers taken by George J. North—before this account was completed." Also the following, "For some data, see back part of book."

Your Committee desiring to find *some* data, referred to the back part of the book, and find on page 622 the account of Eliza Chittenden, Agent, debtor to Cash, April 14th, 1864, \$50.00, with a note in pencil as follows, "Not yet settled, see receipts and vouchers." This is the whole account as shown by the Record, yet the vouchers of Mrs. Chittenden on file amount to \$1,550.00.

On page 624, Mrs. J. T. Horner, Sanitary Agent, is charged with various sums from April 2d, 1864, to August 17, 1865, amounting in the aggregate to \$1,242.00. This sum corresponds with the vouchers on file, and named in the Governor's report as paid to Mrs. Horner. But your Committee find in Voucher No. 145 the following certificate, without date:

"I hereby certify that I paid Mrs. Horner \$200, for which there is no proper voucher. See blank in her account in month of December, 1864, I think, and also correspondence of that date.

"\$200."

"R. G. ORWIG."

This certificate is put in as a voucher for \$200. There is indeed a *blank* in her account, but the letter book, and correspondence referred to show no evidence of payment, and, in my opinion the State did not owe her the sum of \$200 over and above the proper vouchers on file. She is not credited with any sum whatever.

The account of J. P. Roach shows that he is indebted to cash \$1.151, and credited by services and expenses the sum of \$1.151, with a note in pencil thus: "See Roach about balance."

Mrs. Shelton's account shows that she has received \$50.00 There are no credits. Note in pencil "not yet settled."

There is an account against Dr. Nathan Udell, agent at New Orleans for cash paid him at different dates from March 31, 1864, to July 22, 1865, of \$2,350.00. There is also an item of \$200.00 charged as paid on the 18th day of January, 1866. This last entry was made by Mr. North. The whole sum charged to Dr. Udell is \$2,550.00: yet Dr. Udell testifies that he has received the sum of \$2,850.00.

There are four other accounts in about the same condition. A note is appended at the bottom of J. C. Todd's account, as follows, to wit: "Not all entered. See his drafts and cash receipts."

His Excellency, Governor Stone, has received personally from the Contingent Fund, from the 25th day of January, 1864, to the

18th day of January, 1866, as appears from abstracts placed in the hands of the Committee, the sum of \$12,516.35. Of this sum he received of the Treasurer the sum of \$9,500, and from Mr. Orwig, his Private Secretary, the sum of \$3,016.35. Total, \$12,516.35.

Of this sum the Governor has paid out, as per vouchers on file, to Sanitary agents, transportation of soldiers, secretaries' salaries, clerical work, relief of sick and wounded soldiers, traveling expenses, &c., the sum of \$9,516.95—which, added to the \$3,000 deposited in the National State Bank by Mr. North, (which we have charged to the Governor, as drawn from the contingent fund personally,) makes the sum of \$12,516.95, leaving a balance in his favor of sixty cents, as shown by the vouchers presented. But I am unable to recognize *all* the vouchers presented by his Excellency, as proper vouchers. Vouchers No. 3 and 15, for \$50 each, paid to R. G. Orwig for salary as Private Secretary, out of the contingent fund, is not warranted by the act making the appropriation. In Section 2, Chapter 32, and Section 32, of Chapter 104, of the Acts of the 10th General Assembly, the sum of \$2,000 is appropriated for the payment of a Private Secretary of the Governor, for the two years ending December 31st, 1865. Mr. Orwig claims that this sum of \$100 was due him for services rendered during Governor Kirkwood's administration. If any sum was due him for services as Private Secretary, it is not chargeable to the contingent fund.

There is an apparent error against the contingent fund in voucher No. 61, of \$51.70.

I herewith present for the consideration of the Senate, copies of vouchers Nos. 46½, 50½, 52½, 76½, 121½, 142, and 162.

No. 46½. Left Des Moines, March 29th, 1864, for Adjt.-General's office, Davenport, to look after and dispose of military business, decide questions for promotions, looking after various complaints from regiments, and visiting hospitals, relieving wants of soldiers, returning home April 8th. Expended while absent, for expenses and attending to soldiers, \$71.00.

I hereby certify that the foregoing sum was actually paid out as stated, but I have not preserved the items therefor.

W. M. STONE.

Started for Washington, April 10th, 1864, to attend to settlement of State claims with Treasury Department, going by way of Keokuk and St. Louis, stopping at those places to arrange in regard to sanitary matters, visiting hospitals, looking after and relieving Iowa soldiers; transacting military business with President and Secretary of War, returning via New York, to see D. W. Kilburn about land grants, settling for excess of 26,000 acres. Reached Davenport May 4th, 1864. Expended for necessary purposes on entire trip, \$461.55.

I hereby certify that the foregoing sums were actually expended for the public service as stated.

W. M. STONE.

No. 50½. Reached Davenport from Washington, May 4th, 1864, went to work immediately raising and organizing 100-days regiments; visited Burlington, Keokuk, Des Moines, Iowa City, Clinton, Lyons, and other places, to superintend and forward recruits. Expended for various purposes on this business, \$235.00.

I certify that the above sum was expended by me for the purpose set forth.

W. M. STONE.

Started for Washington May 28th, 1864, to prosecute claims against the Government and adjust various matters of business pertaining to Iowa regiments and soldiers, returning home by Davenport, transacting business there with Adjutant-General, and reached home June 14, 1864. Expenses in all, \$291.00.

I certify that the foregoing sum was actually expended for the purposes set forth.

W. M. STONE.

No. 52½. On the 11th day of July, 1864, I started for Sherman's army to look after the sick and wounded of Iowa regiments, taking Dr. Hoffman and Lient. Duncan with me from Iowa, and securing the services of J. Warner on the way; visited all the hospitals at Keokuk, St. Louis, Benton and Jefferson Barracks, Jeffersonville, Louisville, Nashville, Chattanooga, and all places between these and Atlanta, relieving the wants of sick and wounded soldiers, and procuring them to be transported to Iowa, returning home August 10th, 1864. Expended for all purposes while absent, \$871.25.

I certify that the foregoing sum was actually expended for the public service as stated.

W. M. STONE.

August 14th, 1864, started for Washington to obtain reduction of amount for which the draft was ordered against our State; returned by way of Davenport, looking after soldiers and attending to military business, reaching home September 10th. Expended while absent, \$321.00.

I certify that the foregoing sum was actually expended for the public service as stated.

W. M. STONE.

No. 76½. In March, 1865, visited Keokuk hospitals looking after and attending to soldiers; went to Fort Madison; examined into affairs of Penitentiary; settled with warden, &c. Expended while absent, \$91.00.

I certify that the foregoing sum was properly expended for the public service.

W. M. STONE.

Left home March 28th for Washington *via* Clinton, transacting business with Adjutant General; attending to war claims in Treasury Department; detained there by death of President Lincoln through nearly the entire month of April; returned home by way of St. Louis, consulting with General Dodge in regard to condition of Southern Border, and securing transfer of Iowa soldiers to Keokuk and Davenport—expending money on their behalf; reached home May 8th, 1865—\$567.00.

I certify that the above sum was actually expended by me for the purposes stated, and for the public service.

W. M. STONE.

No. 121½. Left home July 12th, 1865, for Davenport and Clinton to attend to the return of Iowa regiments, looking after their wants in getting them paid off, providing quarters for them, &c.: going to Chicago on business connected with their transportation from Louisville, picking up soldiers straggling from their regiments, &c.; for all of which I expended until my return home August 11th, the sum of \$397.00.

I certify that the foregoing sum was actually expended as set forth.

W. M. STONE.

Expenses going to and returning from Clinton, September, 1865, attending to business with Adjutant General in adjusting matters pertaining to regiments, \$31.00.

I certify that the foregoing sum was actually expended for the purposes stated.

W. M. STONE.

The following certificates are filed as voucher No. 142, for the sum of \$1,075.00.

No. 142. Paid expenses for Mrs. Baker in December, 1864, for going to Chicago on sanitary business with U. S. Commission. \$25.00.

Left home September 26th, for Keokuk, to look after soldiers. Went to Davenport on military business, and from there to Grinnell with General Baker and others to examine into the murder of Bashore and Woodruff, and organize companies for putting down resistance to draft. Expended on entire trip, \$172.00.

I certify that the above sum was actually expended for the purpose stated.

W. M. STONE.

December 8th, 1864, started for Washington to confer with Third Auditor in regard to settlement of State claims, and settle with Provost Marshal-General for men furnished by this State. From Washington I started for General Sherman's army, then approaching the Georgia coast, to look after and attend to the wants of Iowa soldiers, accompanied by L. D. Ingersoll, and Robert Gray. I returned by way of Washington and Davenport, and after obtaining from the Government a relinquishment of all claims against us for more men under existing calls, reached home February 4th, 1865. Expended while absent on entire trip for all purposes, \$878.00.

I certify that the above sum was actually expended as stated.

W. M. STONE.

No. 162. In the summer and fall of 1864, I expended the sum of \$370.83 for expenses incurred in organizing the militia, and in paying persons employed in secret service in furnishing me with information concerning conspiracies for resisting the draft, and the formation of disloyal militia companies, for which no vouchers were taken, but the services were performed and required for the public good, \$370.83.

W. M. STONE.

While the traveling expenses incurred by the Executive in the discharge of his public duties are properly chargeable to the contingent fund, the vouchers filed by his Excellency are not as specific as desirable, and as contemplated by the law making the appropriation, and are not entirely satisfactory to the undersigned. Yet I do not believe that the Governor has willfully perverted any part of this fund.

This investigation has been attended with so many difficulties, growing out of the confused condition of the books, papers, and vouchers pertaining to the contingent fund, and the delays occasioned in getting possession of papers in the hands of Mr. Orwig, much of whose time was occupied in attendance upon the Swamp Land Investigating Committee, that it precludes the possibility of showing the total amount of the disbursements and deficit with that degree of accuracy that would be desirable. Yet I have labored diligently to make myself acquainted with the true condition of this fund and to do justice to all parties concerned.

The undersigned would further report that the laws of the extra session of May, 1861, and of the 9th General Assembly making appropriations for this fund, did not require the Governor to return to the Legislature vouchers for the expenditure of this fund. The law passed at the extra session in 1862, required the Governor to return to the Legislature vouchers for the expenditure of this fund. Governor Kirkwood did return to the 10th General Assembly, vouchers for the expenditure of the fund corresponding with his report then made. But I have not sufficiently examined the accounts and vouchers of Governor Kirkwood to report upon them. In consequence of the absence of Governor Kirkwood the committee have been unable to obtain the necessary information, and explanation in regard to his accounts. In view of this fact, and the limited time fixed for the adjournment, I refrain from passing upon Governor Kirkwood's accounts, except to say that I find personal vouchers, certified by him, similar to those of Governor Stone's, herewith returned, for money personally expended and paid out by him, to the amount of \$4,428, which vouchers are not as full and complete as desirable and as in my opinion the law contemplates, and are not entirely satisfactory. If an examination of his accounts was required, it should have been done when the report was made. If one is now required, it is due to Governor Kirkwood that he have an opportunity to personally explain his accounts and vouchers before they are passed upon by a committee.

All of which is respectfully submitted.

S. A. MOORE, Chairman.

I recommend the adoption of the following resolution:

*Resolved*, That this report and the testimony taken in connection therewith, be referred to the Attorney General, who is hereby instructed to take such action in the premises as he may think the interest of the State requires.

On motion of Senator Hunt, the Senate adjourned.

## AFTERNOON SESSION.

2 O'CLOCK P. M.

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

## MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has adopted the Senate concurrent resolution providing for a Joint Convention of the two Houses of the General Assembly at 3 P. M. this day.

I am also directed to inform the Senate that the House has passed a joint resolution in relation to Maximilian's attempted organization of an Imperial Government in Mexico.

The resolution is herewith transmitted, and the concurrence of the Senate is respectfully asked.

I am also directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 250, A bill for an act to quiet title to certain lands sold by the State to individuals as part of the Des Moines River Land Grant.

CHAS. ALDRICH, Chief Clerk.

## JOINT RESOLUTION.

WHEREAS, The occupation of Mexico by the forces of the Emperor of the French, and the attempted organization of the Imperial Government of Maximilian, are absolutely subversive of republicanism in that country and in hostile violation of the well defined policy of this Government; and

WHEREAS, The establishment of a monarchy on our immediate border to serve some foreign power as a gate keeper in times of war, will be a standing menace and perpetual insult to the Government of the United States, and must eventuate in the disturbance of those relations of amity which have so long existed between this nation and those of continental Europe; therefore,

*Resolved by the General Assembly of the State of Iowa, That we enter our solemn protest against any interference by foreign powers in the affairs of the Republic of Mexico; and that the exercise of Imperial Power over that country by Maximilian is but the deliberate murder of a nation, and the basest act of usurpation.*

*Resolved, That that feeble Republic in its struggle for existence, and those brave men as they strive to expel from their shores the invading despot, are entitled to the warmest sympathies of all lovers of free Government and the rights of men.*

*Resolved, That our Senators and Representatives in Congress*

be requested to use their influence to prevent, in any form, the recognition of the pretended Government of Maximilian; and that they urge by all honorable means the withdrawal of all foreign forces from the soil of Mexico at the earliest possible day.

*Resolved*, That the Secretary of State be instructed to forward immediately, a copy of these resolutions to each of our Senators and Representatives in Congress.

Senator Powers from the Committee, appointed to investigate the expenditures of the contingent fund, submitted the following majority report, which was read.

*To the Senate of the State of Iowa :--*

The undersigned, members of the Committee appointed to inquire into the expenditures of the moneys appropriated to meet the extraordinary expenses of the Executive Department, beg leave to submit the following report:

The amount of said moneys drawn from the State	
Treasury from January 14th, 1864, to February 1st, 1866, is.....	\$27,200.00
There was paid out of this fund, and afterwards refunded the following sums, to wit:	
By George J. North (as salary).....	650.00
By A. Mathews (clerking).....	225.00
By A. J. Franks (soldier).....	2.00
Total.....	\$28,077.00

The vouchers for expenditures presented to the Committee aggregate as follows:

Expended by the Governor.....	\$9,464.98	
Expended by R. G. Orwig.....	16,170.16	
Expended by Geo. J. North.....	1,796.15—	27,431.29

Which makes the deficit ..... 645.71

Of the aggregate amount drawn from the Treasury, we trace into the hands of R. G. Orwig, as we think, the sum of \$19,636.62 as follows:

May 19, 1864.	Balance in bank.....	\$1,159.62
June 20, 1864.	Received on warrant.....	1,000.00
July 16, 1864.	Received on warrant.....	1,000.00
Sept. 27, 1864.	Received on warrant.....	500.00
Nov. 12, 1864.	Received on warrant.....	3,700.00
Mch. 31, 1865.	Received on warrant.....	2,000.00
July 31, 1865.	Received on warrant.....	1,200.00
Aug. 3, 1865.	Received on warrant.....	1,800.00
Sept. 21, 1865.	Received on warrant.....	6,500.00
Sept. 1864.	Refunded by North.....	250.00
Sept. 1864.	Refunded by North.....	300.00

Feb. 24, 1865. Received by A. Mathews.....	225.00
Aug. 1865. Refunded by A. J. Franks.....	2.00

Total.....	\$19,636.62
Of this sum, Mr. Orwig is entitled to credit for sums paid to the Governor at sundry times, amounting in the aggregate to.....	3,016.35
And by amount of other vouchers passed and allowed the sum of.....	13,061.51

In addition to the above, Mr. Orwig has paid, as appears from the papers, for purposes which we deem improper to be paid out of this fund, the following sums, to wit:

Voucher No. 35, To Wm. Baker on Swamp land order on State Treasurer.....	\$1,000.59
Voucher No. 75, For powder for salute.....	67.40
“ “ 79, “ “ “ “ .....	64.65
“ “ 86, “ “ “ “ .....	160.00
“ “ 105, For flannel for salute.....	15.30
“ “ 122, To commissioner to take army vote.....	51.50
Voucher No. 125, To commissioner to take army vote.....	8.00—\$1,367.44

And for the following sums there are papers presented which do not show sufficient evidence of payment having been actually made out of this fund or on vouchers for sums which appear to have been before credited, to wit:

No. 41, Duplicated.....	\$100.00
“ 42, “ .....	120.00
“ 45, Error in amount of voucher.....	50.00
“ 65, Duplicated.....	300.00
“ 145, “ .....	200.00
“ 145, “ .....	45.00
“ 145, “ .....	85.00
“ 145, No evidence of payment.....	32.00
“ 159, Error in J. C. Todd's account.....	17.40
“ 159, Receipt without date, doubtful.....	116.40
“ 160, A mere certificate of Orwig.....	546.00— 1,641.80
	<u>\$3,009.24</u>

## RECAPITULATION.

Total receipts of Orwig.....	\$19,636.62
Paid to Governor.....	\$ 3,016.35
Paid on vouchers.....	13,061.51
Paid for improper objects.....	1,367.44
Paid on papers not good vouchers and duplicated, &c.....	1,641.80— 19,088.10
Amount of deficit.....	<u>549.52</u>

It is due to Mr. Orwig to say that it is quite probable he may succeed hereafter in obtaining proper vouchers or evidences of payment of a portion of the above \$1,641.80; and the undersigned are inclined to the opinion that a portion thereof has been properly expended, but as the proper vouchers therefor were not presented to the committee, we can but report the facts as they appear.

Of the amount drawn from the State Treasury, we trace into the hands of George J. North the sum of \$3,700, as follows:

Received of the Governor and deposited in bank, Feb. 15, 1864.....	\$1,000.00
March 22, 1864. Deposited in bank.....	500.00
May 12, 1864. Deposited in bank.....	1,500.00
Received as salary at sundry times.....	700.00
	<hr/>
	\$3,700.00

Of this sum Mr. North has paid out, as appears by vouchers passed and allowed.....	\$1,840.39
By balance in bank May 19, 1864, at which time Orwig took charge of the fund.....	1,159.62
Refunded from War and Defense Fund by North.....	655.75
	<hr/>
	\$3,655.76

Balance due from North.....	44.24
	<hr/>
	\$3,700.00

June 23, 1865, North deposited in bank to meet this balance \$50. Failing to get a receipt therefor showing such payment he afterwards drew it out again.

Of the amount drawn from the State Treasury, Governor Wm. M. Stone received and is required to account for by vouchers, \$12,516.35.

Jan. 25, 1864. Rec'd on warrant from State Treasurer,	\$2,000.00
Feb. 10, " " " " " "	1,000.00
Feb. 13, " " " " " "	2,000.00
Mar. 28, " " " " " "	3,000.00
May 11, " " " " " "	800.00
Jan. 18, 1866. " " " " " "	200.00
Jan. 18, " " " " " "	500.00
July 11, 1864. Received of R. G. Orwig.....	500.00
Sept. 20, " " " " " "	150.00
Sept. 22, " " " " " "	300.00
Oct. 3, " " " " " "	100.00
Nov. 12, " " " " " "	700.00
Dec. 9, " " " " " "	400.00
Jan. 14, 1865. " " " " " "	150.00
Mar. 31, " " " " " "	200.00
May 5, " " " " " "	280.00

July 1, 1865.	Received of R. G. Orwig.....	100.00
"	" " " .....	50.00
Dec., 1865.	" " " .....	41.35
"	" " " .....	45.00

\$12,516.35

Of this sum the Governor has paid out, as per vouchers and certificates on file, the following sums, for which he is entitled to credit :

Paid North, and by North disbursed or accounted for...	\$3,000.00
Paid also upon vouchers allowed.....	9,233.68
Amount paid for postage.....	39.00
Amount paid for transportation of arms and ordnance..	92.30
Amount paid to Orwig for salary as Secretary.....	100.00

\$12,464.98

Balance found in hands of Governor due fund.....	51.37
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\$12,516.35

We come to the conclusion, as shown by the foregoing statements and the evidence obtained, that the amount of this fund received by Governor Stone the expenditure of which is not accounted for, is.....\$ 51.37

Of the amount received by George J. North, there remains in his hands the sum of..... 44.24

Of the amount received by R. G. Orwig, there is wholly unaccounted for..... 549.52

And for which the papers presented as vouchers are either Duplicates or payments already credited to him, or are not sufficient, and for which we are not satisfied, from the evidence, has been expended, the further sum of... 1,641.80

We further state, as a reason for not sooner reporting, we find that the law does not require any record or book account to be kept of this fund, and that since July, 1864, there has been no book account kept in the Executive office with this fund, or the disbursements thereof; and we were compelled to examine a large number of vouchers, and several witnesses, to ascertain the true condition of the fund.

Mr. Orwig who had received and disbursed a large amount of the fund, was, until quite recently, engaged in attending the investigation of the swamp land fund, and we were unable to procure his evidence of the disbursements made by him.

We cannot concur in the report made by the Chairman of the Committee, for the reason that we think it contains much matter not properly a part of the report.

The differences in the figures, in this report and that of the Chairman, arise from the correction of errors discovered by us in making up this report. The foregoing statements of the accounts

and balances may not be entirely correct, but we think they present nearly the true state of the fund and amount disbursed.

We have not found time, without neglecting other duties, to examine the vouchers and accounts, and investigate the expenditures of this fund by Ex-Governor Kirkwood, and we doubt the propriety and expediency of doing so during his absence, for the reason that should the account prove to be not sufficiently explicit and correct, it would be due to him to give him an opportunity to make additional explanation and proofs, before the result of such examination could with justice to him be published. But notwithstanding this, we would have attempted it, in compliance with the resolution, had we found it practicable to do so in the time at our command.

We concur with the chairman in recommending the adoption of the resolution reported by him. All of which is respectfully submitted.

J. A. L. CROOKHAM.  
 J. W. CATTELL.  
 J. B. POWERS.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT :—I am directed to inform the Senate that the House has concurred in the Senate's amendment to House File No. 218, A bill for an act to repeal Section 1760 of the Revision of 1860.

I also return Senate File No. 152, A bill for an act apportioning the State into Senatorial Districts, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Hollman from the committee appointed to investigate the expenditures of the contingent fund, submitted the following minority report :

*To the Senate of the Eleventh General Assembly of Iowa :—*Your Committee in pursuance of the resolution passed by the Senate, January 29th, beg leave to report as follows :

The sum charged on the Auditor's books against Gov. Stone, as expended upon Executive extraordinary expense fund account, from date of inauguration to date of report made to Senate, Feb. 6, 1866, is . . . . \$27,200 00  
 To which is to be added amount drawn from War and Defense Fund and applied to Extraordinary Expense Fund . . . . . 877 00

Total . . . . . 28,077 00

Your Committee would say that considerable testimony has been adduced to show that the disbursement of this sum of money has been directed by several different persons, and thereby it has

been sought to divide the responsibility of its faithful application ; but under the law we recognize but one responsible agent to the State, and have predicated our investigation on the idea that our authority only authorizes us to examine the official acts of the Governor. In prosecuting our examinations of this subject, we have taken as a basis the official report of the Governor, made to the Senate, Feb. 6th, 1866. The sum appropriated by Chapter 32, Acts 10th General Assembly, on Extraordinary Expense Fund account, is \$40,000. Fifteen thousand was placed under the direct control of the Governor, and twenty-five thousand dollars under the control of the Census Board. The law making the appropriation made it *imperative* upon the Governor to report to the General Assembly a *detailed* statement of his disbursements of this fund. In this connection your Committee have to say that they have not been able to find such statement, either in or out of the Governor's office. According to Chapter 85, Section 2, of the Laws of the Tenth General Assembly, the Governor is required to keep a journal of all his official acts. By testimony of Governor Stone and others, there has been no regular entry made of the sums disbursed from this fund since July 13th, 1864 ; consequently your Committee have had to grope their way in the dark in quest of light as best they could.

Governor Stone's official reports state that he has drawn directly himself from the Treasury \$20,700, and that upon the statement of R. G. Orwig, the Census Board made an order allowing him to draw \$6,500 in addition, making the joint sum drawn by Gov. Stone and Private Secretary Orwig, \$27,200. Eight hundred and seventy-seven dollars is stated in the Governor's report to be refunded, which amount may be explained by the fact, upon inquiry, that \$877.00 has been drawn from the War and Defense Fund account, chargeable to the Extraordinary Executive Fund account, which makes the Governor, for the purpose of settlement of this account in question, liable for the sum of \$28,077.

Your Committee much question the propriety of the Census Board allowing R. G. Orwig as Private Secretary of the Governor a warrant upon the Treasury, upon his statement that there was then due upon Contingent Fund account the gross sum of \$6,500. It would have been the better practice to have allowed warrants upon the individual accounts rather than a statement of Orwig in the aggregate. As a justification of the act of the Census Board, the money was allowed to be drawn by Orwig upon presenting a letter from Governor Stone requesting it to be done.

Your Committee are informed that it has been the practice of Governor Stone to draw money on "Extraordinary Expense Fund account" in gross amounts from the State Treasury, and deposit in bank and check it out as needed for disbursement, which practice may explain to you a subsisting claim against this fund in favor of

the National State Bank of Des Moines for \$975.87, as stated in note appended to Governor's report to Senate, Feb. 6, 1866.

Your Committee are of the opinion that the State Treasury is the only place of deposit recognized by law, and that when any officer removes money therefrom he becomes individually liable for its safe keeping, and if he deposits in bank and over-draws his account he is individually indebted to the bank, and that the State is in no way accountable for this deficit; consequently we are disposed to treat this \$975.87 as having nothing to do with this settlement.

The Governor is responsible on Extraordinary Expense account alone for the proper disbursement of \$28,077.00. To cancel this sum he has placed in our hands two bundles of papers purporting to be vouchers, numbered from one to one hundred and sixty-two inclusive. These papers are very unsatisfactory, and but few of them meet our ideas of a proper voucher; but such as they are, the gross footing is short of the sum to be accounted for, \$499.50. To be explicit, the account would stand:

Whole amount of money drawn.....	\$28,077.00
Whole amount of vouchers.....	27,577.50

Deficiency.....	499.50
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The examination of the vouchers in detail reveals the following state of things. They consist of letters, receipts, telegrams, bank checks, drafts, and a few statements of accounts, with vouchers accompanying. Of the latter class those paid for transportation by General Baker and others in the main are correct, as they have vouchers accompanying, but in a majority of cases there is a want of a detailed statement relative to the disbursement of the several sums receipted for, so that we are unable to say whether the fund has been expended as contemplated by law or upon private account. There are but very few vouchers in the whole lot that we would be willing to take from an agent doing business for us on private account. Some of the vouchers examined are evidently a misapplication of the fund. As an instance of this kind we refer to Voucher No. 35, for \$1,000.59, paid on swamp land account of Bremer county to W. Baker, swamp land agent for Bremer county. From testimony before your Committee, it appears Wm. Baker was paid out of the extraordinary expense fund this \$1,000.59 by the Governor's Private Secretary, and an order given on the State Treasurer, W. H. Holmes, which order has not been honored. This order recites that it is to be paid out of funds due Bremer county on swamp land account. This is evidently a fraud upon this fund, and should not be allowed as a credit in this settlement. As another misappropriation we notice \$150 paid Vote Commissioner; also a bill for transportation of another Vote Commissioner—\$815. \$546.00 was paid on subsistence claims previously rejected by Col. Dewey, proper Auditing Commissioner

for war claims. \$307.55 was spent for powder to fire salutes at Des Moines. \$45.00 was paid Tailor Pierce to go on an electioneering tour for Gov. Stone. Mr. Orwig testifies that he paid Mr. Pierce from this fund \$45.00, to follow Dr. Ault in the last campaign for election of Governor, and contradict certain slanderous reports. Mr. Orwig's testimony for the purposes which the \$45.00 was paid to Pierce is corroborated by the oath of Mr. Pierce himself, upon examination before your Committee. We find this Voucher on file as one of the exhibits marked 161. This Voucher is also duplicated in Voucher 145. We report the above explanation as the testimony adduced before your Committee. We also find a Voucher received by Mr. Ensign for \$85 livery hire, and certified to be correct by Gov. Stone. This voucher is explained by the testimony of Mr. Orwig to be money expended for sending to Boone county for a Mr. Pomeroy, about the 14th of June, 1865, to come to Des Moines to aid in securing the renomination of Gov. Stone, and sundry other trips for party purposes—one of which was testified to be a trip to Indianola to get Capt. Knox and others, as soldiers, to come to Des Moines and aid in breaking up the Soldiers' Convention, which was held in Des Moines, Aug. 23, 1865. Also a trip to Knoxville to bring Gov. Stone to Des Moines to speak the same evening that General Benton spoke. Your Committee found this voucher filed among Gov. Stone's exhibits, and give you the testimony above as its explanation. These clear evidences of peculations upon this fund induce your Committee to suspect others, as the vouchers we have examined would admit of such a construction. Such for instance as bank checks made payable to bearer, and individual receipts given without reciting the purpose for which the money was paid.

Your Committee are unable to say, but considerable sums may have been paid on private account. In several instances we find vouchers duplicated. As an example of this kind we find Voucher 41 for \$100. By the testimony of Dr. Udell, he gave an order to John P. Grantham on Governor Stone for \$100, and directed it to be charged to him on sanitary account. It seems Grantham lost his order, and made a certified copy, and drew his money on the copy, and subsequently the original order came to light, and we find both the original and the copy on file, one marked No. 41 and the other No. 82. There are other duplications in payments made Sanitary Agents, amounting to several hundred dollars.

There is another class of vouchers which have the resemblance of being manufactured for the occasion; they involve considerable amounts. These vouchers are mere statements made without any direct knowledge of them having been paid. The failure to comply with Chapter 36, Section 7, Acts of the extra session of Ninth General Assembly, requiring Sanitary Agents to render a detailed statement of the disbursement of sanitary funds and the duty of the Governor in the Act referred to, to lay such detailed

statement before the Legislature has embarrassed your committee much and we are unable to inform you whether the sums entrusted to sanitary agents have been faithfully disbursed or not. Among the vouchers on file we have been able to find but one detailed statement of the entire doings of but one agent, upon which money has been drawn, and that is Mrs. Annie Wittenmeyer. Your committee note this as an honorable exception to all other sanitary agents as complying with what we deem to be the letter of the law in rendering an itemized statement of their doings.

Others have given some monthly statements, but not the entire doings of their agency. J. Dial, as per Vouchers Nos. 17, 18, 20, 29, and 44, has made some monthly statements. Major North gave an itemized statement of a sanitary tour he took in March 1865, as per Voucher No. 74.

One or two other attempts have been made by other agents, but nothing in detail whereby we can give you an intelligent idea of their doings. The aggregate sum expended for sanitary purposes, as alleged by the Governor in his report of Feb. 6, is \$17,071.84. Your Committee have sought to learn the comparative amounts expended by Sanitary agents for salary and personal expenses, and the amount expended directly for the relief of sick and wounded soldiers. Voucher No. 17 recites an itemized statement of the month ending January 8, 1864, of the expenditure of \$112.70, \$2.50 of which were expended for the relief of sick and wounded soldiers; the balance for salary and personal expenses. Voucher No. 18, the amount for personal expenses and *salary* was \$96.25; \$1.40 for the relief of the soldier direct. Voucher No. 20, for *salary* and personal expenses, \$103.80, and for the relief of the soldiers, \$1.75. Voucher No. 29, for salary and personal expenses, \$84.75; \$1.30 for the relief of the soldier. Voucher No. 44, for salary and personal expense, \$99.50; for the relief of the soldier, \$5.50. The vouchers above alluded to are the monthly statements of J. Dial, Sanitary Agent. The statement of Major North, Voucher 74, recites an expenditure on sanitary account, for personal and traveling expenses, \$147.70, and for the direct benefit of sick and wounded soldiers, \$2.30. To aggregate these sums, we have an amount on personal account, \$634.00, and direct for the relief of the sick and wounded soldiers, \$14.80.

Your Committee have selected these vouchers as being the only ones in detail that give an intelligent statement of the disbursement of the money which was drawn on them, with the exception of Mrs. Wittenmyer, as above referred. We are not able to say whether the aggregate of money purporting to be expended for sanitary purposes, being \$17,071.84, will bear the same ratio as \$634.00 does to \$14.80 as in the case above referred, but as far as we could glean any light on this subject we are inclined to think it will. There is another class of vouchers involving an expenditure of about \$4,355.80, which has attracted the attention of your Com-

mittee from the peculiarity of their numbers, being fractional and designated in the Governor's report for sundry purposes to sundry persons. The idea of these vouchers being designated for fractional numbers creates the suspicion that they are interpolated vouchers as an after-thought subsequent to numbering the others in their regular order. The absence of any record evidence in detail of the disbursement of this sum claimed, leads your Committee to look upon this class of vouchers with disfavor; the recitation of these vouchers is for traveling expenses of Governor Stone and his suite, in paying sundry visits to the army, looking after State business at Washington, and traveling over the State at large. That each individual member of your honorable body may judge for himself the character of these vouchers styled for sundry purposes to sundry persons, we herewith give you a copy of two of which we find on file. Those cited involve the largest sums claimed.

[Copy of Voucher No. 52½.]

On the 11th July, 1864, I started for Sherman's army to look after the sick and wounded of Iowa Regiments, taking with me Dr. Hoffman and Lieutenant Duncan from Iowa, and securing the services of J. Warner on the way, visited all the hospitals at Keokuk, St. Louis, Jefferson and Benton Barracks, Jeffersonville, Louisville, Nashville, Chattanooga, and all places between there and Atlanta, relieving the wants of sick and wounded Soldiers, procuring them means to be transported to Iowa; returning home August, 1864. Expended for all purposes *while* absent, \$871.25.

I certify that the foregoing sum was actually expended for the purposes stated.

(Signed,)

W. M. STONE.

August 14, 1864, I started for Washington to obtain reduction from amount for which the draft was ordered against our State, returning by way of Davenport, looking after soldiers and other military business, reaching home September 11. Expended while absent, \$321.00.

I certify the foregoing sum was expended for the public service as stated.

(Signed,)

W. M. STONE.

The above two certificates constitute what is on file as voucher No. 52½. Total amount of vouchers, \$1,192.25.

[Copy of Voucher No. 142.]

Left home September 26th for Keokuk, to look after soldiers; went to Davenport on military business, and from there to Grinnell, with General Baker and others to examine into the murder of Bashore and Woodruff, and organize companies for putting down resistance to daaft. Expended on entire trip \$172.

I hereby certify that the above sum was actually expended for the purposes as stated.

(Signed,)

W. M. STONE.

December 8th, 1864, I started for Washington to confer with

Third Auditor in regard to the settlement of claims, and settle with Provost Marshal-General for men furnished by the State; from Washington I started for General Sherman's army, then approaching the Georgia coast, to look after and attend to the wants of Iowa soldiers; accompanied by L. D. Ingersoll and Rob't Gray. I returned by way of Washington and Davenport, and after obtaining from the Government a relinquishment of all claims against us for more men under existing calls; reached home February 4th, 1865. Expended while absent on entire trip, for all purposes, \$878.00.

I certify that the above sum was actually spent as stated.

(Signed,)

W. M. STONE.

Your committee find six of this class of vouchers as above quoted, and object to their allowance, first, for want of detailed statement as to whom money was paid, and for what specific purpose. Second, so far as the payment of traveling expenses to Washington on State business, it is not chargeable to this fund. Third, sums of money are claimed to have been expended for the relief of sick and wounded soldiers, but not a single specification as to amount or to whom paid. Your committee have carefully sought all the testimony within their reach to give you an intelligent idea how this money has been expended, and we give you the above statements as the best we can do with the light we have on the subject. We are free to state that it must be left to *echo* to answer where has a good share of this money gone. Your committee think Governor Stone is strongly censurable for totally neglecting to comply with the law requiring him to keep a record of all his official acts; also neglecting to require sanitary agents to report a statement in detail of their doings, and his wanton disregard of the interest of the trust confided to his care by permitting this large sum of money to be squandered without being able to account for its expenditure. The only undoubted record evidence your committee could find was that Governor Stone was chargeable on the Auditor's and Treasurer's books with having drawn from the State Treasury the sum of \$28,077.00. We are clearly convinced of peculations and misapplications of the fund and that Governor Stone is the responsible agent of the State, in the proper disbursement of this fund.

Your committee find, upon examination, that Governor Kirkwood spent on Extraordinary Fund account the sum of \$26,323.63, as per report Senate Journal, page 43, 10th General Assembly. During Governor Kirkwood's administration there was no law requiring him to keep a journal of his official acts, consequently your committee have had access to no record evidence of his disbursement of this fund. The only guide we have had is a bundle of papers, with list accompanying, styled "Vouchers," numbering from 1 to 232 inclusive. Your committee have not had time to give you a detailed statement of them, but from our limited exam-

ination are of the opinion that they fall short of meeting the requirements of the law. The vouchers of Governor Kirkwood, No. 33, for \$218.75; No. 209, for \$957.65, and No. 230 for \$175.84, reciting his traveling expenses, are as indefinite as those of Governor Stone, a sample of which has been quoted. There are quite a number of objectionable vouchers, as they do not recite the object for which money was paid, such as drafts, receipts, &c.

The whole sum disbursed by Gov. Kirkwood being... \$26,232.63  
 " " " Stone " ... 28,077.00

Making total amount..... 54,300.63

This is a sum of such magnitude that the people should have satisfactory evidence where it has gone, and that speculation and misapplication be at once rebuked.

Your Committee would recommend that the lawful disbursement of this fund be referred to the inspection of the Attorney General, and if in his judgment money has been wrongfully used, that he be instructed to sue the parties making the wrongful use of said funds, and recover the same by due process of law.

That the citizens of the State may have the means of judging for themselves the character of the vouchers for disbursement of the sum of \$54,300.63, your Committee would recommend the passage of the following joint resolution:

*Resolved by the Senate and House of Representatives, That the Auditor be required to make a verbatim copy of the vouchers on file in his office, as referred to in Governor Stone's report of Feb. 6, 1866 and also that the Secretary of State be required to make a verbatim copy of the vouchers in his custody, as referred to by Governor Kirkwood's report, made to the Senate Jan. 14th, 1864, and that it be the further duty of the Secretary of State to cause the same to be published in pamphlet form, together with all reports and doings had by the Legislature in relation to the investigation of the extraordinary Executive expense account. The Secretary is hereby ordered to cause 1,500 copies published and distributed at as early a day as practicable, and an equal number to each member of the Senate and House of Representatives.*

JOSEPH HOLLMAN, Member of Committee.

As an addenda to the above, it has been developed by the testimony of Governor Stone, that the Census Board has allowed him a warrant on the State Treasury, on extraordinary expense fund account, on the 9th day of February last, for \$975.87, to pay the deficit on his bank account. This, in the opinion of your Committee, is a misapplication of public funds, and swells the Governor's deficit \$975.87. The Auditor informed your Committee that at present date the Governor's extraordinary expense account foots \$28,970.44, to which is to be added the sum as above stated \$877.00, drawn from the War and Defense Fund, and chargeable

to extraordinary Executive expense account, making the gross sum of the Governor's debits \$29,847.44.

JOSEPH HOLLMAN,  
Member of Committee.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 312, A bill for an act making appropriations for the Hospital for the Insane.

CHAS. ALDRICH, Chief Clerk.

Senator Paulk obtained leave to offer the following resolution:

*Resolved*, That all the reports offered to the Senate from the members of the Committee appointed to "inquire into the expenditures of the Executive Department as contemplated by Section 27, Chapter 32, of the Acts of the Tenth General Assembly," be printed, and that in case printed reports are not received before this General Assembly adjourns, the Secretary of State shall distribute the same to the members of both branches by mail.

Senator Patterson moved to amend by adding in the first line after the word "reports," the words "and the evidence taken by said Committee."

Pending which, a Committee from the House of Representatives announced that the House was ready to meet the Senate in Joint Convention for the purpose of electing Trustees of the Agricultural College and Farm, Bank Directors, and Bank Commissioners.

The President appointed Senator Sampson teller on the part of the Senate.

On motion of Senator Stubbs, the Senate proceeded to the hall of the House of Representatives.

JOINT CONVENTION.

The President of the Senate, Hon. B. F. Gue, Lieutenant Governor, announced as teller on the part of the Senate, Senator Sampson.

The Speaker of the House announced as teller on the part of the House, Mr. Holden.

The President announced that nominations for Trustees of the Agricultural College and Farm were in order.

Mr. Darwin nominated J. Wilson Williams, of the First District.

Mr. Edwards nominated J. D. Wright, of the Second District.

Mr. ——— nominated B. O. Stevenson, of the Third District.

Mr. Hand nominated J. C. Casey, of the Fourth District.

Mr. Reed nominated T. K. Brooks, of the Fifth District.

Mr. Stubbs nominated T. A. Morgan, of the Sixth District.

Mr. Leake nominated Hugh M. Thomson, of the Seventh District.

Mr. Clark nominated John Russell, of the Eighth District.

Mr. Clarkson nominated Peter Melendy, of the Ninth District.

Mr. Lakin nominated P. L. Hinkley, of the Tenth District.

Mr. Hunt nominated John Garber, of the Tenth District.

Mr. Bassett nominated B. F. Gue, of the Eleventh District.

Mr. Poindexter nominated R. W. Humphrey, of the Twelfth District.

No other nominations being made, the Joint roll was called, with the following result :

Whole number of votes cast.....	101
Necessary to a choice.....	52
J. Wilson Williams received.....	101
J. D. Wright received.....	101
B. O. Stevenson received.....	100
J. C. Casey received.....	100
T. K. Brooks received.....	100
T. A. Morgan received.....	100
H. M. Thomson received.....	101
John Russell received.....	101
Peter Melendy received.....	101
P. L. Hinkley received.....	37
John Garber received.....	77
B. F. Gue received..	101
R. W. Humphrey received.....	100

J. Wilson Williams, J. D. Wright, B. O. Stevenson, J. C. Casey, T. K. Brooks, T. A. Morgan, H. M. Thomson, John Russell, Peter Melendy, John Garber, B. F. Gue and R. W. Humphrey having received a majority of all the votes cast, were declared duly elected Trustees of the Agricultural College and Farm for the term prescribed by law, and until their successors are elected and qualified.

The President announced nominations for Bank Directors in order.

Mr. Stubbs nominated L. F. Sherman, of Washington county.

Mr. Edwards nominated E. T. Edginton, of Lucas county.

Mr. Henderson nominated G. M. Woodbury, of Marshall county.

Mr. Sherman moved that both Directors and Commissioners be elected by the same call, which motion prevailed, and the following nominations for Bank Commissioners were made :

By Mr. Warren, Philip Viele.

By Mr. Stubbs, William Bickford.

By Mr. Clark, of the House, T. A. Graham.

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

Whole number of votes cast.....64

Necessary to a choice.....33

Mr. L. F. Sherman received.....63

Mr. E. T. Edginton received.....63

Mr. G. M. Woodbury received.....63

Messrs. L. F. Sherman, E. T. Edginton and G. M. Woodbury received a majority of all the votes cast, and were declared duly elected Bank Directors for the term prescribed by law.

For Bank Commissioners :

Philip Viele received.....63

William Bickford received.....63

T. A. Graham received.....64

Messrs. Philip Veile, William Bickford and T. A. Graham having received a majority of all the votes cast, were declared duly elected Bank Commissioners for the period prescribed by law.

The following certificates were then read and signed, in the presence of the Joint Convention, by the President of the Senate and the Speaker *pro tem.* of the House.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, J. Wilson Williams, having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.

WM. HALE,

Speaker *pro tem.* of the House of Representatives.

Attest :

E. S. SAMPSON,  
Teller of the Senate.

H. M. HOLDEN,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, J. D. Wright, having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.  
WM. HALE,  
Speaker *pro tem.* of House of Representatives.  
E. S. SAMPSON,  
Teller of the Senate.  
H. M. HOLDEN,  
Teller of the House of Representatives.

Attest :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, B. O. Stevenson, having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.  
WM. HALE,  
Speaker *pro tem.* of House of Representatives.  
E. S. SAMPSON,  
Teller of the Senate.  
H. M. HOLDEN,  
Teller of the House of Representatives.

Attest :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 31st day of March A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, J. C. Casey having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.  
WM. HALE,  
Speaker *pro tem.* of the House of Representatives.  
E. S. SAMPSON,  
Teller of the Senate.  
H. M. HOLDEN,  
Teller of the House of Representatives.

Attest :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, T. K. Brooks having received a majority of all the votes cast for said office, was declared duly elected for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
 President of the Senate.

WM. HALE,

Speaker *pro tem.* of House of Representatives.

E. S. SAMPSON,  
 Teller of the Senate.

H. M. HOLDEN,  
 Teller of the House of Representatives.

ATTEST :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 March 31, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of Agricultural College, T. A. Morgan having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
 President of the Senate.

WM. HALE,

Speaker *pro tem* of the House of Representatives.

E. S. SAMPSON,  
 Teller of the Senate.

H. M. HOLDEN,  
 Teller of the House of Representatives.

Attest :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 March 31, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, H. M. Thomson having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.

WM. HALE,  
Speaker *pro tem.* of the House of Representatives.

E. S. SAMPSON,  
Teller of the Senate.

Attest :

H. M. HOLDEN,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, John Russell having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.

WM. HALE,  
Speaker *pro tem.* of the House of Representatives.

E. S. SAMPSON,  
Teller of the Senate.

Attest :

H. M. HOLDEN,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, Peter Melendy having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.

WM. HALE,  
Speaker *pro tem.* of the House of Representatives.

E. S. SAMPSON,  
Teller of the Senate.

Attest :

H. M. HOLDEN,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 March 31, 1866. }

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, John Garber having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the joint convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
 President of the Senate.

WM. HALE,  
 Speaker *pro tem.* of the House of Representatives.

E. S. SAMPSON,  
 Teller of the Senate.

Attest :

H. M. HOLDEN,  
 Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, B. F. Gue having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
 President of the Senate.

WM. HALE,  
 Speaker *pro tem.* of the House of Representatives.

Attest :

E. S. SAMPSON,  
 Teller of the Senate.

H. M. HOLDEN,  
 Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
 March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Trustee of the Agricultural College, R. W. Humphrey having received a majority of all the votes cast for said office, was declared duly elected Trustee for the term prescribed by law.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.  
WM. HALE,  
Speaker *pro tem* of the House of Representatives.  
E. S. SAMPSON,  
Teller of the Senate.  
H. M. HOLDEN,  
Teller of the House of Representatives.

Attest :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Director, L. F. Sherman having received a majority of all the votes cast for said office, was declared duly elected a Bank Director for the term of two years from and after the expiration of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.  
WM. HALE,  
Speaker *pro tem* of the House of Representatives.  
E. S. SAMPSON,  
Teller of the Senate.  
H. M. HOLDEN,  
Teller of the House of Representatives.

Attest :

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Director, E. T. Edginton having received a majority of all the votes cast for said office, was declared duly elected a Bank Director for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.  
WM. HALE,  
Speaker *pro tem* of the House of Representatives.  
E. S. SAMPSON,  
Teller of the Senate.  
H. M. HOLDEN,  
Teller of the House of Representatives.

Attest:

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday the 31st day of March, A. D. 1866, for the purpose of electing a Bank Director, G. M. Woodbury having received a majority of all the votes cast for said office, was declared duly elected a Bank Director for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D. 1866.

B. F. GUE,  
President of the Senate.  
WM. HALE,  
Speaker *pro tem* of the House of Representatives.  
E. S. SAMPSON,  
Teller of the Senate.  
H. M. HOLDEN,  
Teller of the House of Representatives.

Attest:

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Bank Commissioner, Philip Veile having received a majority of all the votes cast for said office, was declared duly elected Bank Commissioner for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,  
President of the Senate.

W. M. HALE,  
Speaker *pro tem* of the House of Representatives.

E. S. SAMPSON,  
Teller of the Senate.

Attest :

H. M. HOLDEN,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Bank Commissioner, Wm. Bickford having received a majority of all the votes cast for said office, was declared duly elected Bank Commissioner for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,  
President of the Senate.

WM. HALE,  
Speaker *pro tem* of the House of Representatives.

E. S. SAMPSON,  
Teller of the Senate.

Attest :

H. M. HOLDEN,  
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA, }  
March 31st, 1866. }

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in Joint Convention, on Saturday, the 31st day of March, A. D., 1866, for the purpose of electing a Bank Commissioner, T. A. Graham having received a majority of all the votes cast for said office, was declared duly elected Bank Commissioner for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 31st day of March, A. D., 1866.

B. F. GUE,  
President of the Senate.

WM. HALE,

Speaker *pro tem* of the House of Representatives.

E. S. SAMPSON,

Teller of the Senate.

H. M. HOLDEN.

Attest :

Teller of the House of Representatives.

Mr. Wilson, of Jackson, moved that this Convention do now dissolve, which motion prevailed.

4 O'CLOCK AND 40 MINUTES.

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

The question recurring upon the amendment to the resolution offered by Senator Paulk, it was agreed to.

Senator Woolson moved that the resolution be laid on the table.

Upon this the yeas and nays were demanded, and

The yeas were Senators Cattell, Crookham, Hart, Lakin, Leake, McJunkin, McMillan, Meyer, Oliver, Parvin, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Udell, Woolson—19.

The nays were, Senators Bassett, Brayton, Bridges, Bulis, Clark, Clarkson, Dond, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Marshman, Moore, Paulk, Patterson, Richards, Smith, Stiles, Warren, Wharton—25.

Absent but not excused, Senators Cutts and Farwell.

So the motion did not prevail.

On motion of Senator Parvin, Senator Hunt was granted leave of absence.

Senator Leake moved the previous question, which was seconded, and the main question ordered and put, namely, Shall the resolution be adopted?

On which the yeas and nays were demanded, and

The yeas were, Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Dond, Edwards, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Leake, Marshman, Meyer, Moore, Paulk, Patterson, Richards, Robertson, Ross, Sampson, Smith, Stiles, Warren—32.

The nays were, Senators Larimer, McJunkin, McMillan, Oliver, Parvin, Powers, Reed, Shippen, Stubbs, Udell, Wharton, Woolson—12.

Absent but not excused, Senator Cutts.

So the resolution was adopted.

On motion of Senator Leake, ordered that the Secretary request

of the House the return of House substitute for Senate File No. 186, A bill for an act regarding soldiers' orphans.

Senator Clarkson, from the Committee on Agriculture, submitted the following report :

The Committee on Agriculture, to which was referred House File No. 311, appropriating to the Agricultural College building, have considered the same, and recommend that it be substituted for Senate File No.—, upon the same subject.

The Committee are not as well satisfied with it, but as this has passed the House, by insisting on the Senate bill, all appropriations to that Institution may fail.

We therefore recommend that the House bill be substituted for the Senate bill, and that the substitute do pass.

C. F. CLARKSON, Chairman.

Also the following :

The Committee on Agriculture, to which was referred Senate File No. 43, on mad dogs, Senate File No. 68, for killing dogs and protection of sheep, Senate File No. 207, to tax dogs and for other purposes, Senate File No. 14, for taxing dogs and protection of sheep, have carefully examined said bills. They recommend that the first four named be indefinitely postponed.

Upon the subject of House File No. 267, the Committee are unable to recommend any specific action. Three of the Committee favor indefinite postponement. Three are in favor of the bill, and one in favor of radical amendment, and if so amended, he would be in favor of its passage.

C. F. CLARKSON, Chairman.

Senator Larimer, from Committee on Charitable Institutions, submitted the following reports :

Your Committee to whom was referred memorials asking the General Assembly to pass a law making eight hours a day's work, have had the same under consideration and have instructed me to report the following bill, without any further recommendation.

A. M. LARIMER, Chairman.

Also the following :

Your Committee to whom was referred Senate File No. 64 and substitute therefor, have had the same under consideration, and have instructed me to report the same back with the following substitute, and recommend its passage.

A. M. LARIMER, for Committee.

Senator Stubbs, from Committee on Judiciary, submitted the following report :

The Committee on Judiciary, to whom was referred substitute for House File No. 243, A bill for an act to accept a grant of land to the State of Iowa, by act of Congress of July 12th, 1864, have had the same under consideration and have instructed me to report

the same back, recommending the following amendments, to-wit:

1. Strike out Section 6.
2. Strike out of Section 3, after the word "aforesaid" in the thirteenth line, to the word "provided" in the nineteenth line; and, so amended, the Committee recommend the passage of the bill.

D. P. STUBBS, on behalf of Com.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return House substitute for Senate File No. 186, in accordance with the request of the Senate.

CHAS. ALDRICH, Chief Clerk.

The consideration of the reports of the Committee appointed to investigate the "alleged diversion of the Swamp Land Indemnity Fund," was resumed.

Senator Richards having spoken thereon for more than five minutes, Senator Warren made the point of order that by the special rule of the Senate, Senator Richards cannot speak longer upon the question.

The President sustained the point of order.

Senator Woolson moved that Senator Richards be allowed to address the Senate for thirty minutes.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Bulis, Clark, Cutts, Doud, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Knoll, Marshman, Meyer, Moore, Paulk, Robertson, Shippen, Stiles, Stubbs, and Woolson—21.

The nays were Senators Brayton, Bridges, Cattell, Clarkson, Crookham, Farwell, Hart, King, Lakin, Larimer, Leake, McJunkin, McMillan, Oliver, Patterson, Powers, Reed, Ross, Sampson, Smith, Udell, Warren, and Wharton—23.

Absent but not excused, Senator Parvin.

So the motion did not prevail.

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. 324, A bill for an act making appropriation for the per diem and expenses of the Eleventh General Assembly and for other purposes.

CHAS. ALDRICH, Chief Clerk.

The question recurring upon the motion to substitute the minority for the majority report.

The yeas and nays were demanded, and

The yeas were Senators Bridges, Hedges, Hollman, Knoll, Paulk, Richards—6.

The nays were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—38.

Absent but not excused, Senators Meyer and Powers.

So the motion did not prevail.

Senator Leake obtained leave to call up House Substitute for Senate File No. 186, A bill for an act regarding soldiers' orphans, and moved to reconsider the vote by which the bill passed, which was agreed to.

Also moved to reconsider the vote by which the bill was ordered to a third reading, which was agreed to.

Also moved to reconsider the vote by which the amendments reported by Committee were concurred in, which was agreed to.

The question recurring upon the adoption of the amendments reported by the Committee, they were disagreed to.

Senator Leake moved to reconsider the vote by which the amendment was adopted, striking out in the second line of the 18th section the words "board of supervisors," and inserting "county judge."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, King, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton—36.

The nays were Senators Bassett, Brayton, Hillyer, Knoll, McJunkin, Paulk, Richards, Udell—8.

Absent but not excused, Senators Marshman and Woolson.

So the motion prevailed.

The question recurring upon the adoption of the amendment, it was disagreed to.

On motion of Senator Leake, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, King, Lakin, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—39.

The nays were Senators Bridges, Hedges, Hillyer, Hollman, Knoll, Richards—6.

Absent but not excused, Senator Marshman.

So the bill passed and the title was agreed to.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, this 31st day of March, 1866, the following bill:

A bill for an act to amend Article 2, of Chapter 29, of the Revision of 1860, relating to the appointment of Steward for the Hospital for the Insane.

W. B. LAKIN, Chairman.

Senator Oliver moved that when the Senate adjourn it be until 7½ o'clock this evening.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Crookham, Cutts, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Lakin, Leake, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Udell, Warren, Wharton, and Woolson—33.

The nays were Senators Doud, Hedges, Hollman, King, Knoll, Meyer, Paulk, Richards, Smith, and Stubbs—10.

Absent but not excused, Senators Bulis, Larimer, and Marshman.

So the motion prevailed.

On motion of Senator Henderson, the Senate then adjourned.

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EVENING SESSION.

7½ O'CLOCK P. M.

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

The consideration of the report of the Committee appointed to investigate the "alleged diversion of the Swamp Land Indemnity Fund" were resumed.

The question being on the adoption of the majority report, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, King, Leake, Marshman, McMillan, Moore, Oliver, Parvin, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Stubbs, Udell, and Wharton—29.

The nays were Senators Bridges, Clarkson, Hedges, Hollman, Knoll, Lakin, Larimer, Paulk, Patterson, Richards, Smith, and Warren—12.

Absent but not excused, Senators Cutts, Henderson, Marshman, McJunkin, and Meyer.

On motion of Senator Oliver, Senator Woolson was excused from voting.

So the report was adopted.

Senator Stiles moved to amend the third resolution by adding thereto as follows, viz: *Provided*, That nothing in this resolution contained shall be so construed as to prevent the costs in such suits abiding the event thereof as now provided by law.

Upon the adoption of the amendedment, the yeas and nays were demanded, and

The yeas were Senators Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McMillan, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Sampson, Smith, Stiles, Stubbs, Warren, Wharton—34.

The nays were Senators Bridges, Hedges, Richards—3.

Absent but not excused, Senators Bassett, Cutts, Henderson, McJunkin, Meyer, Ross, Shippen, Udell and Woolson.

So the amendment was adopted.

Senator Richards moved to amend the 1st resolution by striking out all after the word "Iowa" in the 1st line and inserting the following: "That the Attorney General of the State be instructed by the General Assembly to at once institute suit against the responsible parties on behalf of the State of Iowa for the recovery of the missing funds and the exposure of the guilty actors.

Upon this the yeas and nays were demanded, and

The yeas were Senators Hedges, Hollman, Knoll, Lakin, Paulk, Richards—6.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hilsinger, Hillyer, King, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—39.

Absent but not excused, Senator Henderson.

So the amendment was not adopted.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has adopted the Resolutions reported by the majority of the Joint Committee of Investigation upon the alleged diversion of certain Swamp Land Indemnity Funds.

These resolutions are herewith transmitted and the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

*Resolved by the General Assembly of the State of Iowa*, That all the evidence taken before the Committee appointed to investigate the "supposed diversion of the Swamp Land Indemnity

Fund," and the report of that Committee to the General Assembly, be, and the same are hereby referred to the Attorney General, with instructions that said Attorney General be, and he is hereby required to proceed at once, to take such legal steps as he may deem advisable, against such person, or persons, or securities already given, as may be necessary to secure the amount of the deficit found by said Committee, for the benefit of the counties interested.

2. *Resolved*, That all actions or suits which it may be necessary to institute in order to carry into effect this resolution may be prosecuted in the name of the State of Iowa for the use and benefit of the counties affected by said defalcation.

3. *Resolved*, That the State of Iowa shall pay all costs that may be legally expended in the prosecution of all suits by virtue of or under the foregoing resolutions; and the amount thereof shall be reported by the Attorney General to the Auditor of State, who shall draw his warrants for the same in favor of the parties to whom the same may be due; *Provided*, That nothing in this resolution contained shall be so construed as to prevent the costs in such suits abiding the event thereof as now provided by law.

4. *Resolved*, That all moneys which may be realized by the Attorney General in the performance of his duties in this respect, shall be paid over by him to the State Treasurer, who shall receipt in duplicate therefor in the usual manner and the same shall be paid out by said Treasurer as now provided by law for paying Swamp Land Indemnity Funds, except that he shall divide the funds thus paid into his hands *pro rata* between the several counties affected by said defalcation.

Senator Bridges moved the following as a substitute for the resolutions :

*Resolved*, That as an act of manifest justice, the State at once make provision to pay to the different counties entitled to the same the Swamp Land Funds that have come into possession of the State and have been corruptly misapplied.

Senator Oliver moved that the resolutions be laid on the table. Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Parvin, Paterson, Powers, Reed, Robertson, Ross, Shippen, Stiles, Udell, and Wharton—29.

The nays were Senators Bridges, Clark, Hedges, Hilsinger, Hill-  
yer, Hollan, King, Knoll, Lakin, Meyer, Paulk, Richards, Samp-  
son, Smith, Stubbs, Udell, and Warren—17.

Absent but not excused, Senator Woolson.

So the motion prevailed.

On motion of Senator Stiles, the House Joint Resolutions relative to the alleged diversion of the Swamp Land Indemnity Fund were taken up and read the first and second times.

Senator Udell moved to amend as follows :

1. Strike out of the first resolution the last part of the last line after the word "Committee."

2. *Resolved*, That the Auditor of State issue to each county to whom the the missing Swamp Land Warrants belonged a warrant on the general fund for the amount due each county.

3. Strike out the second and third resolutions.

4. Strike out of the fourth resolution all after the word "manner," in the fourth line, and add "to the credit of the General Fund."

Senator Paulk moved to amend the amendment by striking out the last line of the 1st resolution, which was disagreed to.

The question recurring upon the amendments offered by Senator Udell, the yeas and nays were demanded, and

The yeas were Senators Bridges, Hart, Hedges, Hillyer, Hollman, Knoll, Lakin, McJunkin, Meyer, Paulk, Richards, Udell, Warren, Woolson—14.

The nays were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hilsinger, King, Larimer, Leake, Marshman, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton—30.

Absent but not excused, Senators Henderson and Powers.

So the amendment was not adopted.

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

*Resolved*, That as an act of manifest justice, the State at once make provision to pay to the different counties entitled to the same, the swamp land funds that have come into the possession of the State, and have been corruptly misapplied.

Upon the adoption of the substitute the yeas and nays were demanded, and

The yeas were Senators Bridges, Clark, Hart, Hedges, Hillyer, Hollman, Knoll, Lakin, Marshman, McJunkin, Meyer, Paulk, Richards, Smith, Udell, Warren—16.

The nays were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, King, Larimer, Leake, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Stubbs, Wharton, Woolson—30.

So the substitute was not adopted.

On motion of Senator Oliver the 11th rule was suspended, and the resolutions were read the third time.

On the question "shall the resolutions pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver,

Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—42.

The nays were Senators Bridges, Hollman, Knoll, Richards—4. So the resolutions were adopted.

On motion of Senator Stiles, Senate File No. 227, A bill for an act to authorize actions to be brought in the name of the State for the recovery of Swamp Land Indemnity money against the parties liable therefor, was taken up and read the first and second times, and on motion, the 11th rule was suspended, and the bill was read the third time.

On the question, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—43.

The nays were none.

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

Senate File No. 226, A bill for an act to amend Sec. 3673 of the Revision, and to regulate the foreclosure of deeds of trust in certain cases, was, on motion of Senator Stiles, taken up, and read the first and second times.

On motion of Senator Wharton the 11th rule was suspended, and the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, King, Larimer, Marshman, McJunkin, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Warren—29.

The nays were Senators Bulis, Edwards, Hedges, Hillyer, Hollman, Knoll, Lakin, Larimer, Meyer, Paulk, Smith, Stubbs, Udell, Woolson—14.

Absent, but not excused, Senators Cattell, Richards, and Wharton.

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

Senator Stubbs moved that the House messages be now taken up. Lost.

BILLS ON SECOND READING.

House File No. 118, A bill for an act to provide for the publication of general and local laws, and of the proceedings of Boards of Supervisors in the several counties, was taken up.

The question recurring upon the adoption of amendment offered by Senator Paulk, it was withdrawn.

Senator Paulk moved to amend as follows, by striking out all after the word "law" in the fourth line of Sec. 4 and inserting these words: "All claims and compensation for the publication of the laws under this act shall be audited and paid by the State as like claims are now by law audited and paid. All other claims and compensation under the provisions of this act shall be paid by the several counties properly chargeable therewith."

Upon the adoption of the amendment the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Bulis, Clark, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, King, Knoll, Lakin, Leake, Moore, Oliver, Paulk, Patterson, Richards, Ross, Sampson, Shippen, Stiles, Stubbs, Warren—25.

The nays were Senators Brayton, Cattell, Clarkson, Crookham, Cutts, Doud, Hart, Larimer, Marshman, McJunkin, McMillan, Meyer, Parvin, Powers, Reed, Robertson, Smith, Wharton, Woolson—19.

Absent, but not excused, Senators Hollman and Udell.

So the amendment was adopted.

Senator Paulk moved to amend Section 3 by adding thereto the following:

"*Provided*, That nothing in this act contained shall prevent any board of supervisors from procuring the publication of their proceedings at a less price than that prescribed by law."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Crookham, Farwell, Hart, Hilsinger, Hillyer, King, Lakin, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Richards, Robertson, Ross, Sampson, Smith, Stiles, and Stubbs—27.

The nays were Senators Bridges, Clark, Clarkson, Cutts, Doud, Edwards, Hedges, Henderson, Hollman, Knoll, Larimer, McJunkin, Powers, Reed, Udell, Warren, Wharton, Woolson—18.

Absent but not excused, Senator Shippen.

So the amendment was adopted.

Senator Knoll moved to amend Section 1, as follows: Add after the words "largest circulation" the following: "and representing the two principal political parties in the State."

Upon this the yeas and nays were demanded, and

The yeas were Senators Clark, Crookham, Cutts, Hedges, Knoll, Lakin, Larimer, Oliver, Paulk, Richards, Stiles, Stubbs, Udell, Woolson—14.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, King, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Warren, Wharton—30.

Absent but not excused, Senators Edwards and Hollman.

So the amendment was not adopted.

On motion of Senator Leake, Section 1 was amended by striking out in the second line the words "as follows, to-wit," and inserting "that."

Senator Cutts moved to reconsider the vote by which the amendment to Section 4 was adopted.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Clarkson, Cutts, Doud, Farwell, Henderson, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Powers, Reed, Shippen, Udell, Wharnton, and Woolson—20.

The nays were Senators Bulis, Cattell, Crookham, Edwards, Hedges, Hilsinger, Hillyer, King, Knoll, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Richards, Robertson, Ross, Sampson, Smith, Stiles, Stubbs, and Warren—23.

Absent but not excused, Senators Clark, Hart, and Hollman.

So the motion did not prevail.

On motion of Senator Patterson, Section 5 was amended by inserting in the first line, after the word "act," the words "being deemed of immediate importance."

On motion of Senator Leake, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Clark, Clarkson, Doud, Edwards, Farwell, Henderson, Hilsinger, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Powers, Reed, Robertson, Sampson, Smith, and Udell—22.

The nays were Senators Brayton, Bulis, Cattell, Crookham, Cutts, Hedges, Hillyer, King, Moore, Oliver, Parvin, Paulk, Patterson, Richards, Ross, Shippen, Stiles, Stubbs, Warren, Wharnton, and Woolson—21.

Absent but not excused, Senators Hart, Hollman, and Knoll.

So the bill was lost.

Senator Warren moved to reconsider the vote last taken.

Senator Paulk moved that the motion to reconsider be laid on the table.

On motion of Senator Bridges, ordered that there be a call of the Senate.

The roll having been called, the following named Senators failed to answer to their names, viz:

Hart, Hollman and Knoll.

The names of the absentees having been called over, the door was closed, and the Sergeant-at-arms was directed to bring on the absentees.

Senator Parvin moved that all further proceedings in the call be dispensed with, which was disagreed to.

The Sergeant-at-arms having appeared with the absentees, the roll was again called, and Senator Hart failed to answer to his

name, when, on motion of Senator Stubbs, all further proceedings in the call were dispensed with.

The question recurring on the motion to lay the motion to reconsider on the table, the yeas and nays were demanded, and

The yeas were Senators Bulis, Cattell, Crookham, Hedges, Hillyer, Larimer, Moore, Oliver, Parvin, Paulk, Patterson, Richards, Robertson, Ross, Shippen, Wharton, Woolson—17.

The nays were, Senators Bassett, Brayton, Bridges, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Hollman, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Powers, Reed, Sampson, Smith, Stiles, Stubbs, Udell, Warren—28.

Absent but not excused, Senator Hart.

So the motion did not prevail.

The question recurring on the motion to reconsider, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Powers, Reed, Sampson, Smith, Stiles, Stubbs, Udell, Warren—27.

The nays were Senators Bulis, Cattell, Crookham, Hedges, Hillyer, Hollman, Moore, Oliver, Parvin, Paulk, Patterson, Richards, Robertson, Ross, Shippen, Wharton, Woolson—17.

Absent but not excused, Senators Hart and Knoll.

So the motion prevailed.

On motion of Senator Warren, the vote was reconsidered by which the bill was ordered to be read the third time.

Senator Warren moved to reconsider the vote by which the amendment to Section 4 was adopted.

Senator Parvin made the point of order, that the motion is not in order, as a vote to reconsider has once been negatived.

The President sustained the point of order.

On motion of Senator Edwards, the bill was read the third time. On the question "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Patterson, Powers, Reed, Robertson, Sampson, Smith, Stiles, Udell, Warren—28.

The nays were Senators Brayton, Bulis, Cattell, Crookham, Hedges, Hillyer, Hollman, Knoll, Moore, Oliver, Parvin, Paulk, Richards, Ross, Shippen, Stubbs, Wharton, Woolson—18.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the

House has concurred in the Senate's amendments to House Files Nos. 305, 223, and 117.

CHAS. ALDRICH, Chief Clerk.

Senator Cutts moved to adjourn, which motion was disagreed to.

Senate File No. 62, A bill for an act in relation to the manner of redeeming land sold for taxes after three years, with report of Committee recommending the adoption of a substitute was taken up.

On motion of Senator Crookham, the publication clause was stricken out, and the substitute as amended was adopted.

On motion of Senator Powers, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton—40.

The nays were Senators Clark, Crookham, Patterson, Richards, Woolson—5.

Absent but not excused, Senator Udell.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has passed certain Joint Resolutions relative to the American Emigrant Company, which are herewith transmitted, and in which the concurrence of the Senate is respectfully asked.

I am also directed to inform the Senate that the House has concurred in the Senate amendments to House File No. 300.

CHAS. ALDRICH, Chief Clerk.

*Be it resolved by the General Assembly of the State of Iowa,* That the Register of the State Land Office be and is hereby instructed to inform the counties in which contracts referring to Swamp Lands have been made with the American Emigrant Company, of the substance of the report of the joint committee appointed to investigate the alleged frauds and misrepresentations of that Company.

*Be it resolved by the General Assembly of the State of Iowa,* That the Governor be and is hereby requested to inform the Secretary of the Interior and the Commissioner of the General Land Office of the substance of the report of the joint committee appointed to investigate the alleged frauds and misrepresentations of the American Emigrant Company.

On motion of Senator Parvin Senators Reed and Sampson were added to the Committee on Enrolled Bills.

Senator Wharton moved to adjourn, which motion was disagreed to.

## MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has concurred in the Senate's amendments to House File 258, A bill for an act to amend Chap. 172 Acts of the 9th General Assembly.

CHAS. ALDRICH, Chief Clerk.

House File No. 66, A bill for an act providing for the distribution of the Adjutant General's Report of January, 1866, with report of committee recommending amendments, was taken up and the report was adopted.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Clarkson, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, King, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Robertson, Ross, Sampson, Smith, Stiles, Stubbs, Udell, Warren—33.

The nays were Senators Crookham, Edwards, Hollman, Knoll, Reed, Richards, Shippen, Wharton, Woolson—9.

Absent, but not excused, Senators Bulis, Paulk and Powers.

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

Senate File No. 119, "A bill for an act for the relief of the Western Bank of Missouri, located at St. Joseph, in the State of Missouri," with report of Committee recommending its passage, was taken up.

On motion, the bill was read the third time.

The question being "shall the bill pass?"

The yeas were Senators Bridges, Bulis, Cattell, Doud, Edwards, Hedges, Hollman, King, McJunkin, Patterson, Sampson, Smith, Warren, Woolson—14.

The nays were Senators Bassett, Brayton, Clark, Clarkson, Crookham, Cutts, Farwell, Hart, Henderson, Hilsinger, Hillyer, Knoll, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Ross, Shippen, Stubbs, Udell, Wharton—26.

Senators Oliver and Paulk were excused from voting.

So the bill was lost.

## MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 260, A bill for an act to amend Chapter 32, of the acts passed at the Regular Session of the Ninth General Assembly, and Chapter 156, of the acts of said session, amendatory thereof.

CHAS. ALDRICH, Chief Clerk.

Senate File No. 182, "A bill for an act to provide for the conveyance of the lands granted to the State of Iowa, for the use of

the McGregor Western Railroad Company, by an act of Congress, passed July 12, 1864, with report of Committee, recommending that it do pass, was taken up.

Senator Patterson moved to substitute therefor substitute for House File No. 243, "A bill for an act to accept a grant of land to the State of Iowa, by act of Congress of July 12, 1864, and carry out the provisions of said act entitled an act for a grant of land to the State of Iowa, in alternate sections to aid in the construction of a Railroad in said State.

Senator Paulk made the point of order, that under the special rule the House bill cannot be substituted for the Senate bill.

The President overruled the point of order, and decided that the House bill can be substituted for the Senate bill.

Senator Hilsinger appealed from this decision of the chair.

Pending which Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined House substitute for Senate File 186, A bill for an act regarding soldiers' orphans. The same is correctly enrolled.

W. B. LAKIN,  
CHAS. PAULK.

Senator Cutts moved that the Senate do now adjourn.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cutts, Doud, Hilsinger, King, Lakin, Leake, Parvin, Paulk, Robertson, Shippen, Smith, Udell, Wharton—17.

The nays were Senators Cattell, Clark, Clarkson, Crookham, Edwards, Farwell, Hart, Hillyer, Hollman, Knoll, Larimer, McJunkin, McMillan, Meyer, Moore, Oliver, Patterson, Ross, Stiles, Stubbs, Warren, Woolson—22.

Absent but not excused, Senators Hedges, Marshman, Powers, Reed and Richards.

So the motion did not prevail.

Senator Cutts moved a call of the Senate, which was not seconded.

Senator Cutts moved that the Senate do now adjourn.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Bridges, Bulis, Cutts, Doud, Henderson, Hilsinger, Hollman, King, Knoll, Leake, McJunkin, McMillan, Moore, Parvin, Paulk, Patterson, Robertson, Sampson, Shippen, Smith, Stubbs, Udell, Woolson—24.

The nays were Senators Brayton, Cattell, Clark, Clarkson, Crookham, Edwards, Farwell, Hart, Hillyer, Larimer, Meyer, Oliver, Powers, Reed, Ross, Stiles, Warren, Wharton—18.

Absent but not excused, Senators Hedges, Lakin, Marshman and Richards.

So the motion prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES, {  
 April 2, 1866. }

The Senate convened at 9 o'clock A. M.

The President *pro tem.* in the chair.

Prayer by Rev. Dr. Peet.

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

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House:

House File No. 289, A bill for an act for the purchase and distribution of the second volume Iowa Digest.

House File No. 218, A bill for an act to repeal Section 1760 of the Revision of 1860, and relating to foreign insurance companies.

I also return the following bills, the same having passed the House without amendment:

Senate File No. 227, A bill for an act to authorize actions to be brought in the name of the State for the recovery of Swamp Land Indemnity money against the parties liable therefor.

Senate File No. 226, A bill for an act to amend Section 3673 of the Revision of 1860, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Warren, substitute for House File No. 144, A bill for an act providing for the erection of a building for Adjutant-General's and Quartermaster-General's office and for an Arsenal, was taken up and recommitted to the Committee on Federal Relations.

Senator Patterson submitted the following report:

The Committee on Judiciary, to whom was referred Senate File No. 5, have had the same under consideration and have instructed me to report the same back, with the recommendation that the same do not pass.

D. P. STUBBS, for Judiciary Committee.

On motion of Senator Udell, House File No. 324, A bill for an act making appropriation for the per diem and expenses of the Eleventh General Assembly and for other purposes, was taken up and read the first and second times.

On motion of Senator Moore, Section 21 was stricken out.

Senator Udell moved to amend Section 26 by adding thereto as follows: "And for the relief of Salmon Howard for injuries done by guerrillas, the sum of five hundred dollars."

The amendment was lost.

Senator Richards moved to amend Section 26 by adding thereto as follows: "The sum of eight hundred dollars for the relief of George Higley, of Dubuque, for damages sustained in the service of the State of Iowa in the loss of an arm."

The amendment was lost.

Senator Udell moved to strike out Section 26.

Upon this the yeas and nays were demanded, and

The yeas were Senators Parvin, Sampson, and Udell—3.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Paulk, Patterson, Powers, Reed, Richards, Ross, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, and Woolson—43.

Absent but not excused, Senator Robertson.

The amendment was not adopted.

Senator Richards moved to amend Section 6, by adding thereto the following: The sum of five hundred dollars for the relief of Geo. Higley of Dubuque for damages sustained in the service of the State in the loss of an arm.

Senator Stiles moved to amend by adding thereto "and \$500 for Robert P. Caldwell of Wapello county, for the loss of an arm.

Upon this the yeas and nays were demanded, and

The yeas were Senators Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Marshman, McJunkin, Oliver, Paulk, Powers, Reed, Richards, Stiles, Udell—24.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Clarkson, Henderson, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Parvin, Patterson, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton—22.

Absent but not excused, Senator Woolson.

The amendment was adopted.

The President announced that the hour for the special order had arrived, being proposals to amend the Constitution and House File No. 138, A bill for an act to provide for due reference and publication of proposals to amend the Constitution of the State of Iowa, which were, on motion of Senator Udell, postponed until the bill under consideration is disposed of.

Senator Udell moved to amend by adding "and three hundred dollars for Solman Howard."

Upon this the yeas and nays were demanded.

The yeas were Senators Crookham, Cutts, Hart, Hedges, Hilsinger, Hillyer, King, Knoll, Leake, Marshman, McJunkin, McMillan, Oliver, Richards—14.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell,

Clark, Clarkson, Doud, Edwards, Farwell, Hollman, Hunt, Lakin, Larimer, Meyer, Moore, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—32.

So the amendment was not adopted.

The question recurring upon the amendment offered by Senator Richards as amended, the yeas and nays were demanded, and

The yeas were Senators Clark, Crookham, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Marshman, McJunkin, Meyer, Paulk, Powers, Richards, Stiles, Udell—20.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Doud, Henderson, Lakin, Larimer, Leake, McMillan, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren, Wharton, Woolson—26.

Absent, but not excused, Senator Cutts.

So the amendment was not adopted.

Senator Udell moved to amend Sec. 54 by reducing and increasing the amounts allowed to different papers, as follows:

Daily Dubuque Herald (increase).....	\$12.50
Washington Chronicle (reduced).....	3.00
Tipton Advertiser (increase).....	.50
Eldora Ledger (increase).....	1.00
Buffalo Democrat (allow).....	2.50
Leon Patriot.....	.50
Western Methodist Protestant.....	3.00
Oskaloosa Herald, Weekly (increase).....	3.50
North Iowa Journal (increase).....	3.25
Waterloo Courier.....	9.50
Temperance Platform.....	1.00

The amendment was adopted.

Senator Hilsinger moved to strike out Sec. 57.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bulis, Clarkson, Farwell, Hilsinger, Hillyer, King, Lakin, McMillan, Meyer, Moore, Oliver, Parvin, Robertson, Shippen, Smith, Woolson—16.

The nays were Senators Brayton, Bridges, Clark, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, McJunkin, Paulk, Patterson, Powers, Reed, Richards, Ross, Sampson, Stiles, Stubbs, Udell, Warren, Wharton—28.

Absent, but not excused, Senators Bassett, Cattell, Cutts, and Powers.

So the amendment was not adopted.

Senator Larimer moved to amend Sec. 16 by striking out the words "four hundred and fifty-two dollars" and inserting "three hundred and fifty-one dollars and ninety-eight cents."

The amendment was adopted.

Senator Cattell moved to amend by adding the following:

SECTION 68. To C. F. Solberg, of the Emigrantive office, Madison, Wisconsin, for printing the Governor's inaugural and biennial messages in the Norwegian language, and for paper furnished therefor, and for translating the same, the sum of two hundred and five dollars and thirty-nine cents.

SEC. 69. To J. P. Stiebolt for translating the Governor's inaugural message into the German language, the sum of twenty-five dollars.

SEC. 70. To Der Demokrat, for printing the Governor's inaugural message in the German language, the sum of seventy-seven dollars and eighty cents.

Amendment adopted.

Senator Udell moved to amend by adding:

SEC. 71. For expenses in relation to sickness and funeral of Hon. N. T. Brown, the sum of two hundred and eleven dollars and sixty-five cents, as follows, viz:

Railroad and stage fare to and from Des Moines of Mrs. Brown and her son.....	\$41.00
Incidental expenses.....	5.50
Medicine and board.....	24.30
Shroud, crape, &c.....	11.60
Burial lot in cemetery (east side).....	19.73
Coffin and hearse.....	36.00
Two carriages.....	9.00
For draping hall.....	9.50
Digging grave.....	5.00
Dr. Robertson, 10 days attendance.....	25.00
Dr. Boomer, 10 days attendance.....	25.00

The amendment was adopted.

Senator Cattell moved to amend Sec. 47 by striking out "five" and inserting "forty-nine."

Senator Shippen moved to reconsider the vote by which Sec. 21 was stricken out, which motion was disagreed to.

Senator Udell moved to suspend the 11th rule, and that the bill be read a third time now.

The motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clark, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton—37.

The nays were Senators Crookham, Hillyer, Knoll, Wilson—4.

Absent but not excused, Senators Bulis, Clarkson, McJunkin, Paulk, Richards and Stiles.

So the bill passed and the title was agreed to.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following reports :

The Committee on Enrolled Bills report that they have examined and find correctly enrolled the following bills, to-wit :

Senate File No. 211, a bill for an act to amend Section No. 4155 of the Revision of 1860, regulating the fees of county surveyors.

Senate File No. 152, A bill for an act apportioning the State of Iowa into Senatorial Districts.

A substitute for Senate File No. 81, A bill for an act to amend Section 2, Chapter 115, of the laws of the 10th General Assembly, in relation to printing the delinquent tax list.

W. B. LAKIN, Chairman.

The Committee on Enrolled Bills have examined the following bills, viz :

Senate File No. 217, Senate File No. 137, and Senate File No. 123, and find them correctly enrolled.

J. R. REED, for the Committee.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has concurred in the Senate amendments to House File No. 118, A bill for an act to provide for the publication of general and certain local laws and of the proceedings of the Board of Supervisors in the several counties.

Also, that the House has concurred in the Senate's amendments to House File 66, A bill for an act providing for the distribution of the Adjutant General's Report of January, 1866.

CHAS. ALDRICH, Chief Clerk.

Also the following :

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. 290, A bill for an act to amend Section 1901, Chapter 81, of the Revision of 1860, in relation to unclaimed goods.

House File No. 173, A bill for an act to enlarge the rights of married women.

Substitute for House File No. 145, A bill for an act apportioning the State of Iowa into Representative Districts.

CHAS. ALDRICH, Chief Clerk.

The special order being proposals to amend the Constitution, was taken up.

The question being on the adoption of the report of the Committee, the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattel, Crookham, Cutts, Doud, Henderson, Hunt, King, Lakin,

Leake, Marshman, McJunkin, McMillan, Meyer, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton, Woolson—31.

The nays were Senators Clark, Clarkson, Edwards Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Knoll, Larimer, Moore, Paulk, Richards, Warren—15.

Absent but not excused, Senator Farwell.

So the report was adopted.

On motion of Senator Clark, Senator Udell was granted leave of absence.

Senator Powers moved to amend the second series as follows, by striking out all after the word State in the second line to and including the word State in the fourth line.

Upon the adoption of the amendment, the yeas and nays were demanded, and

The yeas were Senators Bassett, Cattell, Clark, Doud, Farwell, Hart, Henderson, Hunt, Lakin, Leake, Marshman, McMillan, Meyer, Oliver, Patterson, Powers, Robertson, Ross, Stubbs—19.

The nays were Senators Brayton, Bridges, Bulis, Clarkson, Crookham, Cutts, Edwards, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, McJunkin, Moore, Parvin, Paulk, Reed, Richards, Sampson, Shippen, Smith, Stiles, Warren, Wharton, Woolson—26.

Absent but not excused, Senator Larimer.

So the amendment was not adopted.

Senator Oliver moved to strike out the second series.

Upon which the yeas and nays were demanded, and

The yeas were Senators Clark, Farwell, Hart, Henderson, Hunt, Larimer, Leake, Marshman, Oliver, Patterson, Powers, Ross, Stubbs—13.

The nays were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Hedges, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, McJunkin, McMillan, Meyer, Moore, Parvin, Paulk, Reed, Richards, Robertson, Sampson, Shippen, Smith, Stiles, Warren, Wharton, Woolson—33.

So the amendment was not adopted.

Senator Woolson moved the adoption of the minority report.

Upon which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cutts, Doud, Farwell, Henderson, Lakin, Larimer, McJunkin, Meyer, Moore, Reed, Ross, Stiles, Woolson—17.

The nays were Senators Cattell, Clark, Clarkson, Crookham, Edwards, Hart, Hedges, Hilsinger, Hollman, Hunt, King, Knoll, Leake, Marshman, McMillan, Oliver, Parvin, Paulk, Patterson, Powers, Richards, Robertson, Sampson, Shippen, Smith, Stubbs, Warren, Wharton—28.

Absent but not excused, Senator Hillyer.

So the amendment was not adopted.

On motion of Senator Oliver, the resolutions were read the third time.

On the question "Shall the resolutions pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Crookham, Cutts, Doud, Farwell, Hart, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, Woolson—36.

The nays were Senators Clark, Clarkson, Edwards, Hedges, Henderson, Hollman, Knoll, Paulk, Richards—9.

Absent but not excused, Senator Robertson.

So the resolutions passed.

#### MESSAGES FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 260, A bill for an act to amend Chapter 32, of the Acts passed at the regular session of the 9th General Assembly, and Chapter 156 of the acts of said session amendatory thereof, relating to the purchase of real estate sold on executions issued on judgments rendered in favor of the State or any county.

House File No. 117, A bill for an act in relation to county court records.

House File No. 282, A bill for an act constituting the Mayor and Council of any incorporated town or city, or the trustees of any township not incorporated, a board of health, and defining their powers.

House File No. 300, A bill for an act to legalize the official acts of certain Notaries Public, and commissioners of deeds named therein.

House File No. 223, A bill for an act amendatory to an act entitled an act authorizing mill dams, approved January 24th, 1855.

House File No. 323, A bill for an act to legalize the levy of taxes by the City Council of Indianola for the year 1865.

Senate File No. 123, A bill for an act to repeal Section 1, Chapter 44 of the Acts of the 10th General Assembly in relation to the issue of preferred stock by railroad companies, and to provide a substitute therefor.

Substitute for Senate File No. 137, A bill for an act to provide for the taxation of the shares of National Banks.

Senate File No. 211, A bill for an act to amend Section 4155 of the Revision of 1860, regulating the fees of County Surveyors.

Senate File No. 217, A bill for an act to provide for the settlement of certain claims against the General Government.

Senate File No. 81, A bill for an act to amend Section 2, Chapter 115, Laws of the Tenth General Assembly in relation to printing the delinquent tax list.

Senate File No. 152, A bill for an act apportioning the State of Iowa into Senatorial Districts.

CHAS. ALDRICH, Chief Clerk.

Also the following :

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. 309, A bill for an act to legalize the acts of the Board of Supervisors of Webster county in appropriating \$30,000 to equalize the bounties to the soldiers who entered the service from said county, and legalize taxes to pay the same.

House File No. 159, A bill for an act amending certain sections of the laws in relation to the School Fund.

House File No. 275, A bill for an act to legalize the acts of Majors of Iowa forces in the military service of the United States.

CHAS. ALDRICH, Chief Clerk.

Also the following :

MR. PRESIDENT :—I am directed to inform the Senate that the House has concurred in the amendments of the Senate to House File No. 324, A bill for an act making appropriation for the per diem and expenses of the Eleventh General Assembly, and for other purposes.

CHAS. ALDRICH, Chief Clerk.

House File No. 138, A bill for an act for due reference and publication of proposals to amend the Constitution of the State of Iowa, was taken up.

On motion of Senator Leake, the bill was read the third time.

On the question, Shall the bill pass ?

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton, Woolson—38.

The nays were Senators Clarkson, Edwards, Hedges, Hollman, Knoll, Paulk, Richards—7.

Absent but not excused, Senator Robertson.

So the bill passed.

Senator Oliver moved that House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress entitled "an act for a grant of land to the State of Iowa in alternate sections,

to aid in the construction of a railroad in said State," be taken up.

Upon which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Cattell, Clark, Crookham, Cutts, Doud, Hedges, Henderson, Hilsinger, Hollman, Hunt, Knoll, Lakin, Marshman, McJunkin, McMillan, Meyer, Oliver, Patterson, Powers, Reed, Richards, Ross, Sampson, Shippen, Stubbs, Woolson—28.

The nays were Senators Bridges, Bulis, Edwards, Farwell, Hart, Hillyer, King, Larimer, Leake, Parvin, Paulk, Robertson, Smith, Stiles, Warren, Wharton—16.

Absent but not excused, Senators Clarkson and Moore.

So the motion did not prevail.

#### 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. 219, A bill for an act to legalize the official acts of S. C. Johnson, a Justice of the Peace in Jones county, Iowa.

CHAS. ALDRICH, Chief Clerk.

Senator Sampson, from the Committee on Enrolled Bills, introduced the following report :

The Committee on Enrolled Bills report that they have examined substitute for Senate File No. 62, Senate File No. 226, and Senate File No. 227, and find the same correctly enrolled.

E. S. SAMPSON, for the Committee.

Senator Ross moved that substitute for House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Council Bluffs, be now taken up.

Upon which the yeas and nays were demanded, and

The yeas were Senators Brayton, Clark, Clarkson, Cutts, Doud, Farwell, Hedges, Henderson, Hillyer, Hollman, Hunt, Knoll, Lakin, Marshman, Moore, Oliver, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Wharton, Woolson—26.

The nays were Senators Bassett, Bridges, Cattell, Crookham, Edwards, Hart, Larimer, Leake, McMillan, Meyer, Parvin, Stubbs—12.

Absent but not excused, Senators Bulis, Hilsinger, King, McJunkin, Paulk, Smith, Stiles, and Warren.

The motion prevailed.

On motion of Senator Ross the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Brayton, Bridges, Clark, Clarkson, Cutts, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Moore, Oliver, Patterson, Powers, Reed, Richards, Ross, Sampson, Shippen, Stiles, Warren, Woolson—26.

The nays were Senators Bassett, Bulis, Cattell, Crookham, Doud, Edwards, Farwell, Hilsinger, King, Larimer, Marshman, McMillan, Meyer, Parvin, Robertson, Smith, Stubbs—17.

Absent, but not excused, Senators McJunkin, Paulk and Whar-  
ton.

So the bill passed.

Senator Warren, from Committee on Federal Relations, submitted the following report :

The Committee on Federal Relations have had under consideration the House joint resolutions, asking for additional mail facilities Nos. 1, 2 and 3, and have instructed me to report them back to the Senate, with the recommendation that they do pass.

Also, Senate joint resolutions asking for a mail route from Washington to Mt. Pleasant, and also from Marshalltown, Marshall county, to Hartford, Butler county; and from Grundy Center, Grundy county, to Marble Rock, Floyd county, with like recommendations.

Also, House resolution asking Congress to declare the bridge and railroad track across the Mississippi river at Clinton a mail route, the passage of which is recommended.

I am also directed to report back House joint resolution instructing our Senators and requesting our Representatives to use their influence to prevent the admission of Representatives from the States lately in rebellion, until certain conditions have been complied with. It is the opinion of the committee that any further legislation by this body on that subject is inexpedient.

Also a communication from the Governor inclosing a letter from His Excellency, the Governor of South Carolina, asking for duplicate copies of acts and resolves, Supreme Court reports, and other State documents, to supply those lost by fire, in the destruction of the Capitol of South Carolina, and I am instructed to report it back with a recommendation that the Governor be requested to comply with the requisition.

WARREN, Chairman.

Senator Warren obtained leave to report back House File No. 264, A bill for an act to provide for the refunding of certain moneys to the Second and Third Regiments Iowa Infantry, with the recommendation that it do pass.

The bill was considered, and on motion the bill was read the third time.

On the question " Shall the bill pass ? "

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Woolson—36.

The nays were Senators Edwards, Farwell, Knoll, Richards—4.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

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

Substitute for House File No. 62, A bill for an act to amend Section 1, Chapter 118, of the acts of the Tenth General Assembly approved March 10th, 1864.

Substitute for House File No. 171, A bill for an act authorizing the branches of the State Bank of Iowa to limit the time for the redemption of their lost or outstanding circulation.

CHAS. ALDRICH, Chief Clerk.

Senator Oliver moved that House File No. 170, A bill for an act to accept of the grant and carry into execution the trust conferred upon the State of Iowa, by an act entitled an act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State, be now taken up.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Cattell, Crookham, Cutts, Doud, Edwards, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Paulk, Patterson, Powers, Reed, Ross, Sampson, Shippen, Stiles, Stubbs, Warren, Woolson—32.

The nays were Senators Bridges, Bulis, Clarkson, Farwell, Hart, King, Lakin, Meyer, Parvin, Richards, Robertson, Smith, Wharton—13.

So the bill was taken up and considered.

On motion of Senator Oliver, the bill was read the third time.

On the question, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Patterson, Powers, Sampson, Shippen, Stiles—30.

The nays were Senators Bridges, Edwards, King, Knoll, Parvin, Reed, Richards, Robertson, Ross, Smith, Stubbs, Warren, Wharton—14.

Absent, but not excused, Senators Bulis and Ross.

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

On motion of Senator Powers, the special rule adopted on Saturday last was amended by striking out the word "seven" and inserting "two."

On motion of Senator Hilsinger, the Senate then went into executive session.

Upon opening the doors, Senator Robertson obtained leave to offer the following resolution:

WHEREAS, In the inscrutable Providence of God, it has become my painful duty to announce to this Senate the death of the Hon.

N. T. Brown, of Louisa county, a member of this General Assembly; and

WHEREAS, By his unwavering integrity, his unblemished moral character, and his patriotic and Christian devotion in the cause of humanity, has embalmed his memory in the hearts of all with whom he had intercourse; therefore,

*Resolved*, That the members of this Senate recognize the hand of God in this deeply affective dispensation of this Providence, and humbly bow in submission to His will.

*Resolved*, That we not only cherish the highest regard for the deceased, but we do most cordially extend to his bereaved wife and family the devout sympathy of our hearts, and earnestly commend them to the kind protection of Him who has ever been the widow's shield and the orphan's help.

*Resolved*, That the Secretary of State be directed to forward a copy of the foregoing resolutions to the family of the deceased.

*Resolved*, That as a token of grief, the Senate do now adjourn.

The resolutions were adopted, and the Senate accordingly adjourned.

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AFTERNOON SESSION.

2 O'CLOCK P. M.

Senate convened, and was called to order by the President *pro tem*.

Senator Warren obtained leave to call up House Joint Resolution asking Congress to pass an act declaring and establishing the bridge and railroad track across the Mississippi river at Clinton, Iowa, a mail route, which was, on his motion, read the third time.

On the question "Shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Hilsinger, Hill-  
yer, Hollman, Hunt, Knoll, Lakin, Larimer, McMillan, Meyer,  
Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robert-  
son, Ross, Sampson, Smith, Stubbs, Warren, Wharton—34.

The nays were none.

So the resolution was adopted.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return Senate File No. 8, A bill for an act to provide for establishing private roads in the State of Iowa, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Paulk moved that the Senate take a recess while the

sifting committee are performing their labors, which motion was disagreed to.

Senator Clark moved that three members be added to the sifting committee, which motion was disagreed to.

Senator Powers obtained leave to offer the following resolution :

*Resolved*, That so much of the resolution offered by the Senator from Grundy, and heretofore adopted by the Senate, as relates to the time and number of speeches allowed to be made on any bill or resolution, be extended to 10 o'clock, P. M.

Senator Hilsinger offered the following as a substitute therefor :

*Resolved*, That no member shall speak longer than five minutes on any question before the Senate without the unanimous consent, which was agreed to, and the resolution as amended was agreed to.

Senator Meyer obtained leave to offer the following resolution :

*Resolved by the General Assembly of the State of Iowa*, That the Secretary of State be and is hereby requested to take charge of and forward to the officers and members of the Eleventh General Assembly, all mail matter coming to the Des Moines post office after the adjournment of this General Assembly, including the weekly newspaper of the city of Des Moines published during the present week.

Senator Ross moved to amend by inserting before the words "mail matter" the word "letter," and by striking out all after the words "General Assembly."

The amendment was agreed to, and the resolution as amended was adopted.

On motion of Senator Hunt, substitute for House File No. 145, "A bill for an act apportioning the State of Iowa, into Representative Districts," was taken, up, read the first and second times.

On motion of Senator Oliver the bill was amended as follows :

Strike out Section 56, and insert the following : "55th District, Section 56. "The Counties of Harrison, and Shelby, shall constitute the fifty-fifth District, and be entitled to one Representative."

Amend Section 64, by striking out the words "and Shelby," inserting the word "and" after the word "Crawford."

The bill was, on motion, read the third time.

On the question, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hilsinger, Hill- yer, Hunt, Lakin, Larimer, Marshman, Meyer, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Warren, Wharton—32.

The nays were Senators Hedges, Hollman, Knoll, Paulk—4.

Absent without excuse, Senators King, McJunkin, McMillan, Powers and Richards.

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

On motion of Senator Bassett, House Joint Resolution in rela-

tion to furnishing a military escort to Col. Sawyer, was taken up, and read the third time.

On the question "shall the resolution pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Larimer, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Wharton—38.

The nays were none.

Absent, but not excused, Senators King, Richards and Stiles.

So the resolution was adopted.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Senate File No. 226, A bill for an act to amend Section 3673 of the Revision, and to regulate the foreclosure of deeds of trust in certain cases.

Substitute for Senate File No. 62, A bill for an act in relation to the manner of redeeming lands sold for taxes after three years.

Senate File No. 227, A bill for an act to authorize actions to be brought in the name of the State for the recovery of Swamp Land Indemnity money against the parties liable therefor.

Senate File No. 223, 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 also transmit the following resolution which has passed the House, and in which the concurrence of the Senate is asked:

*Resolved by the General Assembly of the State of Iowa, That the Secretary of State be and he is hereby instructed to furnish each member of the General Assembly a set of the reports of the Secretary of the State Agricultural Society, as far as practicable, without additional expense to the State.*

CHAS. ALDRICH, Chief Clerk.

Senate File No. 182, A bill for an act to provide for the conveyance of the lands granted to the State of Iowa, for the use of the McGregor Western R. R. by act of Congress passed July 12, 1864, was taken up.

Senator Patterson offered a substitute therefor.

Senator Crookham moved that the publication clause be stricken out, which motion was lost.

The substitute was then adopted.

On motion of Senator Patterson the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hunt, King, Knoll, Lakin, Larimer, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Robertson, Ross, Shippen, Smith, Stiles, Stubbs—35.

The nays were Senators Paulk, Reed, Sampson, Warren, Wharton—5.

Absent, but not excused, Senators Hollman and Richards.  
So the bill passed, and the title was agreed to.

MESSAGE FROM THE HOUSE.

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

House File No. 148, A bill for an act to amend Chapter 54, Sec. 1276, of the Revision of 1860, in relation to mill dams.

Substitute for House File No. 55, A bill for an act to change the manner of electing Township Trustees and the length of time they shall hold their office.

I also return Senate File No. 184, A bill for an act to amend Sec. 1442 of the Revision of 1860 by adding thereto a provision in relation to imbecile or idiot persons, with amendments, in which the concurrence of the Senate is asked.

CHAS. ALDRICH, Chief Clerk.

Senator Stiles, from the Conference Committee, obtained leave to submit the following report, which was adopted :

The Committee of Conference appointed on the part of the Senate to confer with a similar committee on the part of the House, relative to the appointment of a Trustee for the Insane Asylum, beg leave to report that they have performed that duty and have agreed upon Col. Benjamin Crabb for such trustee.

E. H. STILES, Chairman.

On motion of Senator Parvin, the House messages on file were taken up.

Joint Resolution relative to the American Emigrant Company was read the first and second times.

Senator Larimer moved that the resolution be laid on the table. Upon this the yeas and nays were demanded, and

The yeas were Senators Brayton, Bridges, Edwards, Hollman, Hunt, Lakin, Larimer, McJunkin, Meyer, Reed, Warren—11.

The nays were Senators Bassett, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hedges, Hilsinger, Hillyer, King, Knoll, Marshman, McMillan, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton, Woolson—30.

So the motion did not prevail.

On motion of Senator Parvin, the resolutions were read the third time.

On the question, Shall the resolutions be adopted?

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hollman, Knoll, Moore, Oliver, Parvin, Paulk, Patterson, Robertson, Ross, Sampson, Smith, Udell, Warren, Wharton, Woolson—27.

The nays were Senators Bridges, Clarkson, Edwards, Hilsinger, Hillyer, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Powers, Reed, Stiles, Stubbs—18.

Absent but not excused, Senators Richards and Shippen.

So the resolution was adopted.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 228, A bill for an act to amend Chapter 100 of the Revision of 1860, relative to the estates of decedents.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Powers the House messages, except Senate Files with amendments thereto, were referred to the Sifting Committee.

Substitute for House File No. 184, A bill for an act to amend Section 1442 of the Revision of 1860, by adding thereto a provision in relation to idiots or imbecile persons, with House amendments thereto, was taken up.

The question being "Shall the Senate concur in the House amendments?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hillyer, Hollman, Knoll, Lakin, Larimer, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Udell, Warren, Wharton, Woolson—39.

The nays were Senators Clarkson, Hilsinger, King, Leake—4.

Absent, but not excused, Senators Edwards, Hunt, McJunkin, and Richards.

So the amendments were concurred in.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, this 2d day of April, 1863, the following bills, to-wit: Substitute for Senate File 62, Senate Files Nos. 226, 223, 227.

W. B. LAKIN, Chairman.

Also the following:

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, the 2d day of April, 1866, the following bills, to-wit.:

Senate File Nos. 260, 117, 282, 123, 81, 217, 152, 210, and substitute for Senate File No. 137.

W. B. LAKIN, Chairman.

Also the following:

The Committee on Enrolled Bills report that they have examined, and find correctly enrolled, Senate File No. 223, 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.

W. B. LAKIN, Chairman.

House File No. 144, A bill for an act providing for the erection of a building for Adjutant-General's and Quarter-Master General's office, and for an Arsenal, with report of Committee recommending amendments, was taken up.

On motion of Senator Warren, the report was amended by striking out the words "Treasurer of State" and inserting "Auditor of State," and the report as amended was adopted.

Senator Clarkson moved to amend Section 2, by striking out in the fourth line the words "G. L. Godfrey."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bulis, Clark, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hollman, Hunt, King, Knoll, Parvin, Patterson, Powers, Smith, Stubbs, Wharton—20.

The nays were Senators Bassett, Brayton, Bridges, Cattell, Cutts, Hilsinger, Hillyer, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Reed, Robertson, Ross, Sampson, Shippen, Udell, Warren, Woolson—23.

Absent but not excused, Senators Oliver, Paulk, Richards, and Stiles.

So the amendment was not adopted.

On motion of Senator Warren, the bill was read a third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Bridges, Cattell, Clarkson, Crookham, Hart, Hedges, Hillyer, Hollman, King, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Powers, Reed, Ross, Shippen, Smith, Stubbs, Udell, Warren, Woolson—26.

The nays were Senators Brayton, Bulis, Clark, Cutts, Doud, Edwards, Farwell, Henderson, Hilsinger, Knoll, Lakin, Larimer, Parvin, Paulk, Patterson, Robertson, Sampson, Wharton—18.

Absent but not excused, Senators Hunt, Richards and Stiles.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I am directed to inform the Senate that the

House has passed a Joint Resolution appointing a Board of Trustees of the Iowa Soldiers' Orphans' Home.

This resolution is herewith transmitted, and the concurrence of the Senate is respectfully asked.

CHAS. ALDRICH, Chief Clerk.

*Be it resolved by the General Assembly of the State of Iowa,* That in pursuance of an act regarding soldiers orphans, there is hereby appointed, the following persons as a Board of Trustees of the Iowa Soldiers' Orphans' Home :

From the State at large, P. P. Ingalls of Polk county.

From 1st Congressional District, Thomas E. Corkhill of Des Moines county.

From 2d Congressional District, J. A. Parvin, Muscatine county.

From 3d Congressional District, P. G. Wright, Alamakee Co.

From 4th Congressional District, N. A. Brainard, Johnson Co.

From 5th Congressional District, J. W. Cattell, Polk county.

From 6th Congressional District, J. B. Powers, Black Hawk Co.

#### 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. 325, A bill for an act for the appointment of an Executive Committee to secure an appropriation from Congress for the improvement of the upper and lower rapids of the Mississippi river, being a substitute for the Senate Joint Resolution upon the same subject.

CHAS. ALDRICH, Chief Clerk.

House File No. 311, A bill for an act making an appropriation to complete the Agricultural College Buildings, with report of Committee recommending its passage, was taken up.

Senator Paulk moved to amend Section 1 by striking out the words "and for the payment of the indebtedness against the same," which was disagreed to.

On motion of Senator Oliver, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Cattell, Clark, Clarkson, Crookham, Doud, Farwell, Hart, Henderson, Hilsinger, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Patterson, Powers, Ross, Shippen, Smith, Stiles, Udell, and Warren—29.

The nays were Senators Brayton, Bulis, Cutts, Hedges, Hillyer, Hollman, Knoll, Meyer, Parvin, Paulk, Reed, Rebertson, Sampson, Stubbs, and Wharton—15.

Absent but not excused, Senators Edwards and Richards.

So the bill passed and the title was agreed to.

## MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return Senate File No. 59, A bill for an act to require owners of threshing machines to guard against accidents," the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

House File No. 79, A bill for an act to amend Section 799 of the Revision of 1860, relating to registered letters containing County Treasurers' monthly reports to the Auditor of State, with report of Committee recommending an amendment, was taken up and the report was adopted.

On motion the bill was read the third time.

The question being "Shall the bill pass?"

The yeas were Senators Bassett, Bulis, Cattell, Clark, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Knoll, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Reed, Robertson, Ross, Sampson, Shippen, Smith, and Stiles—25.

The nays were Senators Bridges, Crookham, Cutts, Hollman, Stubbs, and Wharton—6.

Absent but not excused, Senators Hunt, Lakin, Larimer, Paulk, and Powers.

So the bill passed and the title was agreed to.

Senator Cutts moved to reconsider the vote last taken.

Senator Edwards moved to lay the motion to reconsider on the table, which motion was lost.

The motion to reconsider did not prevail.

House File No. 143, A bill for an act to legalize the acts of the State Auditor and State Treasurer in paying compensation to the Judges of the Supreme and District Courts in the absence of any law authorizing the same and to equalize the same, and to equalize such compensation, was taken up.

On motion of Senator Cattell, Section 2 was stricken out.

On motion the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Crookham, Cutts, Doud, Edwards, Hilsinger, McJunkin, McMillan, Oliver, Reed, Robertson, and Sampson—15.

The nays were Senators Cattell, Clark, Farwell, Hart, Hedges, Hillyer, Hollman, Knoll, Lakin, Marshman, Meyer, Moore, Parvin, Paulk, Powers, Richards, Shippen, Smith, Stubbs, Wharton—20.

Absent but not excused, Senators Hunt, King, Larimer, Ross, and Stiles.

So the bill was lost.

Senator Oliver moved a call of the Senate.

Upon calling the roll the following named Senators failed to answer to their names, viz: Brayton, Bulis, Clark, Hart, Hunt, and Ross.

Senator Paulk moved that all further proceedings in the call be dispensed with. Lost.

The roll of absentees was called over, and Senator Stiles failed to answer to his name.

On motion of Senator Edwards all further proceedings in the call were dispensed with.

House File No. 240, A Bill for an act to define the liabilities of Railroad and other companies in the transportation of freight, was taken up, and on motion was read the third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Doud, Farwell, Hart, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs and Wharton—31.

The nays were Senators Bridges, Crookham, Edwards, Hedges, Lakin and Richards—6.

Absent, but not excused, Senator Cutts, Hunt and Stiles.

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

House File No. 228, "A Bill for an act to amend Chapter 100 of the Revision of 1860 relating to the estates of decedents," with report of Committee recommending amendments was taken up, and the report was adopted.

On motion of Senator Leake the bill was read the third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Cattell, Clarkson, Cutts, Doud, Edwards, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren and Woolson—38.

The nays were Senators Bulis, Crookham, Farwell, McJunkin, Wharton—5.

Absent, but not excused, Senators Clark, Marshman and Stiles.

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

#### MESSAGE FROM THE HOUSE.

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

House File No. 197, A bill for an act to permit Charles P. Brandriff to purchase of this State at \$1.25 per acre, the W.  $\frac{1}{2}$  of S. W.  $\frac{1}{4}$  of Sec. No. 13, Tp. No. 79, North, Range No. 44, the same being part of the excess 500,000 acre grant.

I am also directed to inform the Senate that the House has concurred in the Senate's amendment to the proposed Constitutional Amendments.

I also present for your signature the following bills which have

passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 264, A bill for an act to provide for the refunding of certain moneys to the Second and Third Regiments of Iowa Infantry.

House File No. 250, A bill for an act to quiet the title to certain lands sold by the State to individuals as part of the Des Moines River Grant.

CHAS. ALDRICH, Chief Clerk.

Senator Udell from the committee of seven on the arrangement of business, obtained leave to submit the following report :

MR. PRESIDENT :—Your committee of seven report Joint Resolution appointing Trustees for the Orphans' Home, and recommend it be taken up and considered at once.

The Joint Resolution was read the first and second time.

Senator Patterson moved to amend by striking out the words " P. G. Wright, Alamakee County," and inserting " L. W. Hart, Buchanan County."

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Clark, Clarkson, Cutts, Doud, Edwards, Henderson, Hilsinger, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Patterson, Powers, Robertson, Ross, Sampson, Shippen, Wharton—29.

The nays were Senators Farwell, Hart, Hedges, Hillyer, Hollman, Knoll, Paulk, Richards, Udell, Warren—10.

Absent but not excused, Senators Cattell, Crookham, Oliver, Reed, Smith, Stiles, Stubbs.

So the amendment was adopted.

On motion of Senator Leake, the resolution was read the third time.

On the question " Shall the bill pass ? "

The yeas were Senators Bassett, Brayton, Bulis, Clark, Clarkson, Crookham, Cutts, Doud, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Udell, Warren, Wharton, Woolson—38.

The nays were Senators Knoll, Paulk, Richards—3.

Absent but not excused, Senators Bridges, Cattell, Edwards, Farwell, Parvin, Stiles.

So the resolution was adopted.

Senator Bassett moved that House File No. 309, A bill for an act legalizing the appropriation of thirty thousand dollars by board of supervisors of Webster county to equalize bounty and to legalize taxes to pay the same, be now taken up, which motion was lost.

Senator Hilsinger moved that the Senate do now adjourn until 7 o'clock, which motion was lost.

## MESSAGE FROM THE HOUSE.

**MR. PRESIDENT:**—I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate's amendments to the following bills:

Substitute for House File No. 144, A bill for an act providing for the erection of a building for Adjutant-General's and Quartermaster-General's office, and for an arsenal.

Substitute for House File No. 145, A bill for an act apportioning the State into Representative Districts.

House File No. 79, A bill for an act to amend Section 799 of the Revision of 1860, relating to registered letters containing county treasurer's monthly report to the Auditor of State.

I also present for your signature the following bill, which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 66, A bill for an act to provide for the distribution of the Adjutant General's Report of January 17, 1866.

CHAS. ALDRICH, Chief Clerk.

Senator Bassett moved that House File No. 309, "A bill for an act legalizing the appropriation of thirty thousand dollars by Webster County, to equalize bounty, and to legalize taxes to pay the same, be now taken up.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Warren—34.

The nays were, Senators Clarkson, Leake, Marshman, Richards, Smith, Stubbs, Udell, Wharton, Woolson—9.

Absent but not excused, Senators Shippen and Stiles.

So the motion prevailed.

Senator Farwell moved that the bill be laid on the table, which motion was lost.

On motion of Senator Bassett the bill was read the third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Clark, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Knoll, McJunkin, Meyer, Moore, Oliver, Paulk, Reed, and Warren—17.

The nays were Senators Bridges, Bulis, Clarkson, Crookham, Cutts, Doud, Farwell, Hilsinger, Hunt, King, Larimer, Leake, Marshman, McMillan, Parvin, Patterson, Robertson, Ross, Sampson, Smith, Stubbs, Udell, and Wharton—22.

Absent but not excused, Senators Cattell, Lakin, Richards, Shippen, and Stiles.

So the bill was lost.

## MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return substitute for Senate File 182, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Edwards moved that the Senate do now adjourn until 7 o'clock.

Senator Hilsinger moved to amend by striking out "7" and inserting "7½," which was agreed to, and the motion, as amended, was adopted and the Senate adjourned.

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 EVENING SESSION.

7½ O'CLOCK P. M.

Senate convened and was called to order by the President.

On motion of Senator Larimer, ordered that there be a call of the Senate.

The roll was called and the following named Senators failed to answer to their names :

Senators Bassett, Brayton, Bridges, Bulis, Clark, Cutts, Doud, Farwell, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Lakin, Leake, Marshman, McJunkin, Meyer, Moore, Oliver, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Shippen, Stiles, Udell, and Woolson.

On motion of Senator Larimer all proceedings in the call were dispensed with for ten minutes.

On the expiration of the ten minutes the roll was again called and the following named Senators failed to answer to their names : Senators Bassett, Brayton, Bridges, Bulis, Clark, Cutts, Hedges, Hilsinger, Hunt, Knoll, Lakin, Leake, McJunkin, Meyer, Paulk, Patterson, Richards, Robertson, Ross, Sampson, Shippen, Stiles, Udell and Woolson.

On motion of Senator Edwards, Senator Bridges was granted leave of absence.

On motion of Senator Cutts further proceedings under the call were dispensed with.

Senator Oliver obtained leave to offer the following resolution : WHEREAS, during the adjournment of this Senate the time-piece of this Senate has been interfered with and changed by a person not an officer of this Senate and without any authority of any officer thereof, and

WHEREAS, it is reported that one Dickerson is guilty of this offense, therefore

*Resolved*, that said Dickerson be arrested and brought to the bar of this Senate to answer for such offense.

Senator Crookham moved that the resolution be laid on the table, which was not agreed to.

The resolution was then adopted.

Senator Warren moved that substitute for House File No. 295, A bill for an act to provide for additional argument terms of the Supreme Court, be now taken up.

Upon this the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Cutts, Doud, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Oliver, Powers, Richards, Smith.—18.

The nays were Senators Bulis, Cattell, Clarkson, Crookham, Edwards, Farwell, Marshman, Moore, Parvin, Reed, Stubbs, Warren, Wharton, Woolson—14.

Absent, but not excused, Senators Clark, Knoll, Leake, McJunkin, McMillan, Meyer, Paulk, Patterson, Robertson, Ross, Sampson, Shippen, and Stiles.

So the motion having failed to receive a two-thirds vote was lost.

Senator Warren moved to reconsider the vote last taken.

Senator Farwell moved that the motion to reconsider, be laid on the table.

Upon this, the yeas and nays were demanded, and

The yeas were Senators Cattell, Clarkson, Crookham, Cutts, Farwell, Larimer, Leake, Parvin, Wharton, Woolson—10.

The nays were Senators Bassett, Brayton, Bulis, Clark, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Marshman, McMillan, Meyer, Moore, Oliver, Paulk, Powers, Reed, Richards, Robertson, Smith, Stubbs, Warren—28.

Absent but not excused, Senators Hilsinger, McJunkin, Patterson, Ross, Sampson, Shippen and Udell.

So the motion did not prevail.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return the House joint resolution appointing a Board of Trustees for the Orphans' Home, the House having refused to concur in the amendment of the Senate.

Also the following:

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. 303, A bill for an act regulating commissions of Notaries Public, and fixing a period at which they shall expire.

I also present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Substitute for House File No. 192, A bill for an act to permanently locate the Institution for the Deaf and Dumb at Council Bluffs.

House File No. 170, A bill for an act to accept the grant and carry into execution the trust conferred upon the State by an act of Congress entitled an act for a grant of land to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State.

House File No. —, A bill for an act exempting soldiers from military duty.

CHAS. ALDRICH, Chief Clerk.

The question recurring upon the motion to reconsider, Senator Henderson moved the previous question, which was seconded.

On the question "Shall the main question be now put?" the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Clark, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Robertson, Ross, Sampson, Smith, Stiles, and Warren—36.

The nays were Senators Cattell, Clarkson, Crookham, Stubbs, Wharton, and Woolson—6.

Absent but not excused, Senators Cutts, Hart, Shippen, and Udell.

So the main question was ordered and put.

Upon which the yeas and nays were demanded, and

The yeas were Senators Bassett, Brayton, Bulis, Clark, Doud, Edwards, Hart, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Lakin, McJunkin, Oliver, Paulk, Patterson, Powers, Richards, Ross, Stiles, and Warren—23.

The nays were Senators Cattell, Clarkson, Crookham, Farwell, Hilsinger, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Sampson, Smith, Stubbs, Wharton, and Woolson—19.

Absent but not excused, Senators Cutts, Henderson, Shippen, and Udell.

So the motion prevailed.

The question recurring on the motion to take up the bill,

The yeas were Senators Bassett, Brayton, Bulis, Clark, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Lakin, McJunkin, Oliver, Paulk, Patterson, Powers, Richards, Ross, Shippen, Stiles, Warren—25.

The nays were Senators Cattell, Clarkson, Crookham, Farwell, Hilsinger, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Sampson, Smith, Stubbs, Wharton, Woolson—19.

Absent but not excused, Senators Cutts and Udell.

So the motion having failed to receive a two-thirds vote, was lost.

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. 234, A bill for an act to amend Chapter 100, of the Revision of 1860, in relation to the descent and distribution of the estates of persons dying intestate.

CHAS. ALDRICH, Chief Clerk.

BILLS ON SECOND READING.

House File No. 257, A bill for an act to authorize and empower Counties and Cities to compromise and pay off Bonds, Coupons and Judgments thereon and the means therefor, was taken up.

Senator Warren moved to amend Sec. 5, by inserting in the fifth line after the word " Court " the words " except the Supreme Court United States," which was adopted.

On motion of Senator Crookham the bill was laid on the table.

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. 247, A bill for an act to amend Section 3164 of the Revision of 1860.

I also present for your signature the following Bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Substitute Senate File No. 182, A Bill for an act to accept the grant of land to the State of Iowa made by Act of Congress of July 12th, 1864, and to carry out the provisions of said act, entitled an act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a Rail Road in said State.

House File No. 144, A Bill for an act providing for the erection of a building for Adjutant General's and Quartermaster General's Offices and for a State Arsenal.

House File No. 311, A Bill for an act making an appropriation to complete the Agricultural College Buildings.

CHAS. ALDRICH, Chief Clerk.

On motion of Senator Reed, House Joint Resolution appointing Trustees for the Soldiers' Orphans' Home, was taken up.

And the Senate receded from its amendment thereto.

On the question, " shall the resolution pass ?"

The yeas were Senators Bassett, Brayton, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hollman, Hunt, King, Knoll, Larimer, Leake, Marshman, McJunkin, Mc-

Millan, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stubbs, Warren—33.

The nays were Senators Bulis, Clark, Clarkson, Hillyer, Lakin, Meyer—6.

Absent but not excused, Cattell, Cutts, Richards, Stiles, Udell, Wharton, Woolson.

So the resolution was adopted.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly and been duly enrolled and signed by the Speaker of the House:

Substitute for House File No. 184, A bill for an act to amend Section 1442 of the Revision of 1860 by adding thereto a provision in relation to idiot or imbecile persons.

Senate File No. 8, A bill for an act to provide for establishing private roads in the State of Iowa.

House File No. 240, A bill for an act to define the liabilities of railroads and other transportation companies as common carriers.

Senate File No. 59, A bill for an act to require owners of thrashing machines to guard against accidents.

House File No. 258, A bill for an act to amend Chapter 172 of the Acts of the Ninth General Assembly, passed April 8, 1862, in relation to schools.

House File No. 79, A bill for an act to amend Section 799 of the Revision of 1860, relating to registered letters containing County Treasurers' monthly reports to the Auditor of State.

I am also 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. 262, A bill for an act to authorize the Auditor of State to settle with the publishers of Webster's Unabridged Dictionary.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined and find correctly enrolled, the following bills: to-wit:

Senate File No. —, A bill for an act to provide for establishing private roads in the State of Iowa.

Senate File No. 59, A bill for an act to require owners of threshing machines to guard against accidents.

Substitute for Senate File No. 184, A bill for an act to amend Section 1442 of the Revision of 1860, by adding thereto a provision in relation to idiotic or imbecile persons.

W. B. LAKIN.  
CHAS. PAULK.

Senate File No. 221, A bill for an act legalizing certain city

warrants issued by the city of Des Moines, Iowa, was taken up, and on motion of Senator Warren, was read the third time.

On the question, "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Clark, Clarkson, Doud, Edwards, Farwell, Hart, Hedges, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Marshman, McJunkin, Meyer, Powers, Ross, Sampson, Smith, Stubbs, Warren, Wharton—27.

The nays were Senators Cattell, Crookham, Hilsinger, Leake, McMillan, Moore, Oliver, Parvin, Paulk, Robertson, Shippen, Udell—12.

Absent but not excused, Senators Cutts, Henderson, Patterson, Reed, Richards, Stiles, and Woolson.

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

House File No. 89, A bill for an act to amend Section 752, of the Revision of 1860, was taken up, and on motion, was read the third time.

On the question "shall the bill pass?"

The yeas were Senators Brayton, Bulis, Clarkson, Crookham, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Patterson, Reed, Robertson, Ross, Sampson, Smith, Warren, Wharton, Woolson—34.

The nays were none.

Absent but not excused, Senators Cattell, Clark, Cutts, Knoll, Paulk, Powers, Richards, Shippen, Stiles, Stubbs, and Udell.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return Senate File No. 30, A bill for an act for the relief of D. B. Hillis, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Substitute for Senate File Nos. 67 and 167, A bill for an act to amend Chapter fifty-one, of the Revision of 1860, relating to the incorporation of cities and towns, was taken up and on motion, was read the third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Paulk, Patterson, Powers, Reed, Sampson, Shippen, Smith, Stubbs, Warren, Wharton, Woolson—35.

The nays were Senators Crookham, Hedges, Oliver, Parvin, Robertson—5.

Absent but not excused, Senators Clark, Knoll, Lakin, Richards, Ross, and Stiles.

So the bill passed and the title was agreed to.

MESSAGE FROM THE HOUSE.

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

Substitute for House File No. 284, A bill for an act to secure the collection of taxes upon personal property in certain cases.

CHAS. ALDRICH, Chief Clerk.

House File No. 213, "A bill for an act to ascertain the citizens entitled to the right of suffrage, and to prevent fraudulent voting," with report of Committee recommending the adoption of a substitute, was taken up.

Senator Stubbs moved that the bill be laid on the table.

Upon this the yeas nays were demanded, and

The yeas were Senators Bassett, Clark, Clarkson, Cutts, Farwell, Hedges, Henderson, Hollman, Knoll, Leake, McJunkin, Paulk, Powers, Reed, Richards, Sampson, Smith, Stubbs, Warren, Whar-ton—20.

The nays were Senators Brayton, Bridges, Bulis, Cattell, Crookham, Doud, Edwards, Hart, Hilsinger, Hillyer, Hunt, King, Larimer, Marshman, McMillan, Meyer, Moore, Oliver, Parvin, Paterson, Robertson, Ross, Shippen, Stiles, Udell, Woolson—26.

So the motion did not prevail.

MESSAGE FROM THE HOUSE.

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

House File No. 266, A bill for an act for the relief of John Crew.

House File No. 32, A bill for an act providing that County Judges shall keep a Fee Book.

I also return the following bill, which has passed the House without amendment.

Senate File No. 115, A bill for an act to amend Section 2564 of the Revision of 1860, relating to guardians of non-resident minors.

I also present for your signature, the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 324, A bill for an act making appropriations for the per diem and expenses of the Eleventh General Assembly and for other purposes.

CHAS. ALDRICH, Chief Clerk.

The question recurring upon the adoption of the substitute, it was disagreed to.

On motion, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Brayton, Bridges, Bulis, Cattell, Clark, Crookham, Doud, Edwards, Hilsinger, Hillyer, Hunt, Marshman, Meyer, Moore, Oliver, Parvin, Patterson, Robertson, Ross, Stiles—20.

The nays were Senators Bassett, Clarkson, Farwell, Hart, Hedges, Hollman, Knoll, Larimer, Leake, McJunkin, McMillan, Paulk, Powers, Reed, Richards, Sampson, Smith, Stubbs, Wharton, Woolson—20.

Absent but not excused, Senators Cutts, Henderson, King, Lakin, Shippen, and Warren.

So the bill did not pass.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 138, A bill for an act to provide for the reference and publication of proposals to amend the constitution of the State of Iowa.

House File No. 89, A bill for an act to amend Section 752 of the Revision of 1860.

Also a proposal to amend the constitution of the State of Iowa.  
CHAS. ALDRICH, Chief Clerk.

Senate File No. 181, A bill for an act to amend Sec. 3762 of the Revision of 1860 in relation to actions of mandamus, with report of committee recommending amendments, was taken up, and the report was adopted.

On motion of Senator Leake the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clarkson, Cutts, Doud, Edwards, Hart, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Leake, Marshman, McMillan, Meyer, Moore, Oliver, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stubbs, Wharton, Woolson—30.

The nays were Senators Crookham, Farwell, Parvin, Richards—4.

Absent, but not excused, Senators Clark, Hedges, Henderson, Hunt, Lakin, McJunkin, Paulk, Patterson, Smith, Stiles, and Warren.

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

Senator Powers moved that House messages be now taken up, which motion was disagreed to.

House File No. 111, A bill for an act to amend an act entitled "vacancies and special elections," was taken up.

On motion of Senator Woolson, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Clarkson, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Richards, Sampson, Shippen, Stubbs, Wharton, and Woolson—34.

The nays were, Senator Crookham.

Absent but not excused, Senators Cattell, Clark, Cutts, Lakin, Marshman, Robertson, Ross, Smith, Stiles, and Warren.

So the bill passed and the title was agreed to.

Senator Ross moved that substitute for House File No. 40, A bill for an act requiring swamp land certificates to be recorded, be taken up; which motion was agreed to, and the bill was taken up and considered.

On motion of Senator Ross, the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Bulis, Cattell, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, Knoll, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Parvin, Powers, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Stubbs, Wharton, and Woolson—33.

The nays were Senators Oliver, Paulk, Patterson, and Smith—4.

Absent but not excused, Senators Brayton, Clark, Henderson, King, Lakin, Meyer, Richards, Smith, and Warren.

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

Substitute for House File No. 231, A bill for an act to authorize incorporated cities, towns and villages to discontinue their corporations, was, on motion of Senator Hart, taken up, considered and read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Reed, Robertson, Sampson, Shippen, Smith, Stiles, Stubbs, and Woolson—37.

The nays were, none.

Absent but not excused, Senators Bridges, Edwards, Knoll, McMillan, Powers, Richards, Ross, Udell, Warren, and Wharton.

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

Substitute for Senate Files Nos. 16, 23, 96, 153, and 190, A bill for an act to legalize the official acts of certain Notaries Public, was on motion of Senator Leake, taken up, and read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Brayton, Bridges, Bulis, Cattell, Clarkson, Crookham, Doud, Farwell, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, Meyer, Moore, Oliver, Parvin, Patterson, Powers, Reed, Robertson, Ross, Sampson, Smith, Stiles, and Stubbs—34.

The nays were none.

Absent but not excused, Senators Clark, Cutts, Edwards, Hart, Knoll, McMillan, Paulk, Richards, Shippen, Warren, Wharton, Woolson.

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

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 115, A bill for an act to amend Section 2564 of the Revision of 1860, relating to guardians of non-resident minors.

Senate File No. 30, A bill for an act for the relief of D. B. Hillis.

CHAS. ALDRICH, Chief Clerk.

Senator Cutts moved that substitute for House File No. 245, A bill for an act limiting the charges and defining the duty of railroad companies, be taken up.

Senator Powers moved that this motion be laid on the table.

Senator Cutts demanded the yeas and nays on this motion.

The yeas were Senators Bassett, Bridges, Bulis, Edwards, Hedges, Henderson, Hollman, Hunt, Knoll, Larimer, Marshman, Moore, Oliver, Paulk, Patterson, Powers, Reed, Ross, Sampson—19.

The nays were Senators Brayton, Cattell, Clark, Crookham, Cutts, Doud, Hart, Hilsinger, Hillyer, King, Lakin, Leake, McJunkin, Meyer, Robertson, Smith, Stubbs, Woolson—18.

Absent but not excused, Senators Clarkson, Farwell, McMillan, Parvin, Richards, Shippen, Warren, Wharton.

So the motion prevailed.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 145, A bill for an act apportioning the State of Iowa into Representative Districts.

CHAS. ALDRICH, Chief Clerk.

House File Fo. 197, "A Bill for an act to permit Charles P. Brandriff to purchase of this State, at \$1.25 per acre, the W.  $\frac{1}{2}$  of S. W.  $\frac{1}{4}$  of section No. 13, Township No. 79, North Range No. 44, the same being part of the excess 500,000 acre grant," was, on motion of Senator Oliver, taken up, considered and read the third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bassett, Bulis, Cattell, Clark, Clarkson, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, McJunkin, McMillan, Moore, Marshman, Oliver, Parvin, Paulk, Reed, Robertson, Ross, Sampson, Shippen, Stiles, Stubbs—32.

The nays were Senator Bridges—1.

Absent, but not excused, Senators Brayton, Crookham, Cutts, Hunt, Leake, Meyer, Patterson, Powers, Richards, Smith, Warner, Wharton and Woolson.

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

Senator Ross moved to take up House File No. — (Resumption bill from M. & M. R. R.)

Senator Edwards moved to lay the motion on the table.

Upon this the yeas and nays were demanded, and

The yeas were, Senators Bassett, Bulis, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Larimer, Leake, McJunkin, McMillan, Moore, Parvin, Robertson, Smith—24.

The nays were, Senators Cattell, Meyer, Oliver, Paulk, Patterson, Powers, Reed, Richards, Ross, Sampson, Shippen, Stiles, Stubbs, Wharton, Woolson—15.

Absent, but not excused—Senators, Brayton, Crookham, Hunt, Lakin, Marshman, and Warren.

So the motion did not prevail.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return the Senate Joint Resolution recommending the promotion of Col. Wm. T. Shaw, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have presented to the Governor, for his approval, this 2d day of April, 1866, the following bills, to-wit: Senate File Nos. 182, 8, 59, and substitute for Senate Files No. 184.

W. B. LAKIN, Chairman.

The Committee on Enrolled Bills report that they have examined, and find correctly enrolled the following bills, to-wit: No. 115, A bill for an act to amend Section 2564, of the revision of

1860, relating to Guardians of non-resident minors: Senate file No. 30, A bill for an act for the relief of D. B. Hillir.

W. B. LAKIN, Chairman.  
CHAS. PAULK.

House File No. 219, A bill for an act to legalize the official acts of S. C. Johnson, a justice of the peace in Jones county, Iowa, was on motion of Senator Leake taken up and considered.

On motion of Senator Farwell the bill was read the third time,  
On the question "shall the bill pass?"

The yeas were, Senators Bassett, Bridges, Bulis, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Leake, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Robertson, Ross, Stiles, Stubbs, Wharton, Woolson—34.

The nays were, Senators Cattell, Reed, Richards—3.

Absent, but not excused—Senators Crookham, Lakin, Marshman, Powers, Sampson, Shippin, Smith, and Warren.

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

On motion of Senator Woolson the resolution instructing the Attorney General to consider the testimony and reports of the committee to investigate the expenditures of the Contingent Fund, was taken up and adopted.

Senate File No. 34, A bill for an act to quiet the title of Eliza Ingwersen and others to certain land, was, on motion of Senator Leake, taken up, considered, and read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Shippen, Smith, Stiles, Stubbs—33.

The nays were Senators Edwards, Knoll, Richards—3.

Absent, but not excused, Senators Brayton, Bulis, Farwell, Henderson, Knoll, Patterson, Sampson, Warren, Wharton, and Woolson.

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

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return substitute for Senate Files Nos. 16, 23, 96, 153, and 190, acts to legalize acts of various Notaries Public, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senate File No. 114, A bill for an act to release to Beta Grechereck, and Lewis Grechereck, the right of the State by escheat to certain lands, was, on motion of Senator Powers, taken up, considered and read the third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Doud, Edwards, Hart, Hedges, Henderson, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Ross, Shippen, Smith, Stiles, Stubbs, Wharton—37.

The nays were Senator Hilsinger—1.

Absent but not excused, Senators, Cutts, Farwell, Richards, Robertson, Sampson, Warren, and Woolson.

So the bill passed and the title was agreed to.

House File No. 173, A bill for an act to enlarge the rights of married women, was, on motion of Senator Woolson, taken up, considered and read the third time.

On the question "shall the bill pass?"

The yeas were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Crookham, Cutts, Doud, Edwards, Farwell, Hedges, Henderson, Hilsinger, Hunt, King, Knoll, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Patterson, Powers, Reed, Robertson, Shippen, Stiles, Stubbs, Wharton, Woolson—34.

The nays were Senators Hart, Larimer, Leake, Ross—4.

Absent but not excused, Senators Hillyer, Hollman, Lakin, Richards, Sampson, Smith, and Warren.

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE.

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

House File No. 191, A bill for an act authorizing County subscriptions to County Agricultural Societies.

I also present for your signature the following Bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 111, A bill for an act to amend an act entitled vacancies and special elections.

Substitute House File No. 40, A bill for an act requiring swamp land certificates to be registered.

House File No. 228, A bill for an act to amend Chapter 110 of the Revision of 1860 of the laws of Iowa relative to the estates of decedents.

CHAS. ALDRICH, Chief Clerk.

Senator Stiles moved that Senate File No. 168, "A bill for an act fixing the time for the assessment of taxes on lands therein referred to," be taken up, which motion was disagreed to.

Senator Clarkson moved that Substitute for House File No. 295, "A bill for an act to provide for additional argument terms of the Supreme Court," be taken up.

Upon this the yeas and nays were demanded, and

The yeas were Senators Clarkson, Cutts, Edwards, Hart, Hedges, Hillyer, Hunt, Knoll, Lakin, Oliver, Paulk, Patterson, Powers, Ross, Shippen—15.

The nays were Senators Bassett, Bridges, Cattell, Clark, Crookham, Doud, Hilsinger, Hollman, King, Larimer, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Parvin, Reed, Robertson, Sampson, Smith, Stubbs, Wharton—23.

Absent, but not excused, Senators Bulis, Farwell, Henderson, Richards, Stiles, Warren and Woolson.

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. 155, A bill for an act to prescribe the mode of filling vacancies in the offices of Justice of the Peace, Constable and member of the Board of Supervisors.

I also return Senate File No. 114, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Oliver obtained leave to offer a concurrent resolution in reference to Indian depredations, which was adopted :

WHEREAS, A large number of Omaha and Winnebago Indians have for some time past been living in the State of Iowa, and depredating upon our citizens in the thinly settled portion of the State, by killing cattle, hogs, sheep, and other domestic animals, and stealing all manner of personal property, until the nuisance has become no longer sufferable, and there is, in consequence, imminent danger of collision and bloodshed, and

WHEREAS, The general Government though appealed to has hitherto failed to afford relief, and the agents of such Indians either cannot or will not prevent their coming into the State, therefore

*Be it resolved by the Senate of Iowa, the House concurring,* That the Department of the Interior, or other proper United States authority, be and hereby is respectfully but urgently solicited to make immediate provision for the abatement of this evil by the appointment of more competent agents, the stationing of a military force on the border to keep such Indians out of the State, the removal of said Indians to some more distant reservation, or some other effectual means, and

*Be it further resolved,* That a copy of these resolutions be forwarded by the Secretary of State to each of our members of Congress, and that our Senators be instructed, and our Representatives requested to call the immediate attention of the proper authorities to the subject, and to urge such relief as will be effectual.

Senator Stubbs moved that House File No. —, A bill for an act

in relation to the improvement of the rapids in the Mississippi river, be taken up.

Upon this the yeas and nays were demanded, and

The yeas were Senators Crookham, Doud, Farwell, Hart, Hedges, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Larimer, Marshman, Meyer, Paulk, Patterson, Powers, Richards, Ross, Smith, Stiles, Stubbs—22.

The nays were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Edwards, Lakin, Leake, McJunkin, McMillan, Moore, Parvin, Reed, Robertson, Sampson, Shippen, Wharton, and Woolson—19.

Absent but not excused, Senators Cutts, Oliver, and Warren.

So the motion did not prevail.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return Senate File No. 34, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Senator Reed, from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills have examined and found correctly enrolled Preamble and Joint Resolutions relating to William T. Shaw, late Colonel 14th Regiment Iowa Infantry Volunteers.

J. R. REED, for the Committee.

House File No. 191, A bill for an act authorizing county subscriptions to Agricultural Societies, was, on motion of Senator Clarkson, taken up and read the first and second times.

On motion the eleventh rule was suspended, and the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Cattell, Clark, Clarkson, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, Hunt, King, Knoll, Lakin, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Reed, Robertson, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton, Woolson—34.

The nays were Senators Bridges, Bulis, Crookham, Doud, Edwards, Larimer, and Patterson—7.

Absent but not excused, Senators Bassett, Brayton, Cutts, Richards, and Warren.

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

Substitute for House File No. 155, A bill for an act to prescribe the mode for filling vacancies in the office of Justice of the Peace, Constable, and members of the Board of Supervisors, was, on motion of Senator Powers, taken up, read the first and second times, and considered.

On motion of Senator Stubbs, the 11th rule was suspended and the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Bassett, Bridges, Bulis, Cattell, Clark, Clarkson, Cutts, Doud, Edwards, Farwell, Hart, Hedges, Henderson, Hilsinger, Hillyer, Hollman, King, Knoll, Lakin, Larimer, Leake, Marshman, McJunkin, McMillan, Moore, Oliver, Paulk, Patterson, Powers, Reed, Ross, Sampson, Shippen, Smith, Stiles, Stubbs, Wharton, Woolson—38.

The nays were Senators Crookham, Meyer, Parvin, Robertson—4.

Absent, but not excused, Senators Brayton, Hunt, Richards and Warren.

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

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled, and signed by the Speaker of the House:

Substitute for Senate File No. 182, A bill for an act to accept the grant of land to the State of Iowa, made by act of Congress of May 12, 1864, and to carry out the provisions of said act, &c.

I also return the Senate concurrent resolution in reference to Indian depredations, which has passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

House File No. 148, A bill for an act to amend Chapter 54 Section 1276 Revision of 1860, in relation to mill dams, was, on motion of Senator Lakin, taken up and considered.

On motion of Senator Patterson the bill was read the third time.

On the question "Shall the bill pass?"

The yeas were Senators Cattell, Clark, Clarkson, Crookham, Hart, Hedges, Hilsinger, Lakin, Patterson, Ross, Stiles, Wharton—12.

The nays were Senators Bassett, Bridges, Bulis, Doud, Farwell, Hillyer, Hollman, Knoll, Leake, Marshman, McJunkin, McMillan, Meyer, Moore, Oliver, Parvin, Paulk, Powers, Robertson, Sampson, Shippen, Smith, Stubbs, Woolson—24.

Absent, but not excused, Senators Brayton, Cutts, Edwards, Henderson, Hunt, King, Larimer, Reed, Richards, and Warren.

So the bill was lost.

Senator Sampson from the Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills report that they have examined substitute for Senate File Nos. 16, 23, 96, 153, and 190, An act to legalize the official acts of certain Notaries Public and find the same correctly enrolled.

E. S. SAMPSON, for the Committee.

Senator Ross offered the following concurrent resolution which was adopted:

*Resolved by the Senate, the House concurring,* That the thanks of the people of the State of Iowa, are due, and are hereby extended to Major-General G. M. Dodge, for his able and efficient management of Indian affairs on the plains, in the protection of our Western Borders, and the great overland routes across the plains from the incursions and depredations of hostile Indians, as also for his gallantry and ability as a commander in the field and his able administration of the Department of the Missouri.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 197, A bill for an act to permit Charles P. Brandriff to purchase of this State, at \$1.25 per acre, the W  $\frac{1}{2}$  of S W  $\frac{1}{4}$  of Section No. 13, Township No. 79, North Range No. 44, the same being part of the excess 500,000 grant.

House File No. 219, A bill for an act to legalize the acts of S. C. Johnson, lately a Justice of the Peace in Jones county, Iowa.

CHAS. ALDRICH, Chief Clerk.

Senator Henderson obtained the floor and addressed the President as follows:

MR. PRESIDENT:—Cain slew his brother Abel, and hurricane has slain its thousands; but the *cane* which I have the pleasure of presenting to you, on behalf of members and officers of this Senate, is a harmless instrument, although used for *caning* our worthy President.

Accept, then, this present, Mr. President, as a token of the regard of the donors, and may you long live, sir, and find it the support of a green old age.

In response thereto, the President said:

*Senators*:—I accept this valuable present from you with feelings that I cannot find language to express. This unusual manifestation of your kind regards, is I trust fully appreciated by me, far beyond any expression I can give you.

I shall value this priceless token of your friendship, as a memento of my association with the Senators of the Eleventh General Assembly, never to be forgotten.

I now beg leave to express to you my most heartfelt thanks for this generous gift just received at your hands.

Senator Marshman obtained leave to offer the following resolution, which was adopted:

*Resolved,* That Lieut. Gov. Gue, has merited our full, and cordial approbation, for the impartial and distinguished manner in

which he has discharged his duty, in presiding over the deliberations of this Senate.

On motion of Senator Patterson the Senate adjourned until 12½ o'clock A. M. to-morrow.

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SENATE CHAMBER, DES MOINES, }  
April 3, 1866. }

Senate convened at 12½ o'clock A. M.

The President in the chair.

Senator Stubbs of Jefferson said :

MR. PRESIDENT :—During your absence the Senator from Warren (Mr. Marshman) offered the following resolution which was adopted with great unanimity :

“*Resolved*, That Lieut. Gov. Gue has merited our full and cordial approbation for the impartial and distinguished manner in which he has discharged his duty in presiding over the deliberations of this Senate.

Permit me, Mr. President, to assure you that this resolution expresses the sentiments of esteem of the members of this body for you, and that wherever our lots may be cast our associations with you will not be forgotten.

Lieutenant Governor Gue addressed the Senate as follows :

SENATORS :—As the last hours of the session draw near, and the time for our final separation approaches, justice to my own feelings—and to you with whom I have been so pleasantly associated—requires that I should briefly express my sincere thanks for the uniform kindness you have ever extended to me.

Upon first assuming the responsible duties devolving upon the presiding officer of the Senate, I had many serious misgivings as to my ability to render satisfactson in the position.

I was aware of the difficulties which must be met in deciding questions of order and privilege, which so frequently arise among Senators, in their honest difference of opinion, and though I have doubtless sometimes been in error, you have generously sustained all of my rulings. Whatever success I have attained in the position, I feel that it is owing in a great degree to the cordial support and generous co-operation which you have at all times extended to me.

I have honestly endeavored to lay aside all personal, or partizan feelings in the discharge of my official duties, and to deal justly and impartially with all.

If I have at any time wounded the feelings of any Senator, in the hasty decisions of the many difficult questions of privilege

that are constantly arising, I can assure you that it was not intended, and I most sincerely regret its occurrence.

The labors of the session are now drawing to a close. The record of your acts is soon to become a part of the history of our State.

The people who have honored you with their trust, will soon judge of your doings. Knowing as I do, their intelligence and liberality, I cannot doubt their approval of the munificent aid you have extended to the educational and benevolent institutions of the State.

Your legislation has been actuated by an honest desire to advance the best interests of the people, and I doubt not, that it will meet their approval.

In conclusion, I desire to extend to every member and officer of the Senate, my most cordial thanks for the many acts of kindness received at your hands, and for the marked respect at all times manifested towards me; and I now bid you all an affectionate farewell.

#### MESSAGE FROM THE HOUSE.

MR. PRESIDENT:—I herewith return the Senate resolution relative to Maj. Gen. G. M. Dodge, the same having passed the House without amendment.

I also present for your signature the following Bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Substitute for Senate File No. 16, 23, 96, 153, 190.

A bill for an act to legalize the official acts of certain Notaries Public.

Senate File No. 111, A bill for act to release to Peter Grechereck and Lewis Grechereck, the right of the State by escheat to certain lands.

Also a preamble and Joint Resolution relating to William T. Shaw, late Colonel 14th Reg't. Iowa Inf'ty. Vols.

House File No. 191, A bill for an act authorizing county subscriptions to county Agricultural Societies.

House File No. 173, A bill for act to enlarge the rights of married women.

Substitute House File No. 231, A bill for an act to authorize incorporated cities, towns and villages to discontinue their corporations.

Substitute House File No. 155, A bill for an act to prescribe the mode of filling vacancies in the office of Justice of Peace, Constables and Member of the Board of Supervisors.

CHAS. ALDRICH, Chief Clerk.

Senator Oliver obtained leave to submit the following resolution, which was adopted:

*Resolved*, That all bills which have not passed this General As-

sembly and are now in the hands of the Secretary shall be deposited with the Secretary of State to be by him handed over to the President of the Senate on the convening of the next session of the General Assembly.

Senator Larimer obtained leave to offer the following resolution, which was adopted :

*Resolved*, That the thanks of this Senate are due to Hon. D. P. Stubbs for the able and impartial manner in which he has discharged the duties of President *pro tem.* of this Body.

Mr. Stubbs said :

I can but return you my sincere thanks for this expression of your approval of my imperfect and feeble efforts in executing the rules and orders of the Senate during the time that I have had the honor of presiding over your deliberations.

I neither am an experienced legislator or a parliamentarian. This is the second legislature that it has ever been my privilege to see in the performance of its work.

I take this occasion to thank you for the kindnesses extended to me on other, and in fact on all occasions, for the favors you have so liberally extended to me.

Our associations have been of the most agreeable character, and this parting brings with it that sigh of parting friends that must follow the separation.

Again permit me to thank you and to bid you all an affectionate farewell.

Senator McJunkin offered the following resolution, which was adopted :

*Resolved*, That the thanks of the Senate are due to Hon. J. W. Dixon, Secretary of the Senate, for the faithful, impartial, and diligent discharge of the duties of his office.

Senator Lakin, from the Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills report that they have examined and find correctly enrolled, the following bill : Senate File No. 34, A bill for an act to quiet the title of Eliza Ingwerson and others to certain lands.

SAMPSON, for Committee.

Also the following :

The Committee on Enrolled Bills, report that they have examined and find correctly enrolled, the following Bills, to wit :

Senate File No. 182, A bill for an act to accept the grant of land to the State of Iowa, made by act of Congress of July 12, 1864, and to carry out the provisions of said act, entitled an act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a Railroad in said State.

Senate File No. 114, A bill for an act to release to Beta Grechereck, and Lewis Grechereck, the right of the State by escheat to

certain lands. The Committee also report that they have presented to the Governor, for his approval, the following Bills, to wit :

Substitute for Senate File No. 182, and Senate File No. 114, Also substitute for Senate File No. 16, Also a Joint Resolution relating to Col. Wm. T. Shaw.

W. B. LAKIN, Chairman.

MESSAGE FROM THE HOUSE.

MR. PRESIDENT :—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 34, A bill for an act to quiet the title of Eliza Ingwerson and others to certain lands.

CHAS. ALDRICH, Chief Clerk.

Senator Patterson offered the following resolution, which was adopted :

*Resolved*, That the thanks of this Senate be tendered to the Assistant Secretaries, Clerks, Sergeant-at-Arms, Postmasters, and other officers of the Senate, for their diligent and faithful performance of the arduous duties imposed upon them during the present session of the General Assembly.

Senator Clark offered the following resolution which was adopted:

*Resolved*, That the Senate hereby tenders its thanks to our faithful Janitor for the fidelity with which he has discharged his duties in that most laborious position.

Senator Hart offered the following resolution which was adopted :

*Resolved*, That the thanks of this Senate are hereby tendered to our very prompt, industrious and kind paper folders and door-keeper for the manner in which they have performed their duties during the session.

A Committee from the House announced that the House is now ready to adjourn *sine die*.

Senator Leake moved that a Committee of two be appointed to wait on his Excellency, the Governor, and ascertain if he has any further communications to make to the Senate.

The motion prevailed and the President appointed as such committee Senators Leake and McJunkin.

The Committee reported that the Governor had no further communications to make.

Senator Patterson moved that a Committee of two be appointed to inform the House that the Senate was ready to adjourn *sine die*. Carried.

The President appointed as such Committee Senators Patterson and Sampson.

The Committee reported that they had discharged their duty.

Senator Lakin from the Committee on Enrolled Bills submitted the following report :

The Committee on Enrolled Bills report that they have presented to the Governor for his approval Senate File No. 34.

W. B. LAKIN, Chairman.

The President *pro tem* announced the adjournment of the Senate *sine die*.

J. W. DIXON, Secretary Senate.

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NOTE.—Senators who are noted as "Absent and not voting," on the Constitutional amendment abolishing slavery (page 80), were, on motion of Senator Cutts permitted to record their names in favor of said amendment, which they did. See page 365.



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