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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

FIRST LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT THE CITY OF BURLINGTON, ON THE TWELFTH DAY OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-EIGHT.

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JOURNAL

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OF THE

FIRST LEGISLATIVE ASSEMBLY OF IOWA TERRITORY:

Begun and held at the city of Burlington, in the county of Des Moines, on Monday, the twelfth day of November, in the year of our Lord one thousand eight hundred and thirty-eight; being the first session of the Legislative Assembly convened under, and by virtue of, an act of the Congress of the United States, approved the twelfth day of June, 1838, and entitled "An act to divide the Territory of Wisconsin, and establish the Territorial government of Iowa." On which day, being that appointed by the Governor of said Territory of Iowa for the meeting of the Legislative Assembly, the House was called to order; and

On motion of Mr. Frierson,

ANDREW BANKSON was chosen Speaker of the House, pro tem.

On motion,

CHARLES WESTON was appointed Secretary of the House, pro tem.

On motion of Mr. Frierson,

Resolved, That a committee of two be appointed to wait upon the Council and inform that body of the organization of the House.

Whereupon, the chair appointed John Frierson and James W. Grimes said committee.

Mr. Frierson, from the above committee, reported the following resolution:

Resolved, That a committee of two be appointed, in conjunction with a similar committee to be appointed on the part of the Council, to wait upon his Excellency the Governor of the Territory, and inform him that the members of the two houses of the Legislative Assembly are now convened and in organization pro tempore, ready to be sworn into office, and ready to receive any communication that he may have to make to them.

Whereupon, the chair appointed W. H. Wallace and Thomas Cox said committee.

The committee having performed the duty assigned to them, reported that they had waited upon his Excellency, and that he

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would presently attend in person to swear in the members. and pronounce his message to both houses.

On motion of Mr. Cox,

Resolved, That a committee of two be appointed to wait upon the members of the Council, and invite them to take seats in the hall of the House of Representatives, to be sworn into office and to hear the message of his Excellency.

Whereupon, Messrs. Hastings and Nowlin were appointed said committee.

His Excellency the Governor being introduced, and having administered the requisite oath to the members present, (the Council having met the House in the Representative hall,) delivered the following message:

GENTLEMEN OF THE COUNCIL AND HOUSE OF
REPRESENTATIVES, OF THE LEGISLATIVE ASSEMBLY:

Through the intervention of Divine Providence, we have been permitted to convene at this time, for the purpose of organizing the first Legislative Assembly, under the provisions of an act of Congress, passed the 12th day of June, A. D. 1838, entitled "An act to divide the Territory of Wisconsin, and to establish the Territorial Government of Iowa."

This act must be viewed by us, as the constitutal charter of the Territory; it prescribes our powers, defines our duties, directs our actions and points out our rights and privileges. It declares that the Legislative power shall be vested in the Governor and a Legislative Assembly, and shall extend to all rightful subjects of legislation. This declaration brings within the power of the Legislature all subjects that relate to the organization of the local government of the Territory, (that does not contravene the act of Congress, or the Constitution ot the United States;) all subjects that relate to the protection and preservation of the lives, liberties, property, and the reputation of the people of the Territory; the punishment of crimes, misdemeanors, and immoral practices, and such other subjects as tend to the advancement of the public good, the general improvement of the country, and the promotion of the peace, happiness, and prosperity of the people.

This important trust has been reposed in us by our country, and we have taken the most solemn obligations faithfully and impartially to perform the same. When we consider that the eyes of the people of the United States are upon us—that they have an interest in this Territory and feel an anxious solicitude for its prosperity, (which must either be advanced or retarded by our acts,) and view the immense importance of laying a good foundation of jurisprudence, and preparing a system of laws wisely adapted to our situation and interest, and reflect that the convenience, prosperity and happiness of the people are intimately connected with the local organization of the Territory, in all its various ramifications, we are impressed with a sense of the weight of responsibility imposed upon us, and are led to ask aid from that Providence who has hitherto sustained us; whom we view as the Governor of the Uni-

verse, the Author of all good, and the Fountain of every blessing, and sincerely implore his protecting care over us, and pray that he may inspire us, as well as all who may succeed us in authority, with wisdom to perceive, judgement to determine, and energy to execute such measures as will advance to the greatest degree of prosperity, the physical, political, intellectual, and moral condition of this pleasant land and interesting Territory.

Gentlemen,--having called you together at this time for the purpose of aiding by your deliberations, in perfecting the local organization of the Government of this Territory, it becomes my duty to present to your consideration such subjects as are deemed most essential to the accomplishment of that object, and to recommend such a course of preceedings as are deemed most advisable under existing circumstances.

The laws of Wisconsin are declared to be in force in this Territory, so far as they are not incompatible with the organic law.—But when we consider their incompatibility in many respects with that law, and the confusion into which they are thrown by being blended with the laws of Michigan, which are incompatible and conflicting in many points, we are satisfied that our Territory can derive no benefit from them, and that our most advisable course of action will be, to proceed to organize the local Government of the Territory in conformity to the organic law, and to adapt all our laws to suit the situation and interests of the Territory, without reference to the laws of either Wisconsin or Michigan.

Under this impression, I will call your attention in an especial manner to various subjects, deemed indispensible to the local organization of the Government under the organic law.

The subject of providing by law for the organization of townships, the election of township officers, and defining their powers and duties, I consider to be of the first importance and almost indispensible in the local organization of the Government. Without proper township regulations it will be extremely difficult, if not impracticable, to establish a regular school system. In most of the States where a common school system has been established by law, the trustees of townships are important agents in executing the provisions of the laws. To them are entrusted the care and superintendence of the school lands of their respective townships, the division of townships into school districts, and various other duties relating to building school houses, the organization of school districts, and the support of schools in their respective townships.

The 12th section of the act of Congress, establishing our Territory, declares "That the citizens of Iowa shall enjoy all the rights, privileges, and immunities heretofore granted and secured to the Territory of Wisconsin and its inhabitants." This extends to us all the rights, privileges, and immunities specified in the ordinance of Congress of the 13th of July, 1787.

The third article of this ordinance declares, "That religion, morality, and *knowledge* being necessary to good government and the happiness of mankind, *schools* and the means of education shall forever be encouraged." Congress, to carry out this decla-

ration, have granted one section of land in each township to the inhabitants of such township for the purpose of schools therein.

There is no subject to which I wish to call your attention more emphatically, than the subject of establishing, at the commencement of our political existence, a well digested system of common schools; and as a preparatory step towards effecting that important object, as well as the consideration of numerous other advantages that must flow from the measure, I urge upon your consideration the necessity of providing by law for the organization of townships.

The seventh section of the act of Congress organizing our territory declares, that all county officers, except judicial officers, justices of the peace, sheriffs and clerks of courts, shall be elected by the people; and in the 16th section it is declared, that all justices of the peace, constables, sheriffs, and *all other executive judicial officers* who were in office on the 3d of July last, should be authorized and required to continue to exercise and perform the duties of their respective offices as officers of the Territory of Iowa, *temporarily*, and until they or others should be duly appointed to fill their places in the Territorial government of Iowa; with a proviso, that no officer should hold or continue in office by virtue of that provision over twelve months from the said 3d day of July.

By the foregoing provision in the 7th section it will be perceived that all officers that partake of the character of county officers, except judicial officers, justices of the peace, sheriffs and clerks of courts, are to be elected by the people. The proviso in the 16th section declares, that officers shall hold their office temporarily; and after enumerating justices of the peace, constables and sheriffs, uses the general term, *all other executive judicial officers*. From an examination of the sections above stated, it will be perceived that there are doubts as to the rights of certain officers to act under former appointments after the 3d of July. To remove these doubts and to secure the election of other officers by the people, that have heretofore been appointed by the Executive and Council, I would recommend a revision of all laws that relate te the organization of counties, and the appointment of county officers, so as to comply strictly with the organic law of Congress. I would also recommend a revision of all laws that relate to the powers and duties of executors, administrators and guardians, as well as the laws relating to the levying and collecting of county and territorial taxes.

The ninth section of the organic law declares, that " the judicial power of the Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace; and that the jurisdiction of these several courts, both appellate and original, and those of the probate courts and of the justices of the peace, shall be as limited by law," with a prohibitory provision excluding from the jurisdiction of justices of the peace controversies where the title or boundary of land may be in dispute, or where the debt or sum claimed exceeds fifty dollars.

This is the most important subject that will be presonted to your consideration, and will require much deliberation in arranging the

different courts, and in assigning to each their appropriate powers and duties. Justices courts are the first in order, and in them the people are more generally interested than the higher courts. Justices of the peace by virtue of their office are conservators of the peace, arbiters in matters of controversy to the amount of fifty dollars, and are the collecting officers of debts to this amount; they are the legitimate guardians of the public peace and the rights of individuals. It will therefore become an important duty (and one that will require much deliberation in its performance) to arrange the details of an act defining specifically the powers, and regulating the duties of justices of the peace and constables, in civil as well as criminal cases. The importance of this subject will demand your early attention and deliberate consideration. The duties of probate courts, tho' less complicated, are of great interest to the community, and will also require much care and attention in arranging the provisions of an act, prescribing the powers and defining the duties of these courts. A revision of former laws on this subject is deemed indispensible in arranging systematically the judicial organization of the Territory.

The subject of organizing the judicial courts of the Territory, prescribing their powers, defining their duties and regulating their practice, is one of the greatest magnitude. It embraces an entire system of jurisprudence, and in its various ramifications extends its influence to every department of government and class of community.

In laying the foundation of a system of jurisprudence in the Territory, would it not be advisable to unite our exertions in simplifying not only our laws, but the rules of practice and proceedings in the various courts of justice within the Territory, and to exclude therefrom as much as practicable, every thing of a fictious or ambiguous character? In my opinion the proceedings in our courts of justice should be concise, void of technical fiction, and always directed to the merits of the cause in controversy. The establishment of such a rule of practice at the commencement of our Territorial government, I am satisfied, would be attended with the most beneficial effects. I therefore earnestly submit these suggestions to the consideration of the Legislative Assembly.

In arranging our judicial system, it will become necessary to revise the laws regulating the duties and defining the powers of sheriffs, constables, and other ministerial officers; also, the laws regulating judgments and executions; but in the consideration of these laws, I trust that the odious principle of imprisonment for debt, either on mesne or final process, (except in cases of evident intended fraud) will not be permitted to enter into your deliberations, and that that relic of the barbarous ages that has been permitted to remain as a blot on the laws of some of the states, will never be permitted to soil the pages of the statutes of Iowa.

I would also recommend to your consideration the propriety of adopting a general road system, defining the manner of laying out and establishing Territorial und County roads, and to provide for opening and keeping them in repair; and also, the revision of the

laws regulating elections, so as to conform in all respects to the act of Congress organizing the Territory.

The compilation of a criminal code, so as to graduate properly the various crimes and offences, and to apply suitable punishment to each, in proportion to their enormity, is a subject of deep interest to the community. It is one which of late has occupied the attention of some of the greatest statesmen and philanthropists of the age; and the general conclusion has been, that sanguinary punishments do not tend to lessen crime, and that the general policy of all criminal laws should be to prevent crimes, rather than to inflict punishment, and that all punishment should be inflicted with a view to reform, rather than extirminate the criminal. In these conclusions I heartily concur, and would wish to see confinement at hard labor, for life, substituted in all cases, in lieu of capital punishment, when suitable prisons for the purpose can be had; but in our present situation we will necessarily be compelled to adopt more sanguinary punishments than would be advisable had we a suitable penitentiary in the Territory. But, being sensible of the deleterious effects of public executions, I would recommend to your consideration the propriety of providing by law, for executing capital punishment (should such punishment be necessary) privately, in the county prison, in the presence of the sheriff, and such other persons as the court passing sentence might direct.

In preparing a system of criminal jurisprudence. the whole catalogue of vices, from the highest crime to petty misdemeanors, pass in review. that appropriate punishment may be attached to each offence, in proportion to its injurious effects upon society; and we frequently see the most disastrous consequences proceed from practices, that in some places are considered as only fashionable vices—namely: *gambling and intemperance.*

These two vices may be considered the fountains from which almost every other crime proceeds, as the statistical reports of many of the penitentiaries conclusively show. They have produced more murders, robberies, and individual distress, than all other crimes put together: this is evident, when we consider the many thousands that annually destroy themselves, and bring their families to beggary and wretchedness, by pursuing these vices: for surely there can be no murder of a deeper moral dye than self murder; and no robbery of a more heinous character, than the robbery of our own families. Could you in your wisdom devise ways and means to check the progress of gambling and intemperance in this Territory, you will perform an act that would immortalize your names and entitle you to the gratitude of posterity.

The recent transaction in this city, that deprived the Legislative Assembly of one of its members elect, as well as all other transactions of a similar character, should meet with the indignant frown of every friend of morality and good order in community; and the practice of wearing concealed about the person, dirks, pistols, and other deadly weapons, should not only be considered disreputable, but criminal, and punished accordingly. There certainly cannot be a justifiable excuse offered for such a practice; for

in a civil community, a brave man never anticipates danger, and an honest man will always look to the laws for protection.

It has been frequently said, "that to be prepared for war, is the most effectual way to secure peace." This declaration may be emphatically applied to our present situation.

The numerous hordes of warlike Indians occupying our nothern and western boundaries and the restless disposition manifested by some of them, should admonish us to be prepared to defend the Territory against attacks from any quarter, under any circumstances and on all emergencies.

Should the Indians be disposed to hostilities, our frontier from St. Peters to Missouri, would be exposed, and from the position of the United States troops, we need expect but little or no assistance from them; thus situated, it becomes our duty to prepare to defend ourselves a gainst any possible attack from our Indian neighbors.

This preparation can only be effected by efficiently organizing and disciplining the Militia of the Territory. I am fully satisfied that were the Militia of the Territory properly organized, equipped and disciplined, that we could defend ourselves against any Indian force that could be brought against us. I therefore call the attention of the Legislative Assembly in an especial manner to this subject, and request that they may pass a law giving to the Militia of the Territory a perfect organization, so as to render them a prompt and efficient defence.

In arranging the details of a Militia law, it should be explicit—1st, in its organization; 2d, in the distribution of powers and duties to the officers and privates—3d, the fines and penalties imposed, and the punishments to be inflicted for neglect of duty; vesting in the different grades of officers certain discretionary powers, and holding them strictly accountable for an abuse of them.

I would recommend that the Territory at first, be divided into three divisions, six brigades, and twelve regiments—and that you provide by law, for raising and organizing one company of Artillery in each division, and one company of Rangers to each Regiment, to be mounted and armed with rifles, rifle pistols, and short swords. These Rangers would be most efficient against an Indian force, were they armed with Hall's carbines, a brace of rifle pistols with holsters and cartridge boxes, containing cartridges, suited to the bore of the pistols; and when dismounted to have the pistols in a belt, and a short sword. This sword to be most formidable in Indian fighting should be a short blade about 18 inches in length, strong and double edged, to be used as occasion might require, either to cut away the brush, vines or other obstacles in pursuing the Indians into their hammocs or places of retreat, or as a weapon of defence in close combat with an enemy.

I am satisfied that troops thus organized, equipped *and disciplined, expressly for Indian fighting*, WITH STRICT DIRECTIONS NEVER TO THROW AWAY A FIRE, *nor to halt in the pursuit*, first using their *rifles*, then *their pistols*, and as the last resort their *swords*, would be more than an equal match for an equal number of the most efficient Indian warriors that ever assembled upon our frontier.

In view of our present situation I would recommend to your consideration the propriety of memoralizing Congress, to provide us with three six pound brass pieces of cannon, with carriages and equipments complete, and one thousand Hall's Carbines, with two thousand rifle pistols with holsters and cartridge boxes complete, and one thousand short swords, with scabbards and belts; and that government would establish a *depot* of arms and ammunition, at some suitable place within the Territory.

It becomes our duty to provide by law for dividing the Territory into three judicial districts, to assign to each judge his appropriate district, and to define the time and place of holding district courts in each of the respective counties within the Territory.

When we take into consideration the local excitements that frequently arise in neighborhoods, on the subject of division of counties, the alteration of county lines, and the location of county seats, I am satisfied that much benefit would result to the community, were the whole of the surveyed part of the Territory laid out into counties of a uniform size, and so bounded as to preclude any subsequent subdivision, or alteration of the boundaries; and the seats of justice established in each (where such seats of justice have not already been established by law) by disinterested commissioners to be appointed for the purpose.

A general law on this subject well arranged in its details, could not fail in a great measure, to prevent those local excitements that too frequently disturb the harmony of neigborhoods, and retard the general improvement and prosperity of the country. I therefore solicit your attention to this subject, and hope that a general law may be passed the present session in accordance with the foregoing suggestions.

It also becomes our duty to provide by law for taking the census of the Territory at certain periods, and to apportion the members of the Council and House of Representatives among the several counties and districts, in proportion to the population, as well as to fix by law, the time of the regular annual meeting of the Legislative Assembly. This subject will require your early attention.

The 13th section of the organic law or constitutional charter of the Territory, declares—"that the Legislative Assembly of the Territory shall hold its first session at such time and place in the Territory, as the Governor shall appoint and direct, and at said session, or as soon thereafter as may by them be deemed expedient, the said Governor and Legislative Assembly shall proceed to establish the seat of Government for said territory, at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said Governor and Legislative Assembly."

And the sum of twenty thousand dollars is granted to be applied by the Governor and Legislative Assembly, to defray the expenses of erecting public buildings at the seat of Government.

This subject has excited to a considerable degree, conflicting interests and local feelings, in various parts of the Territory. But I can perceive no good reason for such conflicting interests. In set-

tling this question every interest of a local or private character should be excluded from our deliberations.

It is a question purely of public concern. The United States are the proprietors *in fee* of all the land in the Territory, to which the Indian title has been extinguished. Every part of the Territory is equally suceptible of a dense population; and in granting the appropriation to be applied in erecting public buildings at the seat of Government, Congress had reason to expect the expenditure to be made at a point, that would advance to the greatest degree, both the present and future prosperity of the Territory.

I am convinced that there is no way in which we can discharge the duty imposed upon us by this section, satisfactiorily to the community at large, or, to promote the general interest of the Territory so well, as to provide by law for the appointment of three disinterested men, of known integrity and weight of character, and to vest them with authority to take the subject into consideration, and to fix upon a place for the seat of Government of the Territory; and their report being returned to the Secretary of the Territory, that such report shall be considered conclusive, and the public buildings erected at the place provided for in such report.

I am clearly of the opinion that the foregoing is the only method by which the seat of Government of the Territory can be satisfactorily established. By this method, the interest of every part of the Territory will be consulted, and strict justice administered to the whole; and with this impression, I urge it upon your consideration, and solicit a calm and impartial investigation of the same.

Gentlemen, the foregoing suggestions embrace such acts as are deemed indispensible to the organization of the Territory. There are doubtless many other subjects of a more local character, that will present themselves to your consideration.

The compilation and enactment of a complete code of laws, particularly adapted to our situation and interest, would require more time and deliberation. than is allotted to the Legislative Assembly during its session. And, indeed, experience has taught us, that it is impracticable to digest, report, and enact a complete code of laws during the session of a Legislative body.

I would therefore suggest for your consideration, as a subject of the greatest importance to the future prosperity of the Territory, the appointment of a committee not to exceed three persons, of known legal experience and weight of character, to digest and prepare a complete code of laws during the recess of the Legislature, and to report them for consideration and enactment at the ensuing session. By pursuing this methed, in the course of two years we will be released from the ambiguity of existing laws, and our system of jurisprudence will be established upon a firm foundation, peculiarly adapted to the situation, interests, habits, and wants of our citizens.

When we consider the general liberality of the present government heretofore manifested towards her minor children, we may reasonably anticipate that the same liberality will be extended to her youngest daughter, Iowa. I therefore suggest the expediency

of respectfully memoralizing Congress to grant to the Territory an appropriation sufficient to erect a Penitentiary in the Territory, for the confinement of convicts that may be sentenced for a violation of the penal laws of the Territory, as well as those who may be convicted for a violation of the laws of the United States. Also respectfully to ask an appropriation of land for literary purposes, equal to the grant made last session to the Territory of Wisconsin.

An appropriation of five thousand dollars was made by Congress to be expended, under the direction of the Governor, in the purchase of a library for the Territory. Previous to leaving Ohio, in June last, (with the assistance of several literary friends,) I made out a catalogue of such standard works as are deemed most important as the foundation of a public library, and put the catalogue into the hands of an agent in Cincinnati to make the purchase for me. Those books that could be procured in the western country, have been purchased and have been at Cincinnati for some time, waiting to be forwarded the first rise of water in the Ohio river. By advices from Cincinnati I learn that the agent has been for some time in the eastern cities, where he will complete the purchases to the extent of the appropriation. As soon as the Ohio river is navigable, we may expect the arrival of those books that have been purchased, and the remainder of the library as soon thereafter as practicable.

When engaged in purchasing maps for the Territory in Cincinnati, in July last, Dr. O. Fairchild, of said city, presented me with a valuable set of maps, which are now in my possession, and which I present as a present from him to the library of the Territory.

As the library is expected in a short time, I would suggest the propriety of passing a law to provide for the appointment of a librarian, to define his duties, and to regulate the library. As soon as the library arrives a catalogue of the books shall be immediately laid before you.

On the 1st of September last, Dr. James Davis was appointed a Commissioner under the provisions of an act of Congress passed the 18th of June 1838, entitled "An act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked"—who proceeded soon after his appointment in conjunction with A. M. Lea Esq., the Commissioner on the part of the United States, to the discharge of the duty assigned them, but has not yet reported their progress to this department. Should a report be received during the session of the Legislative Assembly it shall be immediately communicated to you. The Governor of Missouri did not consider himself authorized to appoint a Commissioner under the late act of Congress until after the meeting of the Legislature of that State.

The appropriation made by Congress for the support of the government of the Territory of Iowa for the year 1838, is $24,675. This includes the salaries of the Governor, Secretary, Chief Judge, Associate Judges, District Attorney and Marshal—the pay and mileage of the Members of the Legislative Assembly of the

Territory and the expenses thereof; printing the laws, taking the census, and other incidental and contingent expenses of the Assembly and Territory. (See late laws of the U. S, page 112.)

The salaries of the officers of the Territory as fixed by law, and the contingent fund of the Governor, amount to 8,950 dollars—which leaves a balance of 15,725 dollars to defray the expenses of the Legislative Assembly—printing, stationery, fuel, house rent and all other incidental expenses of the Territory.

In disbursing the appropriation, we should avoid parsimony in its application to defray necessary expenses; but at the same time should use *strict economy*, and be careful in our expenditures never to exceed the appropriation made by Congress.

Gentlemen of the Council, the act of Congress establishing the Territorial government of Iowa vests in the Executive and Council the power of appointining all judicial officers—Justices of the peace, Sheriffs and Militia officers (except those of the staff) and other civil officers that are not elective by the people. The Executive is vested with the nominating and the Council with confirmative power. The power of appointing to office is one of the most delicate and responsible character; and as the concurrence of the Executive and Council are required to give validity to appointments under the Territorial authority, I deem it my duty to state to you distinctly in the commencement of our political organization the principles by which I shall be governed in nominating individuals for the various offices in the Territory.

I shall at all times pay a due respect to recommendations; but cannot conscientiously nominate to office any individual of *bad moral character*, or, that may be addicted to *intemperance* or *gambling*, if known to me. These vices are so contaminating in their character, that all public officers in my opinion should be clear of even a suspicion of being addicted to them.

Gentlemen of the Legislative Assembly, the charter of our Territorial government declares that the Legislative power shall be vested in the Governor and Legislative Assembly. The Executive is vested with advisary and restraining powers, and the Legislative Assembly with deliberative and enacting powers. The concurrence of both the Executive and Legislative departments becomes necessary under our organization to give validity to Legislative enactments.

This being the case, I have in discharge of a conscientious duty promptly recommended to your consideration such measures as I deemed to be most expedient, and think it proper to state to you at the commencement of our Legislative proceedings, that I shall at all times take pleasure in concurring with you in acts that tend to advance the general interests of the Territory, and the prosperity of the people;—but at the same time will be compelled to withhold my assent to such acts, or proceedings, as I may conscientiously for the time being believe to be prejudicial to the public good.

That the spirit of wisdom and harmony may control all our deliberations and direct our efforts to the promotion of the general prosperity of the Territory—the establishment of good order, and

the security of the peace, prosperity, and happiness of the people —is the sincere prayer of your fellow citizen and obedient servant,

ROBERT LUCAS.

Iowa Territory, Burlington, Nov. 12, 1838.

The Speaker pro. tem. then proceeded to call over the names of the members of the House, declared by the proclamation of the Governor to be duly elected to the House of Representatives, viz:

William Patterson, Hawkins Taylor, Calvin J. Price and James Brierly, from the county of Lee.

James Hall, Gideon S. Bailey and Samuel Parker, from the county of Van Buren.

William G. Coop, William H. Wallace and A. B. Porter from the county of Henry.

James W. Grimes, George Temple, Van B. Delashmutt, Thomas Blair and Cyrus S. Jacobs, from the county of Des Moines.

John Frierson, William L. Toole, Levi Thornton and S. C. Hastings, from the counties of Muscatine, Louisa and Slaughter.

Robert G. Roberts, from the counties of Cedar, Jones, Linn and Johnson.

Laurel Summers and Samuel R. Murry, from the counties of Scott and Clinton.

Chauncey Swan, Andrew Bankson, Thomas Cox and Hardin Nowlin, from the counties of Jackson, Du Buque and Clayton.

The following members answered to their names, viz:

Messrs. Bankson, Bailey, Brierly, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Hastings, Nowlin, Patterson, Porter, Price, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace.

On motion of Mr. Frierson,

Resolved, That a committee of three be appointed to draft rules for the government of the House, and that they be instructed to report the same to this House to-morrow.

Whereupon Messrs. Frierson, Nowlin and Wallace were appointed said committee.

On motion,

The House adjourned until to-morrow at 10 o'clock, A. M.

Tuesday, November 13, 1838.

The House met at 10 o'clock.

Mr. Frierson from the committee appointed to draft rules for the government of the House, asked leave for an extension of time, which was granted.

On motion of Mr. Nowlin,

The House proceeded to the election of Speaker, Messrs. Now-

lin and Porter acting as tellers. The members then proceeded to ballot, which resulted as follows:

For Willian H. Wallace,	11	votes.
" John Frierson,	4	"
" Thomas Cox,	2	"
" Andrew Bankson,	1	"
" James W. Grimes,	1	"
Blank,	1	

Mr. Wallace, having received a majority of the whole number of votes, was declared to be duly elected Speaker, and was conducted to the chair by Messrs. Nowlin and Grimes, when he returned his thanks in the following manner:

GENTLEMEN—Permit me to return you my thanks, for the distinguished honor you have been pleased to confer upon me. It is peculiarly gratifying, particularly so, to one whose age and experience are no greater than my own, to be selected to preside over the chosen of a free and intelligent people. To be honored with the privilege of being associated with the members of this body, was the summit of my expectations and ambition; then how much more deeply must I feel the sense of obligation, under which your kindness has placed me. It is but just that I should inform you now, that I will probable be driven to the necessity of drawing largely upon your patience and forbearance; and will be happy at all times, to avail myself of the greater experience, superior abilities, and better judgment of those with whom it is my pride to be associated. It is with pleasure that I see around me indications of a disposition on the part of all, to aid and co-operate freely and harmoniously, in all things having a tendency to advance the interest and prosperity, of our newly adopted country. I will meet the task before me, gentlemen, with the little firmness and ability I possess, trusting that no dissentions, no personal feelings nor party strife, will be engenered here, or suffered to come within these walls, to mar the good fellowship and order, upon which depends a speedy and useful discharge of our duties to our constituents.

Once more, gentlemen, I tender you my thanks, with the assurance that the duties of the chair shall be discharged, as far as my abilities will permit, faithfully and impartially.

On motion of Mr. Summers,

The House proceeded to the election of Chief Clerk. Mr. Nowlin nominated Joseph T. Fales; Mr. Temple, Henry W. Moore; and Mr. Frierson, Jonathan E. Fletcher. Messrs. Toole and Taylor were appointed tellers.

The following is the result of the balloting:

Joseph T. Fales.	14	votes,
Henry W. Moore,	4	"
Jonathan E. Fletcher,	3	"

Mr. Fales was declared to be duly elected, who came forward and was qualified.

On motion of Mr. Cox,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met pursuant to adjournment.

The Secretary of the Council was introduced, and informed the House, that the Council had adopted the following resolution, in which they asked the concurrence of this House.

Resolved, That a committee of three be appointed to act in conjunction with a similar committee of the House of Representatives, in framing the necessary rules for the government of the intercourse between the two Houses, and that the Secretary inform the House of Representatives of the same.

Messrs. Clarke, Hepner and Keith, were appointed the committee on the part of the Council.

Mr. Samuel Parker, member elect from the county of Van Buren, arrived, and having been qualified, was, on motion of Mr. Hall, admitted to take his seat as a member of this House.

On motion of Mr. Nowlin,

The House proceeded to the election of the remainder of the officers.

Mr. Thornton nominated Saurin Jenners for Assistant Clerk.
Mr. Toole nominated R. W. Gray.
Mr. Temple nominated H. W. Moore.

The Speaker appointed Messrs. Patterson and Brierly tellers.

On counting the ballots, it appeared that Saurin Jenners had received 14 votes; H. W. Moore, 4 votes; R. W. Gray 1 vote.

Mr. Jenners was therefore declared to be duly elected, and came forward and was sworn into office.

The House then preceeded to the election of Transcribing Clerk.

Mr. Thornton nominated J. S. Rinearson.
Mr. Toole nomintated Moses Couch.
Mr. Temple nominated William P. Cowperthwait.
Mr. Frierson nominated R. W. Gray.

The Speaker appointed Messrs. Price and Summers tellers.

On counting the ballots it appeared that J. S. Rinearson had received 11 votes; M. Couch received 4 votes; R. W. Gray 3 votes; W. P. Cowperthwait 2 votes, blank 1.

Mr. Rinearson was declared to be duly elected and sworn into office.

Mr: Summers nominated L. Parkhurst for Enrolling Clerk.
Mr. Delashmutt nominated W. R. Ross.

The Speaker appointed Messrs. Bailey and Toole tellers.

On counting the ballots it appeared that Mr. Parkhurst had received 12 votes; Mr. Ross 5 votes; and Mr. Stoddard 3.

Mr. Parkhurst was therefore declared to be duly elected, and was sworn into office.

Mr. Mowlin, nominated Eli Stoddard for engrossing clerk; Mr. Temple nominated Barton T. David.

The Speaker appointed Messrs. Coop and Delashmutt tellers.

On counting the ballots it appeared that Eli Soddard had received 15 votes; B. T. David 4 votes; blank 1.

Mr. Stoddard was declared to be duly elected and sworn into office.

Mr. Hall nominated S. W. Summers, for Sergeant-at-Arms.
Mr. Temple nominated J. W. Webber.
Messrs. Swan and Hall, were appointed tellers.

On counting the ballots it appeared that Mr. Summers had received 16 votes; and Mr. Webber 5 votes.

Mr. Summers was declared to be duly elected and accordingly sworn into office.

Mr. Thornton nominated P. D. Smith for Messenger.
Mr. Nowlin nominated C. E. Stone.
Mr. Delashmutt nominated B. Foutz.

Messrs. Thornton and Temple, were appointed tellers.

On counting the ballots, it appeared that Mr. Smith had received 4 votes, Mr. Stone 15 votes, Mr. Foutz 2.

Mr. Stone was therefore declared to be duly elected, and accordingly sworn into office.

Mr. Cox nominated John R. M'Donald for Assistant Messenger.
Mr. Nowlin nominated John B. Whiteside.
Mr. Delashmutt nominated John Lorton, Jr.
Mr. Grimes nominated S. M. Thompson.
Mr. Toole nominated John Delashmutt.

Messrs. Parker and Porter were appointed tellers.

On counting the ballots, it appeared that Mr. M'Donald had received 5 votes, Mr. Whiteside 11 votes, Mr. Lorton 3 votes, and Mr. Thompson 2.

Mr. Whiteside was declared to be duly elected, and was sworn into office.

Mr. Bailey nominated R. D. Barton for Door-keeper.
Mr. Temple nominated John C. Sleeth.

Messrs. Bankson and Cox were appointed tellers.

On counting the ballots it appeared that Mr. Barton had received 11 votes, Mr. Sleeth 5 votes, Mr. Parker 2 votes, R. D. Barton 1, R. T. Barton 1, blank 1.

Mr. R. D. Barton was declared to be duly elected.

Mr. Nowlin nominated George Moffit for assistant Door-keeper.

Messrs. Taylor and Toole were appointed tellers.

On counting the ballots it appeared that Mr. Moffit had received 16 votes, Mr. Sleeth 1, blank 1.

Mr. Moffit was therefore declared to be duly elected, and was sworn into office.

Mr. Thornton nominated Mr. Dupont for fireman.

The Speaker appointed Messrs. Summers and Hall tellers. On counting the ballots Mr. Dupont had 13 votes, blank 8.

Mr. Dupont was declared to be duly elected and was sworn into office.

Mr. Frierson offered the following resolution which was adopted.

Resolved, That one thousand copies of the Governor's message be printed.

Mr. Summers offered the following resolution which was adopted.

Resolved, That a committee of two be appointed on the part of House. to act with a similar committee of the Council, to wait on the Rev. Mr. Reynolds, and request him to open the present session of the Legislature by solemn prayer, to-morrow morning at 10 o'clock.

The Speaker appointed Messrs. Summers and Hall the committee on the part of the House.

Mr. Frierson offered the following resolution, which was adopted.

Resolved, That a committee of three be appointed to act in conjunction with a similar committee appointed by the Council to prepare joint rules regulating the intercourse between the two houses.

The Speaker appointed Messrs. Frierson, Bankson and Grimes said committee.

On motion of Mr. Nowlin,

The House adjourned until to-morrow morning at 10 o'clock.

Wednesday, November 14, 1838.

The House met pursuant to adjournment.

Mr. Grimes presented the credentials of Thomas Blair, as a member elect from the county of Des Moines, who being qualified was permitted to take his seat as a member of the House.

On motion of Mr. Bailey,

Mr. Barton was introduced to the House, and sworn in as Doorkeeper.

A message was received from the Council by the Secretary thereof as follows:

The Council have instructed me to inform the House, that they concur in the resolution of the House, requesting the Rev. Mr. Reynolds to open the present Legislature by solemn prayer, that they have appointed a committee to act in conjunction with the committe of the House, and are now ready to repair to the hall of the House.

Mr. Summers moved to appoint a committee to wait upon the Council, and request the members to assemble in the hall of the House of Representatives, to attend solemn prayer by the Rev. Mr. Reynolds. Agreed to, and

Messrs. Summers and Parker were appointed said committee.

The members of the Council were announced, and taking the seats assigned them, the Throne of Grace was addressed by Mr. Reynolds; after which the members of the Council retired.

Mr. Frierson from the committee on standing rules, reported a set of Rules which were read and adopted.

[See Appendix, Document No. 2.]

Mr. Swan offered the following resolution:

Resolved, That the following standing committees be appointed: Judiciary, Common Schools, Internal Improvements, Militia, Claims, Enrollments, Expenditures, Territorial Affairs, Roads and Highways, and Elections. which was adopted.

On motion of Mr. Nowlin,

Resolved, That one hundred copies of the Organic Law be printed for the use of this House.

The following communication was received from the Secretary of the Territory—

Secretary's Office,
Nov. 13, 1838.

To the Honorable the Speaker of the House of Representatives of the Territory of Iowa,

Sir—Having consulted with His Excellency Governor Lucas, on the subject of public expenditures, I am authorized to entertain serious doubts as regards the sanction which the exercise of my discretion might receive, in making provisions for the prosecution of the public business.

It is therefore respectfully submitted—whether a special Act or resolution of the Legislative Assembly, regulating my discretion in the premises would not be advisable? than which nothing would be more in accordance with my earnest desire.

With due consideration, your ob't ser'vt.

WM. B. CONWAY,
Secretary of the Territory.

On motion of Mr. Grimes,

Resolved, That the Secretary of the Territory be requested and instructed to provide a sufficient quantity of stationery for each and every member of this House, and the Chief Clerk of the same, including drafting paper, letter paper, wrapping paper, pen-knives, paper-knives, letter stamps, wafers, sealing wax, tape, twine and ink; together with every thing which shall contribute to the convenience, comfort and gentility of the House.

Mr. Grimes presented the memorial of J. A. Birchard Jr, contesting the election of Samuel R. Murry, which was referred to the following select committee, viz:—Messrs. Grimes, Summers, Bankston, Hall, and Nowlin.

On motion of Mr. Summers,

Resolved, That each member of the House of Representatives, be furnished with twenty copies of the Iowa Territorial Gazette, as often as it may be published during the session of the Legislature, and that the editors of that paper be furnished with a copy of this resolution.

On motion of Mr. Grimes,

Resolved, That the Judges of the Supreme Court, be requested to present to this House during the present session, for its action upon the same, such bills for this Territory as they should deem necessary for adoption.

On motion of M. Cox,

Resolved, That a select committee of three be appointed on printing.

The speaker appointed Messrs. Cox, Coop and Thornton, said committee.

On motion of Mr. Bailey,

Resolved, That the clerk inform the Council that the House of Representatives has met, formed a quorum, elected its officers, and is now ready to proceed to legislative business.

On motion of Mr. Temple,

Resolved, That as a mark of respect for the memory of Cyrus S. Jacobs, late a member elect of this House, the members will wear the usual badge of mourning for the space of thirty days.

On motion of Mr. Swan, the House adjourned.

Thursday, November 15, 1838.

The House met pursuant to adjournment.

The Speaker appointed the following standing committees:

On Judiciary—Messrs. Grimes, Hastings, Nowlin, Hall, and Summers.

On Common Schools—Messsrs. Bailey, Toole, Taylor, Coop and Roberts.

On Internal Improvements.—Mossrs. Cox, Patterson, Porter and Temple.

On the Militia—Messrs. Hall, Thornton, Bankson, Coop and Cox.

On Claims—Messrs. Taylor, Parker, Blair, Swan and Summers.

On Enrollments—Messrs. Price and Toole.

On Expenditures—Messrs. Patterson, Nowlin, Taylor, Porter and Delashmutt.

On Territorial Affairs—Messrs. Nowlin, Temple, Bankson, Brierly and Swan.

On Roads and Highways.—Messrs. Summers, Roberts, Cox, Price and Coop.

On Elections.—Messrs. Temple, Thornton, Toole, Grimes and Hastings.

On motion of Mr. Grimes,

Resolved, That the Governor, Secretary of the Territory, Members of Council, Judges of the Supreme Court, Editors or Reporters of the different newspapers in the Territory, and former members of either branch of the Wisconsin Legislature, be respectfully invited to take seats within the bar of this House.

On motion of Mr. Frierson,

Resolved, That the Chief Clerk of this House, be directed to cause locks to be affixed to each of the desks in this hall, which is not already furnished with one.

On motion of Mr Frierson,

Resolved, that a committee of five be appointed, with instructions to report "A bill to provide for organizing the Legislative Assembly, and compensating its officers."

The Speaker appointed Messrs. Frierson, Grimes, Taylor, Summers and Porter said committee.

Mr. Bailey offered the following resolution:

Resolved, by the House of Representatives, (the Council concuring herein) that there be a committee of five appointed, to act with a similar committee on the part of the Council, to enqure into the expediency of curtailing the number of the officers of both Houses, and that that committee report what offices shall be vacated.

On motion of Mr. Cox,

The above resolution was laid upon the table.

Mr. Frierson from the joint committee to prepare rules to regulate the proceedings between the two Houses, reported the same, which were read and adopted.

[See Appendix, Document No. 2.]

On motion of Mr. Hastings,

Robert G. Roberts, member elect from the counties of Cedar, Jones, Linn and Johnson, appeared, was qualified and permitted to take his seat.

Mr. Brierly offered the following resolution.

Resolved, That a committee be appointed to draft and revise a code of laws for the Territory of Iowa, which

On motion of Mr. Grimes, was laid upon the table.

On motion of Mr. Swan,

Resolved, That that part of the Governor's message which relates to Finance, be referred to the committee on Expenditures.

Mr. Grimes, from the committee to whom was referred the memorial of Jabez A. Birchard Jr., asked for instructions from the House.

On motion of Mr. Frierson,

Resolved, That one hundred copies of the standing, and joint rules

as adoptedby this House, be printed for the use of the members thereof.

On motion of Summers,

Resolved, That the committee to whom was referred the memorial of J. A. Burchard, Jr., have further time to make their report.

Mr. Grimes gave notice that he should on to-morrow, bring in a bill relative to pleas in abatement, and the abatement of suits by the death of parties.

On motion of Mr. Bankson,

The House resolved itself into a committee of the whole, Mr. Nowlin in the chair, for the purpose of taking into consideration the Governor's Message, which was referred to the appropriate standing committees, after which the committee rose and reported the same, and asked the concurrence of the House.

The report of the committee was concurred in.

On motion of Mr. Bailey,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

On motion of Mr. Cox,

Resolved, That so much of the Governor's message as relates to establishing the seat of government, be referred to the committee on Territorial Affairs.

On motion of Mr. Swan,

Resolved, That the chief Clerk of this House be directed to make an arrangement with the Post master of this place, for the payment of all postage on letters and papers, sent to and from the House during its session.

On motion of Mr. Summers,

Resolved, That twenty-six copies of so much of the election law of Wisconsin as relates to contested elections, be printed for the use of this House.

On motion of Mr. Nowlin,

Resolved, (The Council concurring herein,) that the enacting clause of all laws passed by the Legislative Assembly of Iowa. shall be as follows:—'Be it enacted by the Council and House of Representatives of the Territory of Iowa.'

On motion of Mr Grimes,

Resolved, That the Secretary of the Territory be requested to furnish three sectional maps of the Territory of Iowa, for the use of this House.

On motion of Mr. Frierson,

Resolved, That the Judiciary committee be instructed to bring in a bill to authorized the Legislative Assembly to punish for contempt, and privilege the members from arrest.

On motion of Mr. Grimes,

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a territorial

road as near as practicable, on the line dividing townships 69 and 70, from Burlington in Des Moines county, through Keosaqua in Van Buren county, to the line of the State of Missouri.

The House adjourned.

Friday, November 16, 1838.

On motion of Mr. Frierson,

Resolved, That a standing committee on townships and county boundaries, be appointed by the Speaker.

Messrs. Frierson, Hall, Summers, Coop and Bankson were appointed said committee.

Mr. Cox from the committee on printing, made a report, which on motion of Mr. Bankson, was for the present laid upon the table.

On motion of Mr. Frierson,

Resolved, That so much of the Governor's message, as relates to townships, be referred to the committee on townships and county boundaries.

On motion of Mr. Swan,

Resolved, That a standing committee on incorporations be appointed by the Speaker.

Messrs. Swan, Grimes, Bailey, Hastings and Roberts, were appointed said committee.

On motion of Mr. Hastings,

Resolved, That the committee on roads and highways be instructed, to inquire into the expediency of establishing a territorial road from the town of Bloomington through West Liberty, in the county of Muscatine, to the town of Napoleon, the seat of justice for the county of Johnson.

On motion of Mr. Nowlin,

Resolved, That Ministers of the Gospel who may visit this place during the sittings of the Legislature, be invited to take seats within the bar of this House at pleasure.

On motion of Mr. Frierson,

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a territorial road on the best practicable route from Bloomington Muscatine county *via* Rochester in Cedar county, to the county seat of Linn.

Mr. Grimes, according to notice previously given, reported bill No. 1, H. R. File, entitled "A bill relative to pleas in abatement and the abatement of suits by the death of parties," which was read a first time and ordered to be printed.

The following message was receivied from the Council by their Secretary:

Mr. Speaker:—I am instructed by the Council to inform the House that they have concurred in the form of the enacting clause to all laws passed by the Legislative Assembly of Iowa.

On motion of Mr. Cox,

Resolved, That a committee be appointed by the Speaker to borrow from the gentlemen of the bar of this city, as well as other citizens, such books as may be useful to the different standing committees in drafting laws, &c.

Messrs. Cox, Temple, and Delashmutt, were appointed said committee.

On motion of Mr. Coop,

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of laying out a territorial road, commencing at the city of Burlington, leading to the Indian Agency on the Des Moines river by way of Mount Pleasant, from thence to Roam, from thence to Lockridge, from thence to Smith's crossing on Big Cedar, from thence to the Indian Agency on the Des Moines river.

On motion of Mr. Bailey,

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of so changing the law, defining the duties of Constables, as to make it their duty to take delivery bonds, and said committee to report by bill or otherwise.

On motion of Mr. Hastings,

Resolved, That Messrs. Clark and McKenney, publishers of the Territorial Gazette, be employed to print on slips, daily, copies of the Journal of the proceedings of the House, for the use of the members; and that one copy be furnished for each member of the House; one copy for his Excellency the Governor, and the Secretary of the Territory, and to publish the same in the Gazette, and to do such other printing as may be required during the present session; and that they be paid such prices for the same, as is paid the printers to Congress for similar work.

On motion of Mr. Parker,

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending, or repealing all laws now in force in the territory of Iowa, for the stay of Executions, and they have leave to report by bill or otherwise.

The following resolution was offered by Mr. Nowlin:

Resolved, By the Council and House of Representatives of the Territory of Iowa, that Messrs Russell and Reeves, publishers of the Iowa News, at Dubuqe, be employed to print the laws which may be passed at the present session of the Legislative Assembly, and that they be allowed the prices that were given by the Legislature of Wisconsin for the same. Which, on motion of Mr. Hastings, was laid on the table.

On motion of Mr. Hall,

Resolved, That each standing committee of this House be furnished with one copy of the laws passed by the Legislative Assembly of the Territory of Wisconsin at their last session.

On motion of Mr. Bailey,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of locating a Territorial road on the north of the Des Moines river, commencing at the town of Keokuck, on the Mississippi river, running thence to Farmington in

Van Buren county, thence to Lexington, thence to Bentonsport, thence to Columbus, thence to Philadelphia, and thence to the Indian agency on the Des Moines river.

On motion, the House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

Mr. Blair offered the following resolution:

Resolved, That James G. Edwards be employed to print the laws of this territory, which may be passed during the present session of the Legislature, and the concurrence of the Council is asked herein.

On motion of Mr. Hastings the said resolution was laid on the table.

The following communication was received from the Secretary of the Territory:

SECRETARY'S OFFICE,
Nov. 15, 1838.

To the Honorable WILLIAM H. WALLACE, Speaker of the House of Representatives:

SIR,—A resolution adopted by the House of Representatives on the 14th inst., requiring of the Secretary of the Territory the performance of certain duties, involving the expenditure of money, was transmitted to this department, and as a precautionary measure, the said resolution was submitted to his Excellency Governor Lucas for the purpose of amicable consultation: whereupon it was suggested that the said resolution did not possess sufficient authority to justify the expenditures therein required.

For this reason the subject is again referred to the consideration of the Honorable the Legislative Assembly.

On the 13th inst. a communication was respectfully submitted to the Honorable the Legislative Assembly, by this Department of the Territorial Government, calling the attention of both branches of the Legislature to the subject of expenditures and disbursements constituting a class of duties and responsibilities with which the Secretary of the Territory is in a special manner connected by the provisions of the Organic Law.

The communication of the 13th inst. from this department, resulted from a consultation which the Secretary had then recently held with his Excellency, the Governor, and to which a respectful reference was made.

To advise with the Executive in all matters relating to the public interest, is esteemed by me as a pleasing duty, and whilst I would preserve all proper distinctions between our respective functions and responsibilities, it will always afford me great satisfaction to be able to concur in what he may deem it his province to suggest and recommend.

Whatever may be the binding force of precedents, in courts of law or equity, the fact is sufficiently apparent, that the Legislative Assembly must be governed by their own judgment and discretion, regulated and enlightened by the fundamental law under the authority of which they conduct their deliberations, and from which their enactments derive validity; and therefore although much respect

may be due, and consequentl7 paid, to the history of legislation in other States and Territories, still it is conceived that an officer of the Government of Iowa, can derive no authority from proceedings which were had under a distinct and foreign jurisdiction. A plain, explicit, and positive definition of rights, duties and responsibilities, is a prominent feature in our equitable and admirable institutions; and any departure from the principle, thus indicated, tends directly to confusion, and to the countless evils which confusion so infallibly begets.

The Secretary is exceedingly anxious to avoid the causes and the consequences of confusion.

The eleventh section of the act of Congress, of the 12th of June, 1838, which is properly regarded as our Territorial charter, after providing a contingent fund "to be expended by the Governor," contains the following provision, to wit:

"And there shall be appropriated annually a SUFFICIENT SUM, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legislative Assembly, the printing of the laws and other incidental expenses, and the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States, for the manner in which the aforesaid sum shall have been expended."

This is the law of the land,—and it contains in my estimation, the following substantial provisions, to wit:

1. That money shall be appropriated, annually, by the Congress of the United States, for the purpose of defraying the expenses of the Territorial Government of Iowa.

2. That this money thus appropriated, shall be in a "sufficient sum" to accomplish the purposes intended by the act of Congress.

3. That this money shall be expended by the Secretary of the Territory, upon an estimate to be made by the treasury department of the United States.

4. That the object of the appropriation, is to defray the expenses of theLegislative Assembly, the printing of laws, and other incidental expenses.

5. That the Secretary of the Territory is bound to ACCOUNT annually, to the Treasuay Department at Washington city, for the manner in which he shall have expended this money; which, as the law provides, shall be *a* SUFFICIENT SUM, and the Secretary is bound in a highly penal bond together with approved securities, for the faithful performance of this responsible and delicate trust.

6. The expenditure of money, in the absence of a direct appropriation by law, cannot, as I have been duly assured, receive the executive sanction, inasmuch as this preliminary requirement is discernable in every ramification of our Republican Government.—That we are bound to limit our neoessary and proper expenditures by the Congressional appropriation, is an opinion from which I feel reluctantly constrained to withhold my assent; nor can I object, upon mature consideration, to the instructions contained in the resolution of the Honorable the House of Representatives, already referred to, inasmuch as I deem it highly important to promote the com-

fort, convenience and dignity, of those who are convened in public deliberations. To advance these objects and at the same time, to prevent the clashing of separate jurisdictions, and to avoid the assumption of doubtful or dangerous responsibilities, it is respectfully submitted, whether a general law should not be enacted by the Legislative Assembly, providing in specific terms, for the disbursement of the public money, by the Secretary of the Territory, containing instructions on the following heads:

1. Providing for the manner in which each House of the Legislature shall be furnished.

2. Providing for the number of clerks and other officers in each House, and specifying their *per diem* compensation.

3. Providing for the franking of letters, documents, &c. specifying the official characters who shall possess that privilege, how long it shall be enjoyed, and to what extent.

4. Providing for the form of a certificate of service for the members, clerks, and other officers of each branch of the Legislature; and how such certificate shall be authenticated with a clause requiring the Secretary to pay the same.

5. Providing for the payment of printers; stating how their accounts shall be authenticated, including the clause relating to payment.

6. Providing for the payment of *rent*; specifying the *amount* to be paid for the building occupied by the Legislative Assembly, during its present session.

7. Providing for the allowance of a sufficient sum, for the rent and furniture of the Governor's office, and the rent and furniture of the office of the Secretary, together with a sufficient sum to pay the perquisites of the latter, in preparing the laws and superintending their publication and distribution—allowing him a frank at all times, for letters and documents to every part of the Territory.

An act of the Legislative assembly, embracing the foregoing or similar provisions, with a general clause relating to accounts, appears to be absolutely necessary for the successful prosecution of the public business; and the propriety of making the suggested enactment at an early day, is a fact which cannot escape the vigilant observation, of the Honorable the Legislative Assembly. Accounts are being daily presented to the Secretary for allowance and payment, and he is left without a specific appropriation to regulate his disbursements. Persons are frequently disappointed in their application for money, and there is a constant demand for explanations and apologies. This should not be so. Why not make a specific appropriation at once, that our territorial organization may be well understood; the number of officers known, their respective duties designated and the amount of their compensation declared by law? That this will be done in due manner and form by the Legislative authorities, the Secretary of the Territory is not disposed to doubt; and he would take this occasion to assure the Honorable the Legislature, that nothing within the scope of his proper authority will be omitted, which can in any wise contribute to the comfort, convenience, and dignity of their highly responsible proceed-

ings; and he will conclude by expressing the high consideration with which he is their respectful and obedient servant,

And yours,

WM. B. CONWAY,

Secretary of the Territory.

Which, on motion of Mr. Frierson, was referred to the committee appointed yesterday, to bring in "A bill to provide for organizing the Legislative Assembly, and compensating its officers."

Mr. Summers offered the following resolution:

Resolved, That Messrs Clarke and McKenney, publishers of the Iowa Territorial Gazette in this city, be employed to print the journal of the proceedings of the House of Representatives in pamphlet form, and that they be paid the same prices as are paid to the printers of Congress for such work.

Mr. Cox moved to amend the resolution by adding—"and that Russel and Reeves of Dubuque, be employed to print the laws passed at the present session on the same terms."

Mr. Summers accepted the amendment.

Mr. Grimes moved to amend the resolution as amended, as follows—strike out Russell and Reeves of Dubuque, and insert James G. Edwards of Burlington.

The House would not agree to the amendment of Mr. Grimes.

The question then recurred on the original resolution as amended by Mr. Cox, on which question the yeas and nays were called for and were as follow:

Yeas—Messrs. Bankson, Bailey, Coop, Cox, Frierson, Hastings, Nowlin, Porter, Roberts, Summers, Swan, Temple, Toole, —13.

Nays—Messrs. Blair, Brierly Grimes, Hall, Patterson Parker, Price, Taylor, Thornton and Wallace, Sp'r—10.

So the resolution was adopted.

On motion of Mr. Patterson,

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a territorial road from the town of Fort Madison, on the Mississippi river, by the way of West Point to the Indian Agency on the Des Moines river.

On motion of Mr. Toole,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of bringing in a bill to establish a territorial road leading from Burlington to Dubuque, on the nearest and most practicable ground, via Black Hawk, Louisa county, Bloomington, Wyoming, mouth of Pine, Muscatine county, Buffalo, Rockingham, Davenport, Parkhurst, Elizabeth city. Scott county, Camanche, New York, Lyons, Clinton county, and Charleston and Bellview, in Jackson county.

Mr. Hastings asked leave to introduce a bill to legalize the acts of Robert G. Roberts, a justice of the peace of the original county

of Du Buque. Leave was granted, and Messrs. Hastings, Bankson, and Nowlin, were appointed the committee to prepare the bill.

On motion the House adjourned.

Saturday, November 17, 1838.

The journal of yesterday was read and corrected.

On motion of Mr. Porter,

Ordered, That the resolution of yesterday respecting printing be reconsidered.

On motion of Mr. Grimes,

Said resolution was laid upon the table, subject to the order of the House.

On motion of Mr. Frierson,

Resolved, That a committee of three be appointed to take into consideration that part of the Governor's message which relates to a Territorial Library, and that they have leave to report by bill or otherwise.

Messrs. Frierson, Taylor and Nowlin were appointed said committee.

On motion of Mr. Roberts,

Resolved, That the committee on Roads and Highways be instructed to enquire into the expediency of locating a Territorial road from Dubuque by way of the seat of justice of Jones county, Rochester in Cedar county, West Liberty in Muscatine, thence to Napoleon, the seat of justice of Johnson county.

On motion of Mr. Bailey,

Ordered, That the resolution adopted yesterday respecting a territorial road from Keokuck on the Mississippi to the Indian Agency on the Des Moines, be reconsidered and laid on the table for the present.

On motion of Mr. Toole,

Resolved, That the committee on Roads and Highways be instructed to enquire into the expediency of bringing in a bill establishing a territorial road, leading from the mouth of the Iowa river (north side) to Mount Pleasant, Henry county, via Wapello, Louisa county.

Mr. Frierson, from the select committee appointed to prepare a bill to provide for organizing the Legislative Assembly and compensating its officers, reported a bill for that purpose, which, on motion of Mr. Grimes, was laid on the table.

Mr. Nowlin moved that said bill be taken up and recommitted, which was agreed to.

Mr. Hastings, from the committee to prepare a bill to legalize the acts of Robert G. Roberts, reported a bill for that purpose, which was read a first time.

The following communications were received from the Secretary of the Territory—

SECRETARY'S OFFICE,
Nov. 16, 1838.

To the Honorable WM. H. WALLACE, *Speaker of the House of Representatives.*

Sir:—I have the honor to acknowledge the receipt of a resolution of the House of Representatives, adopted on the 15th inst. and transmitted this day, requesting the Secretary of the Territory to furnish "three sectional maps of the Territory of Iowa" for the use of the members of said house; in reply to which, I have to inform you, that, after diligent inquiry, I have been unable to comply with the request of your honorable House. I can find but one copy of a sectional map of Iowa in town, and that one is in the office of the Executive, as private property. Intelligence has, however, been informally received, that Mr. Judson, the author of the sectional map of Iowa, is expected here with a large supply of said maps, at, or about, the time of the approaching land sale to be held at this place.

If he should not arrive, Mr. Andrew J. Russell of Scott county, (and now in Burlington) is believed to be well qualified to execute this or any other map, should the Legislative Assembly employ him for that purpose.

If Mr. Judson should not arrive, and the Legislature should decline the appointment of any other person to execute the map, from the copy now here, which might, it is believed, be obtained for that purpose, by the request of the Legislature,—then and in that case, the Secretary will order the maps so specified in the resolution above referred to, from Cincinnati, if directed so to do.

With great consideration,
Your very ob't ser'vt.
WM. B. CONWAY,
Secretary of the Territory.

SECRETARY'S OFFICE,
NOV. 16, 1838.

To the Honorable WM. H. WALLACE, *Speaker of the House of Representatives.*

Sir:—I had this day the honor to receive a resolution adopted by the House of Representatives, in relation to "a badge of mourning" to be provided for and worn by the members, as a mark of their respect for the memory of the much lamented Cyrus S. Jacobs; the requirement of which resolution was promptly complied with, by, Sir, your very

Obedient servant,
WM. B. CONWAY,
Secretary of the Territory of Iowa.

On motion of Mr. Hastings the said communications were laid upon the table.

The following communication was received from the Hon. Cha's. Mason Chief Justice of the Supreme Court, which, together with

Iowa State Library

the accompanying document, was read and referred to the committee on the Judiciary, with instructions to have the same printed.

BURLINGTON, November 16th, 1838.

To the Speaker of the House of Representatives.

SIR,—In compliance with the resolution passed in the House of Representatives on the 14th inst., I herewith present a bill for regulating criminal procedure in Courts of Justice. Having been requested by one of the members of that body to draft such a bill, I had been engaged some time in preparing it and had nearly completed it when the resolution was adopted. As it is not convenient at present to consult with the other judges in relation to this matter, and I am informed it is desirable to have the bill in readiness for legislative action as soon as practicable, I have been induced to present it at once for the disposal of the House.

Yours respectfully,

CHARLES MASON.

On motion of Mr. Cox,

Resolved, That the committee on Territorial affairs be instructed to inquire into the expediency of estabiishing a territorial road, on the mail route established by Congress, from Dubuque, Richfield, Point Pleasant, and Davenport.

Mr. Frierson, from the committee to whom was re-committed the bill to provide for organizing the Legislative Assembly and compensating its officers, made a report accompanied by a bill which was read a first time, and, on motion of Mr. Cox, laid upon the table.

Mr. Grimes offered the following amendment to rule 18th:—In the last line, strike out the word 'twice,' and insert the word 'once,' which amendment lies one day.

On motion of Mr. Hall,

Resolved, That the committee on Internal improvements be instructed to inquire into the expediency of memorializing Congress for an appropriation for the improvement of the navigation of the Des Moines river.

On motion of Mr. Bailey,

Resolved, That before this House contracts for the printing of the laws passed at this session, that the printer employed to do said printing shall be bound in a good and sufficient bond for the prompt delivery of said laws at some reasonable time.

Mr. Nowlin moved to adjourn, which was not agreed to.

On motion of Mr. Summers, the House adjourned until Wednesday next.

Wednesday, November 21, 1838.

The House met pursuant to adjournment.

On motion of Mr. Summers, Samuel R. Murray, member elect from the counties of Scott and Clinton, having been qualified, was admitted to take his seat.

Mr. Grimes presented the petition of sundry citizens of Scott county, praying that the charter of John Wilson be declared forfeited, and that Samuel Barclay be permitted to establish a ferry across the Mississippi river opposite the town of Davenport; which was referred to the committee on Corporations.

Mr. Frierson presented the petition of sundry citizens of Muscatine county, praying that a charter may be granted to Aaron Usher and Thomas M. Groom to establish and keep a ferry across the Mississippi river opposite the town of Wyoming in said county; which was referred to the committee on Roads and Highways.

On motion of Mr. Porter,

Resolved, That the committee on Internal Improvements be instructed to enquire into the expediency of memorializing Congress for an appropriation for the improvement of the navigation of Skunk river.

Mr. Grimes, from the select committee to whom was referred the memorial of Jabez A. Burchard, jr., contesting the seat of Samuel R. Murray, made a report.

[See Appendix, Document No. 3.]

Mr. Summers, from the same committee, made a minority report.

[See Appendix, Document No 4.]

The said reports having been read,

On motion of Mr. Summers, it was ordered, That Samuel R. Murray be granted a reasonable time to send for persons and papers.

On motion of Mr. Frierson, the last motion was reconsidered.

On motion of Mr. Grimes, Mr. Jabez A. Burchard, Jr. was permitted to appear before the House to answer the points on which Mr. Murray claims his seat, after which,

On motion of Mr. Hall,

The papers and documents in reference to the said contested seat were read.

Mr. Summers renewed his motion to grant Mr. Murray further time, when on taking the question it was lost.

Mr. Swan moved that the report of the majority of the committee be concurred in. Said report embraced the following resolution:

Resolved, That the seat now occupied by Samuel R. Murray be, and the same is hereby vacated, and that Jabez A. Burchard Jr. be admitted to take the same as a member of this House from Scott and Clinton counties.

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

Yeas—Messrs. Bankson, Bailey, Coop, Cox, Frierson, Grimes, Hall, Hastings, Nowlin, Patterson, Parker, Porter, Roberts, Swan, and Thornton.—15.

Nays—Messrs. Blair, Brierly, Summers, Taylor, Temple, Toole and Wallace, Speaker—7.

So the report was concurred in.

Mr. Grimes presented the credentials of George H. Beeler, member elect from the county of Des Moines, (to fill the vacancy occa-

sioned by the death of Cyrus S. Jacobs,) who, having been duly qualified, was permitted to take his seat.

Mr. Grimes from the committee on the Judiciary, reported bill No. 4. H. R. file, entitled "A bill regulating criminal proceedings," without amendment.

On motion of Mr. Nowlin,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

Mr Beeler gave notice that he should on Friday next, or at some day thereafter, ask leave to introduce "a bill to organise Probate Courts, and defining the powers and duties of Executors and Administrators."

Messrs. Beeler, Hall and Swan, were appointed the committee to prepare said bill.

On motion of Mr. Hastings,

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the judges of the supreme court be requested to furnish this Legislative Assembly, during its present session, with such bills as will in their opinion form a proper code of jurisprudence for Iowa, and regulate the practice of the courts thereof.

On motion of Mr. Summers,

Jabez A. Burchard, jr. member elect from the counties of Scott amd Clinton, having been qualified, was admitted to take his seat.

On motion of Mr. Nowlin,

Bill No. 3, H. R. file, entitled "a bill to provide for organizing the Legislative Assembly, and compensating its officers," was read a second time, when the House resolved itself into a committee of the whole for the consideration of said bill, Mr. Barkson in the chair. After some time, the committee rose, and by their chairman reported the bill to the House with sundry amendments, in which they asked the concurrence of the House.

The House concurred in the report of the committee.

Mr. Grimes' proposed amendment to the 18th rule was considered, and adopted.

Mr. Frierson from the committee to prepare a bill respecting the Territorial Library, reported bill No. 5, H. R. file, entitled "a bill to provide for the safe keeping and management of the Territorial Library," which was read a first time.

The following message was received from the Council by the Secretary, Mr. Wallace:

Mr. Speaker—

I am instructed by the Council to inform the House of Representatives that they have adopted the following resolution:

Resolved, (if the House of Representatives concur) That Messrs. Russel and Reeves, publishers of the Iowa News, be employed to print the laws which may be passed at the present session of the Legislative Assembly, and that they be allowed the same price for printing the same as is allowed the printers to Congress; and that the said Russel and Reeves be required to enter into bonds, with

good and sufficient security, to the Secretary of the Territory, in the sum of five thousand dollars, to have the same completed by the first day of May, A. D. 1839. And then he withdrew.

Mr. Nowlin moved that the House concur in the above resolution; which was not agreed to.

On motion of Mr. Grimes,

The resolution was laid on the table to be made the order of the day for Saturday next.

On motion of Mr. Grimes,

Bill No 1, H. R. file, entitled "a bill relative to pleas in abatement, and the abatement of suits by the death of parties," was read a second time, when the House resolved itself into a committee of the whole, for the consideration of said bill, Mr. Blair in the chair. After some time, the committee rose and reported the bill to the House with sundry amendments in which they asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Grimes, the House adjourned.

Thursday, November 22, 1838.

Mr. Frierson presented the petition of sundry citizens of Muscatine and Louisa counties, praying for the improvement of the Muscatine Slue, which was referred to the committee on Internal Improvements.

Mr. Summers presented the petition of sundry citizens of Clinton county, praying for an alteration in the boundaries of said county; which was referred to the committee on township and county boundaries.

Mr. Coop presented the petition of sundry citizens of Henry county, praying that a new county may be formed out of the country west of said county; which was referred to the following select committee, viz: Messrs. Coop, Bankson, Porter, Summers and Hall.

Mr. Summers offered the following;

Resolved, That the committee on Internal Improvements be instructed to inquire into the expediency of memorializing Congress for an appropriation for the improvement of the navigation of the Wabesipinacon river.

Mr. Cox moved to amend by adding, 'and also the Big Maquoketa.'

Mr. Hastings moved to amend the amendment, by adding, "and the Cedar fork of the Iowa."

The amendments were agreed to; the question then recurred on the resolution as amended; on putting the question, it was decided in the affirmative.

On motion of Mr. Bailey,

Resolved, That a select committee of three be appointed, to inquire into the expediency of so altering the law relative to the

mode of Sheriffs' collecting taxes, as to authorize them in certain districts of their respective counties, to give notice of the time and place when and where they will attend to receive the amount of taxes due from all persons in said district; and that they report by bill or otherwise.

The Speaker appointed Messrs. Bailey, Nowlin, and Grimes, said committee.

On motion of Mr. Beeler,

Resolved, That a select committee be appointed to memorialize Congress, praying the extinguishment of the Indian title to a portion of their lands within this territory.

The Speaker appointed Messrs. Beeler, Cox, Taylor, Temple and Toole, the said committee.

Mr. Cox gave notice that he would, on Tuesday next, or at some day thereafter, ask leave to introduce a bill defining the duties of county surveyors.

Messrs. Cox, Swan and Summers were appointed the committee to prepare the bill.

M. Hastings gave notice that he would on to morrow, bring in a bill regulating the interest on money and repealing the usury law now in force in the Territory of Iowa.

Messrs. Hastings, Patterson and Brierly, were appointed the committee to prepare the bill.

Mr. Bailey, from the committee on schools, reported bill No. 6, H. R. file, entitled "a bill for the establishment of Common Schools;" which was read a first time by its title and ordered to be printed.

On motion of Mr. Grimes,

Bill No. 4, H. R. file, entitled "a bill regulating criminal proceedings," was read a second time, when the House resolved itself into a committee of the whole for the consideration of said bill, Mr Brierly in the chair. After some time the committee rose, and, by their chairman, reported the bill to the House with sundry amendments, in which they asked the concurrence of the House. The House concurred.

Mr. Cox moved to amend the 93d section of said bill, in 2d line, by striking out the words "or in the penitentiary."—On putting the question, it was decided in the negative.

On motion of Mr. Cox,

The 23d section was amended, by striking out the words "officers appointed by the Governor of this Territory" and "township."

On motion of Mr. Beeler,

The 23d section was amended by striking out the word "or" in the 3d line.

On motion of Mr. Nowlin,

The rule requiring bills to be engrossed, was suspended in reference to the above bill.

The said bill was then ordered to a third reading.

The following message was received from the Council, by their Secretary, Mr. Wallace.

Mr. Speaker,

The Council have passed the accompanying memorial to the Congress of the United States on the subject of furnishing the inhabitants of the Territory with three six pound brass pieces of cannon, carriages and equipments, also one thousand Hall's carbines, with two thousand rifle pistols, cartridge boxes, &c.; one thousand short swords, scabbards, &c. and for the establishment of a depot of arms, in which they ask the concurence of the House—And then he withdrew.

On motion, the House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

On motion of Mr. Hastings,

The House resolved itself into a committee of the whole for the consideration of bill No. 2, H. R. file, entitled "a bill to legalize the acts of Robert G. Roberts, a justice of the peace in and for the original county of Dubuque," Mr. Beeler in the chair. After some time, the committee rose, and by their chairman reported the bill to the House without amendment, in which they asked the concurrence of the House. The House concurred. The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Cox,

The following resolution, which was laid on the table on the 17th inst. was taken up and considered:

Resolved, That Messrs. Clarke and M'Kenny, publishers of the Iowa Territorial Gazette, in this city, be employed to print the journal of the proceedings of the House of Representatives in pamphlet form, and that they be paid the same prices as are paid to the printers to Congress for such work; and that Russel and Reeves of Dubuque be employed to print the laws passed at the present session on the same terms.

Mr. Swan offered the following amendment:

"And that the said Russell and Reeves be required to enter into bonds with good and sufficient security to the Secretary of the Territory in the sum of five thousand dollars to have the same completed and ready for delivery on the first day of May, A. D. 1839," which was agreed to.

Mr. Grimes moved to strike out Russell and Reeves, wherever it occurs, and insert James G. Edwards.

On this question the yeas and nays were called for, and were as follow:

Yeas—Messrs. Blair, Brierly, Grimes, Hall, Patterson, Porter, Price and Taylor.—8.

Nays—Messrs. Bankson, Bailey, Beeler, Burchard, Coop, Cox, Frierson, Hastings, Nowlin, Roberts, Summers, Swan, Temple, Thornton, Toole, and Wallace, Speaker—16.

The question then recurred on the resolution as amended by Mr. Swan; the yeas and nays were called for and were as follow:

Yeas—Messrs Bankson, Bailey, Beeler, Brierly, Burchard, Coop, Cox, Frierson, Hastings, Nowlin, Roberts, Summers, Swan, Temple, Thornton, Toole, and Wallace, Speaker—17.

Nays—Messrs. Blair, Grimes, Hall, Patterson, Porter, Price and Taylor—7

So the resolution was adopted.

The following message was received from the Council by their Secretary, Mr. Wallace:

Mr. Speaker,

I am instructed by the Council to furnish the House of Representatives with the accompanying transcript of a communication received by the Council from the Hon. Wm. B. Conway *Secretary*; also copies of the volumes to which he refers in said communication. And then he withdrew.

SECRETARY'S OFFICE, NOV. 22, 1839.

To the Hon. Jesse B. Browne,

President of the Council:

SIR—The receipt of a resolution adopted by the Honorable the Legislative Council, on the 20th inst., "requesting the Secretary of the Territory to furnish one or more copies of the acts passed by the Michigan Legislature, in 1834 and 5," is hereby respectfully acknowledged.

It is regretted by the Secretary, that he is unable to comply with the precise terms of the resolution in question; but if special reasons exist, which may, in the estimation of the Honorable the Legislative Council, render the laws of Michigan of 1834 '35 peculiarly desirable, the Secretary upon receiving a formal intimation to that effect, will use all due diligence in procuring the same; although it is doubted whether they can be procured and transmitted to this place, in time to render their valuable contents available to the legislature of this Territory, within the period prescribed for the continuance of the session.

It is, however, gratifying to be enabled to transmit, herewith, the Laws of Michigan, of 1837, '38, a copy of which is furnished for the use of each house; together with a copy (also for the use of each house) of the following laws, to wit:

1. The Acts and Resolutions of the second session of the twenty fifth Congress of the United States, 1837 '8.
2. The General and Local Laws of Ohio, 1837 '8.
3. The Laws of Maryland, 1837 '8.
4. The Laws of Pennsylvania, 1837 '8.
5. The Laws of New Hampshire, 1838.
6. The Resolves of the State of Maine, 1838.
7. And (as already stated) the Laws of Michigan, 1837 '8.

The Honorable the President of the Council, is respectfully requested to order the transmission of one copy of each of the foregoing compilations to the Honorable the Speaker of the House of Representatives, accompanied by a transcript of this communication, together with an expression of the highly respectful regard with which I have the honor to be, and remain, your very obedient servant,

WM. B. CONWAY,
Secretary of the Territory.

The House then resolved itself into a committee of the whole for the consideration of bill No. 5, H. R. file, entitled "a bill to provide for the safe keeping and management of the Territorial

Library," Mr. Cox in the chair. After some time the committee rose and, by their chairman, reported the bill to the House with an amendment, in which they asked the concurrence of the House.

The House concurred in the report of the committee.

The bill was then ordered to be engrossed for a third reading.

Mr. Summers moved to reconsider the vote of yesterday, giving Jabez A. Burchard, jr. a seat in the House. On putting the question it was decided in the negative.

On motion of Mr. Nowlin,

Resolved, That A. F. Russell be employed to draft twenty six sectional maps of the Territory of Iowa, for the use of the members of this House.

On motion of Mr. Hastings,

The House then took up bill No. 3, H. R. file, entitled "a bill to provide for organizing the Legislative Assembly and compensating its officers," which was read a third time."

On motion of Mr. Nowlin,

The first blank in the third section, was filled with the word "five."

On motion of Mr. Hastings,

The second blank was filled with the word "three."

On motion of Mr. Nowlin,

The blank in the 13th section was filled with the words "twelve hundred."

On motion of Mr. Nowlin,

The blank in the 14th section was filled with the words "two hundred."

Mr. Burchard asked the unanimous consent of the House to insert a substitute for section 11, which was agreed to. The bill was then passed and the title agreed to.

On motion the House adjourned.

Friday, November 23, 1838.

Mr. Summers presented the petition of Sarah East, praying to be divorced from her husband, Hardman E. W. East; which was referred to the following select committee, viz: Messrs. Summers, Toole, Roberts, Bailey, and Hastings.

Mr. Coop presented the petition of sundry citizens of Henry county, praying for the establishment of a Territorial road commencing at the city of Burlington, and running to Iowa city on the Des Moines river; which was referred to the following select committee, viz: Messrs. Beeler, Coop, Grimes, Porter, and Blair.

Mr. Beeler, from the committee to whom was referred the subject of drafting a memorial to Congress, for the extinguishment of the Indian title to lands within this Territory, reported a memorial on that subject; which was read and adopted, and is as follows:

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the Legislative Assembly of the Territory of Iowa, on behalf of their constituents respectfully represents: that the interests of the United States, and of the Territory of Iowa, require, at this time, a course of appropriate measures to be pursued, calculated to extinguish the claim of the Indians (more particularly the Sacs and Foxes,) to a portion of their Territory lying upon the borders of our western frontier, and within the limits of our territorial boundaries.

The continuance of these few savages within our territorial limits, who claim so large a tract of the best soil, not only circumscribes, in its practical effects, the usefulness of the privileges we enjoy as free and independent citizens of the Territory, but tends materially to impede the improvement and navigation of our navigable rivers, which is essential to the prosperity of our citizens, and in many instances jeopardizes the peace and tranquility of our frontier, which is our right and duty to secure. It is evident that, although the Indians within our organic boundaries, have been supported by large annuities, although their game has greatly decreased, yet agricultural pursuits are almost entirely neglected; and thus the large extent of country they yet claim, is not only unprofitable to them, but by its contiguity to our settlements, is calculated to retard the population of our Territory, the revenues of the general government, and the prosperity of our inhabitants. Your memorialists will not fatigue your honorable body, with detailing the evils which will necessarily follow the longer continuance of the Indians in the possession of their lands east of the Missouri river, but they feel a confidence in saying that humanity dictates their immediate removal from a place, where they are exposed to many evils, and where they may be induced to resort to every species of imposition. The speedy concentration of the Indian tribes, within the Territory appropriated and set apart for them by the wisdom of Congress, in the opinion of your memorialists, offers the only practicable method of diverting them from indolent and vicious habits, to which, by their vicinity to our population, they are unhappily inclined.

Deeply impressed with the truth and force of these considerations, we respectfully ask the attention of the general government to this subject, and request the immediate extinguishment of the Indian title to occupancy within our Territory.

Resolved, That his Excellency the Governor be requested to transmit a copy of the foregoing memorial to the president of the Senate, and speaker of the House of Representatives, and to our delegate in Congress, and that he be requested to use his earnest endeavors, for the speedy attainment of this object.

On motion of Mr. Summers,

Resolved, That the Secretary of the Territory be authorized to pay Samuel R. Murray his per diem, during his attendance in this House, and mileage to and from the same.

On motion of Mr. Roberts,

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of locating a territorial road on

the post route from Davenport in Scott county, through Centerville, to Rochester in Cedar county.

On motion of Mr. Bankson,

Resolved, By the Council and House of Representatives, That the thanks of the Assembly of Iowa, be presented through the Secretary of said Territory to Dr. O. Fairchild of Cincinnati, Ohio, for his valuable presents of maps to the Library of said Territory.

On motion of Mr. Swan,

Resolved, That a select committee of five be appointed to inquire into the expediency of memorializing Congress for the passage of a pre-emption law on mineral lands whenever the same may be brought into market, giving to the miner the same pre-emption on a mineral lot of ten acres as is now enjoyed by pre-emptioners on public lands.

Messrs. Swan, Nowlin, Bankson, Cox, and Roberts were appointed said committee.

On motion of Mr. Hastings,

Resolved, That a select committee of three be appointed to draft a memorial to Congress, for an appropriation in money, or land, to be made for the erection of a Penitentiary in the Territory of Iowa. Messrs. Hastings, Delashmutt and Taylor, were appointed said committee.

Mr. Hastings, from the committee appointed to prepare a bill regulating interest on money, made report of bill No. 7, H. R. file, entitled "A bill regulating interest on money, and repealing the usury law now in force in the Territory of Iowa," which was read a first time and ordered to be printed.

On motion of Mr. Nowlin,

Resolved, That hereafter all bills, previous to a second reading, shall be printed unless otherwise directed by the House.

Mr. Bankson asked the unanimous consent of the House, to introduce bill No. 8, H. R. file, entitled "A bill to fix the time for the first session of the Supreme Court of the Territory of Iowa, and for other purposes," which was granted; the bill was then read a first and second time and considered in committee of the whole, Mr. Frierson in the chair. After some time, the committee rose, and by their chairman, reported the bill to the House without amendment.

The House concurred in the report of the committee, and the bill was ordered to be engrossed for a third reading.

The House resolved itself into committee of the whole for the consideration of bill No. 6, H. R. file, entitled "A bill providing for the establishment of Common Schools," Mr. Grimes in the chair. After some time the committee rose, and by their chairman, reported the bill to the House with sundry amendments, in which they asked the concurrence of the House. The House concurred. On motion of Mr. Hastings, the bill was laid upon the table.

Mr. Grimes gave notice that he should, on to-morrow, or some future day, introduce a bill to change seats of justice in this Territory.

Messrs. Grimes, Hastings, and Parker, were appointed a committee to bring in the bill.

Mr. Frierson asked leave to introduce a bill, at some future day,

to amend an act of the Legislature of Wisconsin, approved December 7th 1836, entited "An act to locate and establish a territorial road west of the Mississippi;" leave was granted, and Messrs. Frierson, Bankson, and Brierly were appointed the committee to bring in said bill.

Mr. Hastings gave notice that he should, on some future day, bring in a bill to provide for the sale of the quarter sections of the public lands on which county seats are located in this Territory.

Messrs. Hastings, Swan and Parker, were appointed the committee to prepare said bill.

Mr. Price gave notice that he should at some future day, introduce a bill concerning water crafts found adrift, lost goods, and estray animals.

Messrs. Price, Toole and Hall, were appointed the committee to prepare said bill.

Mr. Hall gave notice that he should at some future day bring in a bill relating to divorces, and for other purposes.

Messrs. Hall, Grimes and Nowlin, were appointed the committee to prepare the bill.

Mr. Nowlin moved that a standing committee on engrossments be appointed, when on putting the question it was decided in the negative.

Mr. Nowlin from the committee on territorial affairs, reported bill No. 9, H. R. file, entitled "A Bill for the location of county seats, which was read a first time.

On motion of Mr. Nowlin,

Resolved, That the standing committee on enrollments be required to examine all engrossed bills, and make report to this House.

Mr. Summers from the committee on roads and highways, reported bill No. 10, H. R. file, entitled "A Bill to authorize Aaron Usher and Thomas M. Groom, to establish a ferry across the Mississippi river," which was read a first time.

On motion of Mr. Grimes,

The memorial to the Congress of the Uniited States, on the subject of furnishing the inhabitants of the Territory with three six pound brass pieces of cannon, and other arms and munitions of war, and for the establishment of a depot for the same—adopted by the Council, was taken up considered and concurred in.

On motion the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Beeler,

Resolved, By the House of Representatives, that during the present session, the Chief Clerk shall be viewed as the responsible officer of this House, and so soon as petitions, resolutions or other matter be referred to a committee, and noted on his journal, the same shall be handed to the first named member of the committee to whom the reference has been made, and that he be required to inspect, and report to this House in what manner the duties of the various Clerks under his control, discharge their duties, and report what further regulations if any are necessary.

On motion of Mr. Hastings,

The House took up bill No. 4, H. R. file, entitled "A Bill regulating criminal proceedings," which was read a third time.

Mr. Grimes moved to fill the blank in the first section, with "the first day of January next," which was agreed to.

On motion of Mr. Hastings,

The House took up bill No. 2, H. R. file, entitled "An Act to make valid and good in law the acts of Robert G. Roberts, done and performed by him, as a justice of the peace in and for the original county of Du Buque, in the Territory of Wisconsin, now Iowa."

The bill was read a third time and passed, and the title agreed to.

On motion of Mr. Frierson,

The House took up bill No. 5, H. R. file, entited "A Bill to provide for the safe keeping, and management of the Territorial Library."

The bill was read a third time, and passed, and the title agreed to.

On motion the House adjourned.

Saturday, November 24, 1838.

On motion of Mr. Summers,

Resolved, That a select committee be appointed to examine the returns of an election held in Scott county, on the first Monday in August last, in compliance with a law approved June 23d 1838, and report to this House whether Davenport or Rockingham received a majority of votes for county seat.

Messrs. Summers, Burchard, Nowlin, Grimes and Coop, were appointed said committee.

On motion of Mr. Nowlin,

Resolved, That all acts reported by the judiciary committee from the laws of Wisconsin, shall be considered in committee of the whole, and shall pass to the third reading.

On motion of Mr. Swan,

Resolved, That Messrs. Russell and Reeves, publishers of the laws passed at this session, be required to furnish for the use of this Territory 2000 copies; that they prefix to each copy the Constitution of the United States, the Declaration of Independence, the Organic law of the Territory of Iowa, and the Ordinance of 1787, respecting the North West Territory.

On motion of Mr. Coop,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of memorializing Congress, for an appropriation to build a bridge across Big Cedar creek, where the road leading from Fort Madison to Mt. Sterling, by way of Salem, crosses said creek.

On motion of Mr. Beeler,

Resolved, That the committee on the Judiciary be instructed to

inquire into the expediency of memorializing Congress upon the subject of extending the jurisdiction of justices of the peace to the amount of one hundred dollars in civil actions; and that said committee be instructed to revise the statutes now in force in relation to the duties of justices of the peace and constables, so as to compile all of said acts in one, and also, to inquire into the expediency of giving jurisdiction to said justices in their respectictive counties in all civil suits, although such debt or demand may have been originally over fifty dollars and reduced below that sum by fair credits, saving where executors and administrators are parties.

Mr. Summers from the committee on roads and highways, reported bill No. 11, H. R. file, entitled "An Act locating a territorial road from the town of Fort Madison, to the Indian agency," which was read a first time.

Mr. Summers from the same committee reported bill No 12, H. R. file, entitled "An Act to locate and establish a territorial road, from the north side of the mouth of Iowa river, via Wappello, to Mount Pleasant," which was read a first time.

Mr. Beeler, from the select committee, reported bill No. 13, enentitled "A Bill to establish a territorial road from Burlington, in Des Moines county, to Iowa city, on the Des Moines river," which was read a first time.

Mr. Summers, from the committee on roads and highways, reported bill No 14, H. R. file, entitled "A Bill to locate and establish a territorial road from the town of Bloomington, to the town of Napoleon, via West Liberty," which was read a first time by its title.

On motion of Mr. Grimes,

The rule respecting printing, was suspended in reference to said bills.

Mr. Summers from the same committee reported bill No. 15, H. R. file, entitled "A Bill to locate and establish a territorial road from Burlington, to Du Buque, via Black Hawk, Bloomington, Wyoming, mouth of Pine, Buffalo, Rockingham, Davenport, Parkhurst, Elizabeth city, Camanche, New York, Lyons, Charleston, and Bellview," which was read a first time, and on motion of Mr. Hastings laid upon the table.

Mr. Summers from the same committee, made the following report:

The committee on roads and highwways, to whom was referred the resolution instructing them to inquire into the expediency of establishing a territorial road, as near as practicable, on the line dividing townships 69 and 70, from Burlington, Des Moines county, through Keasauqua, in Van Buren county, to the line of the State of Missouri, having had the same under consideration, and believing it to be inexpedient, asks to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Grimes, from the committee on the Judiciary, reported bill No 16, H. R. file, entitled "A Bill to provide for the election of county treasurers, and to define their duties," which was considered in committee of the whole, Mr. Hall in the chair. After some time the committee rose and by their chairman reported the bill to the

House with several amendments, in which they asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Nowlin,

The several rules were suspended—the bill passed and the title agreed to.

Mr. Grimes, from same committee, reported bill No. 17, H. R. file, entitled "A Bill organizing a board of county commissioners in each county in this Territory," which was considered in committee of the whole, Mr. Hastings in the chair. After some time the committee rose, and by their chairman reported the bill to the House with several amendments, in which they asked the concurrence of the House. The House concurred.

On motion of Mr. Grimes,

The several rules were suspended, the bill passed, and the title agreed to.

On motion of Mr. Bankson,

Bill No. 8, H. R. file, entitled "A Bill to fix the first session of the Supreme Court of the Territory of Iowa, and for other purposes," was read a third time, passed and title agreed to.

Mr. Grimes, from the committee on the Judiciary, reported bill No. 18, H. R. file, entitled "A Bill to provide for laying out and opening territorial roads," which was considered in committee of the whole, Mr. Nowlin in the chair. After some time the committee rose, and reported the bill to the House with amendments, in which they asked the House to concur. The House concurred in the report of the committee.

On motion of Mr. Nowlin,

The several rules were suspended, the bill passed and the title agred to.

Ordered that said bills be sent to the Council for concurrence.

Mr. Price from the committee on enrollments reported bill No. 3, H. R. file, entitled "An Act to provide for organizing the Legislative Assembly, and compensating its officers," as correctly enrolled.

The following message was received from the Council by their Secretary, Mr. Wallace.

Mr. Speaker,—

I am instructed by the Council to inform the House of Representatives that they have concurred in the resolution of the House respecting the printing as reported to the Council yesterday, also that they have adopted the following resolution:

Resolved, That the seal submitted to the Council by the Secretary of the Territory, be adopted by the Council as the great seal of the Territory of Iowa.

And have instructed me also to present to the House of Representatives the seal with impressions upon wax and paper as received from the Secretary of the Territory, in which resolution they ask the concurrence of the House.

And then he withdrew.

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Grimes, from the committee on the Judiciary, reported bill No. 19, H. R. file, entitled "A Bill to repeal certain acts now in force in this Territory, which was read a first time."

Mr. Bailey asked leave to introduce at some future day bills of the following titles, viz: A bill to locate and establish a territorial road from Keokuk on the Mississippi river, to Iowa city, on the Des Moines river; and A bill fixing the time for the annual meeting of the Legislative Assembly of Iowa. Leave was granted, and Messrs. Bailey, Burchard and Nowlin, were appointed a committee to prepare the bills.

Mr. Swan from the committee on Incorporations, made the following report:

The committee on Incorporations, to whom was referred the petition of sundry citizens of Scott county, praying that the charter for a ferry across the Mississippi, of John Wilson, be declared forfeited, beg leave to report, that having had the same under consideration, it is inexpedient to grant the prayer of said petitioners, and ask to be discharged from the further consideration of the same.

The committee were discharged.

Mr. Hastings gave notice that he should at some future day bring in A bill to incorporate the Muscatine Hydraulic Company.

Messrs. Hastings, Grimes and Hall, were appointed a committee to prepare the bill.

The House adjouaned.

Monday, November 26, 1838

Mr. Summers presented the petition of sundry citizens of Clinton county, praying that a charter may be granted to William Hogan to establish and keep a ferry across the Mississippi river, at the town of Lyons in said county, which was referred to the committee on Roads and Highways.

Mr. Cox presented the petition of sundry citizens of Bellview, praying that a charter may be granted to J. S Kirkpatrick to establish and keep a ferry across the Mississippi river, at the town of Bellview, in the county of Jackson, which was referred to the committee on Roads and Highways.

Mr. Grimes from the committee on the Judiciary, reported bill No. 20, H. R. file, entitled "a bill relative to limited partnerships," which was considered in committee of the whole, Mr. Patterson in the chair. After some time the committee rose, and, by their chairman, reported the bill to the House with an amendment, in which they ask the concurrence of the House.

On motion of Mr. Nowlin,

The concurrence of the House was postponed until to morrow.

Bill No. 7, H. R. file, entitled "a bill regulating interest on mo-

ney and repealing the usury laws now in force in the territory of Iowa," was read a second time and considered in committee of the whole, Mr. Parker in the chair. After some time spent therein, the committee rose and reported the bill to the House without amendment, and asked the concurrence of the House. The House concurred.

Mr. Beeler moved to strike out all after the enacting clause, and insert a substitute, which he submitted.

On this question the yeas and nays were called for and were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Burchard, Coop, Delashmutt, Frierson, Grimes, Hall, Summers, Swan, Temple, Thornton and Toole—15.

Nays—Messrs. Brierly, Cox, Hastings, Nowlin, Patterson, Parker, Price, Roberts, Taylor snd Wallace, Sp'r—10.

So the question was decided in the affirmative.

Mr. Cox moved that the bill and the substitute be committed to Messrs Hastings, Beeler and Nowlin, as a select committee.

On this question the yeas and nays were called for, and were as follow:

Yeas—Messrs. Bankson, Brierly, Burchard, Coop, Cox, Frierson, Hall, Hastings, Nowlin, Patterson, Parker, Price, Roberts, Swan, Taylor nnd Wallace, Speaker.—16.

Nays—Messrs. Bailey, Beeler, Blair, Delashmutt, Grimes, Summers, Temple, Thornton and Toole—9.

So the question was decided in the affirmative.

Mr. Price, from the committee on enrolments, reported the following bills as correctly enroled:

A bill relative to pleas in abatement and the abatement of suits by death of parties.

A bill to make valid and good in law the acts of Robert G. Roberts done and performed by him as a justice of the peace for the original county of Du Buque.

A bill to provide for the safe keeping and management of the Territorial Library.

A bill to fix the time for the first session of the Supreme Court of the Territory of Iowa, and for other purposes.

Which were sent to the Council for concurrence.

On motion of Mr. Nowlin,

Bill No. 9, H. R. file, entitled "a bill for the the location of county seats," was read a second time, and considered in committee of the whole, Mr. Roberts in the chair. After some time the committee rose, and reported the bill to the House with sundry amendments, in which they asked the concurrence of the House. The House concurred.

On motion the House adjourned until half past 2 o'clook P M.

HALF PAST 2 O'CLOCK, P. M.

On motion of Mr. Cox,

Resolved, That this House set apart every Friday in each week to discuss the subject of county seats and county lines.

Mr. Bailey, from the select committee appointed for that pur-

pose, reported bill No. 21, H. R. file, entitled "a bill fixing the time for the annual meeting of the Legislative Assembly of Iowa, which was read a first time.

On motion of Mr. Nowlin,

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the seal submitted to the Legislative Assembly, by the Secretary of the Territory, be adopted as the great seal of the Territory of Iowa.

On motion of Mr. Parker,

Resolved, That a select committee be appointed to inquire into the expediency of memorializing Congress to change the law so as to make the sheriffs and justices of the peace elective by the people of the Territory of Iowa.

Messrs Parker, Bankson, Beeler, Taylor and Cox were appointed said committee.

Mr. Parker offered the following:

Resolved, That no member of this House shall call the acts of the members of last year in question in debate, which, on motion of Mr. Grimes, was referred to the following select committee, viz:—Messrs. Grimes, Parker, Hall, Swan and Nowlin.

On motion of Mr. Frierson,

Resolved, That the committee on Roads and Highways, be instructed to inquire into the expediency of establishing a territorial road from Mount Pleasant in Henry county, via Fredonia in Louisa county, to Moscow in Muscatine county.

Mr Frierson asked leave to introduce a bill on to morrow to authorize Charles Warfield, and Joseph Williams, to establish a ferry across the Mississippi river opposite the town of Bloomington in Muscatine county; leave was granted, and

Messrs. Frierson, Hastings and Price, were appointed the committee to prepare the bill.

The following communication was received from the Hon. the Judges of the Supreme Court:

To the Honorable the Speaker of the House of Representatives of the Territory of Iowa:

The committee appointed to prepare such laws as will form a proper code of jurisprudence and practice for the territory, have the honor to present for the consideration of your honorable body a bill, entitled "An act relating to informations in the nature of quo-warranto, and regulating the mode of proceeding therein."

Most respectfully, Yours &c.

CHARLES MASON,
T. S. WILSON,
J. WILLIAMS.

November 26th, 1838.

On motion of Mr. Grimes,

The act alluded to above was read a first time by its title.

On motion of Mr. Hastings,

Bill No. 10, H. R. file, entitled "a bill to authorise Aaron Usher and Thomas M. Groom, to establish a ferry across the Mississippi river," was read a second time, and considered in committee of the

whole, Mr. Summers in the chair. After some time spent therein, the committee rose, and by their chairman reported the bill with sundry amendments, and asked the House to concur. The House concurred and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Nowlin,

The several bills respecting territorial roads were recommitted to the committee on Roads and Highways, with instructions to condense the same in one bill.

On motion the House adjourned.

Tuesday, November 27, 1838.

Mr. Frierson presented the petition of sundry citizens of Muscatine county, praying that a charter may be granted to Joseph Williams and Charles Alexander Warfield, to establish a ferry across the Mississippi river, at the town of Bloomington in said county, which was refered to the select committee appointed on the same subject yesterday.

Mr. Frierson presented the petition of sundry citizens of Musatine and Louisa counties, praying that a charter may be granted to William Blake and Peter Blake jr., to establish and keep a ferry across the Iowa river at Blake's landing above the forks of the Cedar and Iowa, which was referred to the committee on corporations.

Mr. Summers, from the select committee appointed for the purpose, reported bill No. 24, H. R. file, entitled "A bill to divorce Sarah East from her husband Hardman E. W. East," which was read a first and second time, and considered in committee of the whole, Mr. Swan in the chair. After sometime spent therein the committee rose, and by their chairman, reported the bill to the House with an amendment, in which the House concurred.

Mr. Frierson, from the committee on townships and county boundaries, reported bill No. 25, H. R. file, entitled "A Bill to provide for the incorporation of Townships," which was read a first time.

Mr. Frierson, from the committee appointed for that purpose, reported bill No. 26, H. R. file, entitled "A Bill to authorize Joseph Williams and Charles Alexander Warfield, to keep a ferry," which was read a first time.

Mr. Hall, from the committee appointed for that purpose, reported bill No. 27, H. R. file, entitled "A Bill relative to divorces, and for other purposes," which was read a first time.

The following message was received from the Council, by their Secretary, Mr. Wallace:

Mr. Speaker,—

I am instructed by the Council to inform the House of Representatives, that they have adopted the resolution on the subject of thanks to Dr. O. Fairchild of Cincinnati, and a memorial on the subject of

the extinguishment of the Indian title reported to the Council on Friday last: also, the accompanying resolution of the House of Representatives reported to the Council this morning on the subject of printing the laws, with amendments thereto; in which they ask the concurrence of the House.

The Council have also passed the following bills of the House, entitled as follows:

Bill No. 1, H. R. file, entitled "An Act relative to pleas in abatement, and the abatement of suits by the death of parties, with amendments, in which they ask the concurrence of the House of Representatives: also, bill No. 8, H. R. file, entitled "An Act to fix the time for the first sesssion of the supreme court of the Territory of Iowa, and for other purposes," without amendment. And then he withdrew.

Mr. Toole, from the committee on enrollments, reported bill No. 10, H. R. file, entitled "A Bill to authorize Aaron Usher and Tho's M. Groom, to establish a ferry across the Mississippi river," as correctly engrossed. The bill was then read a third time, passed, and title agreed to.

On motion of Mr. Hastings,

Bill No. 20, H. R. file, entitled "A Bill relative to limited partnerships," was taken up, the report of the committee of the whole concurred in, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Swan,

Bill No. 19, H. R. file, entitled "A Bill to repeal certain acts now in force in this Territory," was read a second time, and considered in the committee of the whole, Mr. Toole in the chair. After some time spent therein, the committee rose and reported the bill to the House with amendments, in which they asked the House to concur.

On this question, the yeas and nays were called for and were as follow:

Yeas—Messrs. Bankson, Bailey, Brierly, Coop, Hastings, Nowlin, Parker, Porter, Roberts, Summers, Swan, Temple, Thornton, Tocle, and Mr. Speaker—15.

Nays—Messrs. Beeler, Blair, Burchard, Cox, Frierson, Grimes, and Hall—7.

So the question was decided in the affirmative.

On motion of Mr. Hastings,

Bill No. 1, H. R. file, entitled "A Bill relative pleas in abatement and the abatement of suits by the death of parties," as amen- by the Council, was taken up and referred to the committee on the judiciary.

Mr. Temple asked leave to introduce at some future day, "A Bill for the benefit of Mechanics;" leave was granted, and Messrs. Temple, Taylor and Summers, were appointed a committee to prepare the bill.

Mr. Grimes from the committee on the judiciary, reported bill No. 28, H. R. file, entitled "A Bill to provide for the collection of demands against boats and vessels;" which was considered in committee of the whole, Mr. Bankson in the chair. After some time

the committee rose, reported progress, and asked leave to sit again; leave was granted.

Mr. Burchard submitted the following:

Resolved, That Wm. B. Conway, Secretary of the Territory, be requested to prepare a report on the subject of a general system of common school education, and that he report the same to this House if practicable, during the present session, if not, at an early day after the meeting of the next Legislative Assembly.

On taking the question it was decided in the negative.

On motion of Mr. Bankson,

Mr. Nowlin was added to the committee on enrollments.

The House adjourned.

Wednesday, November 28, 1838.

Mr. Parker presented the petition of sundry citizens of Van Buren county, praying that a territorial road may be laid out commencing at Fort Madison and running through West Point, to intersect the road to be laid out from Burlington to Iowa city on the Des Moinees river; which was referred to the committee on Roads and Highways.

On motion of Mr. Coop,

Resolved, That the committee on territorial affairs be instructed to inquire into the expediency of enacting a law relative to and concerning those who have settled and made farms on the 16th sections of this territory.

Mr. Toole offered the following:

Resolved, That a select committee be appointed, to draft a memorial to Congress, asking an appropriation of money or land for the improvement of the Iowa river.

Mr. Roberts moved to amend, by including the Cedar fork of Iowa, which was agreed to. The question then recurred on the resolution as amended, and was decided in the affirmative. Messrs. Toole, Thornton, Burchard, Roberts and Frierson were appointed the committee.

Mr. Beeler offered the following:

Resolved, That the committee on elections be and they are hereby instructed to inquire into the expediency of changing the present mode of voting, so to require all elections to be by viva voce vote.

Mr. Cox moved to amend by adding, "also the Legislative Assembly shall vote viva voce in all elections for officers," which was agreed to. The resolution was then adopted as amended.

On motion of Mr. Hastings,

Ordered, That the standing committee on Internal Improvements be discharged from the further consideration of the subject of a memorial to Congress for an appropriation for the improvement of the Cedar fork of the Iowa river.

Mr. Nowlin from the committee on enrolments, reported that he had this day presented to the Governor, and obtained his approval to an act fixing the time for the first session of the Supreme Court of the Territory of Iowa, and for other purposes.

On motion of Mr. Nowlin,

Resolved by the Council and House of Representatives of the Territory of Iowa, That when an act is presented to the Governor for his approval, he shall, within reasonable time thereafter, make known to the house in which said act may have originated, of his approval thereof, or if not approved of, the act shall be returned with his objections thereto.

On motion of Mr. Bailey,

Bill No. 21, H. R. file, entitled "a bill providing for the annual meeting of the Legislative Assembly of Iowa," was read a second time and considered in committee of the whole, Mr. Bailey in the chair. After some time the committee rose, and reported the bill to the House, with amendments, in which they asked the concurrence of the House.

On this question the yeas and nays were called for, and were as follow:

Yeas—Messrs. Bailey, Brierly, Burchard, Delashmutt, Grimes, Hall, Hastings, Nowlin, Patterson, Parker, Porter, Price, Summers, Taylor, Temple and Thornton—16.

Nays—Messrs. Bankson, Beeler, Blair, Coop, Cox, Frierson, Roberts, Swan, Toole and Mr. Speaker—10.

So the House concurred in the report of the committee.

The bill was then ordered to be engrossed for a third reading.

The following message was received from the Council by the Secretary, Mr. Wallace:

Mr. Speaker—

The Council has passed the following resolution, and appointed Mr. Lewis as one of the committee on the part of the Council.

Resolved, By the Council and House of Representatives of the Territory of Iowa, that a committee of one member of the Council, and two members of the House of Representatives shall be appointed to repair forthwith to the Miners' Bank of Du Buque, in this Territory and then and there proceed to examine all the books, papers, accounts, certificates and the amount of silver, gold and bankable paper and other money in the vaults of said bank, also, the amount of money on deposit, and every other act, or acts, of said bank which relates or may relate in any manner to the fiscal management of the same. And the said committee who shall be appointed under this resolution are hereby empowered and authorized to examine under oath to be administered by the chairman of said committee, the president, cashier or any other officer of said bank upon any matter which may relate in any way to the management of the same, and if the said president, cashier or other officer to to whom an oath shall be administered as aforesaid shall swear or affirm falsely, in answer to any interrogatories propounded by said committee, or to any affidavit required by said committee, such president, cashier, or other officer shall be deemed to have committed the crime of perjury, and shall be punished as the laws of this

Territory require. And the said committee shall have power to send for persons and papers and examine such person or persons under oath, administered as aforesaid, and after such committee have examined the situation and affairs of said Bank as herein directed, they shall as soon as possible report the same to the Council and House of Representatives of this Territory. And then he withdrew.

Bill No. 22, H. R. file, was read a second time and considered in committee of the whole, Mr. Beeler in the chair. After some time the committee rose and reported the bill to the House without amendment, and asked the House to concur; the House concurred, and the bill was ordered to be engrossed for a third reading.

The resolution of the House on the subject of printing the laws, as amended by the Council, was taken up and considered, and the question being on concurring with the amendments of Council, the yeas and nays were called for, and were as follow:

Yeas—Messrs. Bankson, Bailey, Blair, Coop, Cox, Frierson, Hastings, Nowlin, Porter, Price, Swan—11.

Nays--Messrs. Beeler, Brierly, Burchard, Delashmutt, Grimes, Hall, Patterson, Parker, Roberts, Summers, Taylor, Temple, Thornton, Toole, and Mr Speaker--15.

So the House refused to concur.

On motion of Mr. Beeler,

Ordered that the House adhere to the original resolution.

Mr. Hastings moved that the House adjourn until two o'clock, P. M.

Mr. Beeler moved to amend by adjourning untill 10 o'clock to morrow;

On which question the yeas and nays were called for and were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Brierly, Burchard, Delashmutt, Grimes, Patterson, Price, Roberts, Summers, Temple, Toole, and Wallace, Speaker—14.

Nays--Messrs. Blair, Coop, Cox, Frierson, Hall, Hastings, Nowlin, Parker, Porter, Swan, Taylor, and Thornton--12.

So the amendment was agreed to, and the House adjourned.

Thursday, November 29, 1838.

Mr. Frierson presented the petition of sundry citizens of Bloomington, praying that said town may be incorporated by the name of Muscatine, which was referred to the committee on corporations.

Mr Coop, from the select committee appointed for that purpose, reported bill No. 23, H. R. file, entitled "A Bill to divide the county of Henry, and establish the county of Jefferson," which was read a first time by its title.

Mr. Summers, from the committee on roads and highways, reported bill No. 29, H. R. file, entitled "A Bill to authorize J. S. Kirkpatrick to establish and keep a ferry across the Mississippi river,

at the town af Belleview," which was read a first time.

Mr. Swan, from the committee on corporations, reported bill No. 30, H. R. file, entitled "A Bill to authorize Wm. Blake and Peter Blake, jr., to establish a ferry across the Iowa river," which was read a first time.

Mr. Frierson, from the committee on Internal Improvements, to whom was referred a resolution of this House, instructing said committee to enquire into the expediency of memorializing Congress on the subject of an appropriation for the Des Moines river, have had the same under consideration, and now ask leave to submit the following report:

That by an act of Congress, approved July 7th, 1838, one thousand dollars was appropriated for the survey of the Des Moines and Iowa rives, with a view to the improvement of their navigation; and the committee have learned that an engineer, under the direction of the Secretary of War, is now in the west, charged with the execution of this duty, and that proper surveys of both these rivers will probably be completed early in the spring. Until this survey is made, the committee can have no correct data, upon which to base the estimate in asking for an appropriation for the improvement of the Des Moines river, and therefore ask leave to be discharged from the further consideration of the resolution.

The report of the committee was concurred in.

Mr. Grimes, from the committee on the judiciary. to whom was committed bill No. 1, H. R. file, entitled "A Bill relative to pleas in abatement and the abatement of suits by the death of parties," with the amendments of Council, reported the same back to the House, and asked the House to concur. The House concurred.

On motion of Mr. Bankson,

The resolution of the Council, sent up yesterday for concurrence, on the subject of investigating the Miners' Bank of Du Buque, was taken up and concurred in, and Messrs. Nowlin and Hall, were appointed the committee on the part of the House.

On motion of Mr. Frierson,

Bill No. 15, H. R. file. entitled "A Bill to establish a teritorial road from Burlington, to Du Buque," was taken up and considered in committee of the whole, Mr. Brierly in the chair. After some time, the committee rose and reported the bill back to the House without amendment,

On motion of Mr. Taylor,

The bill was re-committed to the committee on roads and highways.

Bill No. 26, H. R. file, entitled "A Bill providing for the establishment of common schools," was taken up, and ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole for the consideration of bill No. 28, H. R. file, entitled "A Bill to provide for the collection of demands against boats and vessels," Mr. Bankson in the chair. After some time, the committee rose and reported the bill to the House with amendments, in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

The following message was received from the Council by their Secretary, Mr. Wallace:

Mr. Speaker,—

The resolution of the House on the subject of the printing of the laws, and which was amended in Council, to which amendment the House have disagreed I am instructed to inform the House that the Council adhere to their amendments, and have appointed Messrs. Payne and Inghram, a committee of conference on the part of the Council. And then he withdrew.

Mr. Price, from the committee on enrollments, reported the following bills as correctly engrossed, viz: bills Nos. 20 and 21, H. R. file.

Te said bills were then taken up, read a third time, passed, and titles agreed to.

Bill No. 27, H. R. file, entitled "A Bill relative to divorces, and for other purposes." was read a second time, and considered in committee of the whole, Mr. Burchard in the chair. After some time, the committee rose, reported progress, and asked leave to sit again. Leave was granted.

The following message was received from the Council by their Secretary, Mr. Wallace:

Mr. Speaker,—

The Council have passed bills of the following titles, viz:

An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony; also

An act to provide for laying out and opening territorial roads.

In which they ask the concurrence of the House of Representatives. And then he withdrew.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Grimes,

A committee of conference was appointed to act in conjunction with the committee on the part of the Council, on the disagreeing vote of the two Houses, on the subject of printing the laws.

Mr. Grimes and Mr. Taylor were appointed the committee.

The following message was received from the Council by their Secretary, Mr. Wallace:

Mr. Speaker,—

I am instructed by the Council to inform the House of Representatives, that they have concurred in the resolution of the House relative to the presentation of acts &c. to the Governor for his approbation. And then he withdrew.

Mr. Toole asked leave to introduce a bill on to-morrow, to establish the boundary lines of Louisa county, and to provide for the location of the seat of justice in said county; leave was granted, and Messrs. Toole, Hastings, Temple, Frierson and Blair, were appointed a committee to prepare the bill.

Bill No. 27, H. R. file, entitled "A Bill relative to divorces, and for other purposes," was again taken up and considered in committee of the whole, Mr. Burchard in the chair. After some time

spent therein, the committee rose, and reported the bill to the House with amendments, in which the House concurred. The bill was then referred to the committee on the Judiciary.

On motion of Mr. Hastings,

Bill No. 2, Council file, was read a first and second time and referred to the committee on the Judiciary.

Bill No 26, H. R. file, entitled "A Bill to authorize Joseph Williams and Charles A. Warfield, to establish and keep a ferry, was read a second time and considered in committee of the whole, Mr. Coop in the chair. After some time the committee rose, and reported the bill to the House with amendments, in which the House concurred, and the bill was ordered to be engrossed for a third reading.

Mr. Bailey gave notice that he should at some future day introduced "A Bill to prevent trespass on School Lands." Messrs. Bailey, Bankson and Roberts, were appointed a committee to prepare the bill.

Bill No. 3, Council file, entitled "A Bill to provide for laying out and opening territorial roads" was read a first and second time and considered in committee of the whole, Mr. Cox in the chair. After some time spent therein the committee rose and reported the bill to the House without amendment in which the House concurred.

On motion of Mr. Beeler,

Ordered that the bill be laid upon the table.

The House adjourned.

Friday, November 30, 1838.

Mr Porter presented the petition of sundry citizens of Van Buren and Henry counties, praying that a Territorial road may be laid out, commencing at the town of Van Buren, and running to the town of Mount Pleasant in Henry county, which was referred to the committee on Roads and Highways.

Mr. Hastings presented the petition of sundry citizens of Muscatine county, praying that a charter may be granted to William Blake and Peter Blake, jr. to keep a ferry across the Cedar river at Blake's landing, which was referred to the committee on corporations.

Mr. Bailey from the committee appointed for that purpose, reported bill No. 31, H. R. file, entitled "a bill to prevent tresspass on school lands," which was read a first time.

Mr. Parker from the committee appointed for that purpose, reported a memorial to the Congress of the United States, praying that the organic law may be so amended, that sheriffs and justices of the peace, may be elected by the people, which was read and adopted.

To the Honorable, the Senate and House of Representatives in Congress convened,

The memorial of the Legislative Assembly of Iowa, would respectfully represent, That,

By an act of Congress approved June 12th, 1838, entitled "an act to divide the territory of Wisconsin and to establish the Territorial Government of Iowa," it is provided that all sheriffs and justices of the peace in the said Territory of Iowa, shall be appointed by the Governor, by and with the advice and consent of the Legislative Council.

Your memorialists would respectfully beg leave to represent by this mode of appointment these offices will not unfrequently be filled by individuals, who are not the choice of the community in which they may be called to officiate; the sheriffs and justices of the peace are officers whose official intercourse with the people, is so frequent, that, in the opinion of your memorialists, the utmost confidence should be reposed in them by the people among whom they act, and this cannot be the case, as your memorialists believe, if individuals should be appointed who are not the choice of the community in which they live. Where individuals are appointed on application by petition to the executive of the Territory, improper persons will often be appointed, because of the ease with which petitions of this kind can always be got up, and the impossibility of discrimination on the part of the Executive.

The difficulty would, in the opinion of your memorialists, be obviated by so amending the aforesaid act of June 12th, 1838, as to give the election of sheriffs and justices of the peace directly to the people of the several counties in the Territory of Iowa, and as in duty bound, your memorialist will, &c.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That his Excellency, Robert Lucas, Governor of this Territory, and Col. William W. Chapman, our delegate in Congress, are hereby instructed to use their best exertions to effect the objects prayed for in the foregoing memorial.

Mr. Hastings from the committee appointed for that purpose, reported a memorial to the Congress of the United States, praying that an appropriation of land may be made for the erection of a Penitentiary, which was ordered to be printed.

To the Senate and House of Representatives of the United States in Congress assmbled.

The Legislative Assembly, the Council and House of Representatives of the Territory of Iowa, would respectfully represent to your honorable body, that the Territory of Iowa, inhabited by a population of more than thirty thousand souls who have emigrated from foreign States, and from nearly every section of the United States, is now destitute of all means of enforcing those criminal laws which prescribe imprisonment as a punishment for crime.

That from the want of proper means of punishment the penal laws prescribing imprisonment have no practical effect, and are held up to derision and contempt by the lawless and vicious, while the wrongs and injuries of the innocent are unredressed.

Your memorialists, while they hold in high consideration and es-

teem the liberality of Congress, in extending to this Trrritory the invaluable favors hitherto granted, would respectfully suggest to your honorable body that an appropriation of lands for the erection of a penitentiary would conduce more to the existence of order and law over this country, in which we ourselves, as well as the General Government are so deeply interested, than any other appropriation that could at present be granted.

Your memorialists would further represent, that almost all the real property here is owned by the United States, and not taxable, and hence arises the impossibility of establishing the penitentiary system, which experience has shown efficient as a means of punishment and reform, without aid and assistance from the general government.

And therefore your memorialists would respectfully pray that an appropriation may be made at the present session of Congress, of seventy two sections of public lands, to be appropriated for the erection and construction of a penitentiary, and that three commissioners to be appointed by the Council and House of Representatives of this Territory shall be authorized to select said lands in any part of this territory, where the Indian title has been extinguished, and where such selections would not interfere with the rights of settlers on the public lands, and also that such selections may consist of sections, half sections, or quarter sections. And, as in duty bound, your memorialists would ever pray, &c.

Mr. Temple from the committee appointed for that purpose, reported bill No. 32, H. R. file, entitled "a bill for the benefit of mechanics," which was read a first time.

Mr. Grimes, from the committee of conference, reported that the committee had agreed to the original resolution of this House, on the subject of printing the laws.

The report of the committee was concurred in.

Mr. Price from the committee on enrolments, reported the following bills as correctly enrolled:

Bill No. 4, H. R. file, entitled a bill regulating criminal proceedings.

Bill No. 10, H. R. file, entitled a bill to authorise Aaron Usher and Thomas M. Groom, to establish a ferry across the Mississippi river.

Bill No. 16, H. R. file, entitled a bill to provide for the election of county treasurers, and to define their duties.

Bill No. 17, H. R. file, entitled a bill organizing a board of county commissioners in each county in the Territory of Iowa.

Bill No. 18, H. R. file, entitled a bill to provide for the laying out and opening territorial roads.

And also as correctly engrossed,

Bill No 22, H. R. file, entitled a bill relating to informations in the nature of quo warranto, and regulating the mode of proceedings thereon.

Bill No. 25, H. R. file, entitled "a bill to provide for the incorporation of townships," was read a second time, and considered in committee of the whole, Mr. Frierson in the chair. After some time, the committee rose and, by their chairman reported the bill to

the House with sundry amendments in which they asked the House to concur.

On this question the yeas and nays were called for, and were as follow:

Yeas—Messrs. Brierly, Burchard, Coop, Cox, Delashmutt, Hastings, Patterson, Porter, Price, Roberts, Taylor and Wallace, Speaker.—12.

Nays—Messrs. Bankson, Bailey, Beeler, Frierson, Parker, Summers, Swan, Temple and Toole—9.

So the House concurred in the report of the committee.

On motion of Mr. Bailey,

The bill was recommitted to the committee that reported it, to be made the order of the day for the 8th of December.

The following message was received from the Council, by their Secretary, Mr. Wallace:

Mr. Speaker,—

The Council have passed a bill of the following title, Council file, "An act relative to promissory notes, bonds, due bills, and other instruments of writing."

They have also adopted the accompanying report and resolution on the subject of seals, &c. in which they ask the concurrence of the House of Representatives.

The committee on the Judiciary, to whom was referred the comnication from the Honorable Secretary of the Territory of Iowa, relating to a set of seals engraved for the Territory of Wisconsin, submit the following report:

That they have examined the impressions of the seals submitted by the Secretary, and engraved by Mr. Wm. Wagner, of York, Pennsylvania, and find the same executed with much elegance and classic taste. Your committee deem it absolutely necessary, that a set of seals be engraved for the Territory of Iowa, and therefore recommend the adoption of the following resolution.

Resolved by the Council and House of Representatives of the Territory of Iowa, That the Secretary of the Territory is hereby empowered and authorized to employ Mr. Mr. Wm. Wagner, forthwith, to engrave an appropriate seal for the Supreme Court of this Territory; also a seal for the United States' District Court in each county where said court has been or may be organized during the present session of the Legislature; also a seal for the County Commissioners' Court in each organized county, and also a seal for the Probate Courts in each county in this Territory. And the said Wm. Wagner shall receive, for the execution of said seals, the sum of ——dollars for each seal to be paid out of any monies in the Territorial Treasury, not otherwise appropriated, when said seals shall be delivered and approved by the Secretary of the Territory.

And then he withdrew.

On motion the House adjourned until 2 o'clock P M.

2 O'CLOCK, P. M.

On motion of Mr. Porter,

Bill No. 23, H. R. file, entitled "A bill to divide the county of

Henry, and to establish the county of Jefferson," was read a second time, and considerad in committee of the whole, Mr. Grimes in the chair. After some time the committee rose, and reported the bill to the House with amendments in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

Bill No. 30, H. R. file was read a second time, and considered in committee of the whole, Mr. Hastings in the chair. After some time spent therein, the committee rose and reported the bill to the House without amendment. The House concurred in the report of the committee, and the bill was ordered to be engrossed for a third reading.

The following communication from the Judges of the Supreme Court was read, and with the bill referred to, ordered to be printed.

BURLINGTON, NOV. 30, 1838.

To the Honorable the Speaker of the House of Representatives of the Territory of Iowa.

SIR,—We have the honor herewith to present for the consideration of the Legislative Assembly of the Territory of Iowa, the bill entitled "an act allowing and regulating writs of attachment."

Yours, very respectfully,
CHARLES MASON,
JOSEPH WILLIAMS,
T. S. WILSON.

On motion of Mr. Grimes, the House adjourned.

Saturday, December 1, 1838.

Mr. Grimes presented the remonstrance of sundry citizens of Muscatine county, against the change of the name of the town of Bloomington, to Muscatine; referred to the committee on corporations.

On motion of Mr. Bankson,

Resolved, That the door-keeper of the House be instructed to keep open the doors of this hall, on each Sabbath and every evening till 9 o'clock during the session, in order to give place for divine worship.

Mr. Bailey from the committee appointed for that purpose, reported bill No. 34, H. R file, entitled "A bill to establish and locate a territorial road from Keokuk on the Mississippi river, to Iowa city in Van Buren county, which was read a first time.

Mr. Grimes from the committee on the judiciary, reported back to the House bill No. 2, Council file, without amendment. The bill was then read a second time and considered in committee of the whole, Mr. Parker in the chair. After some time the committee rose and reported the bill to the House. The House concurred in the report of the committee and the bill was ordered to be engrossed for a third reading.

Mr. Price, from the committee on enrollments, reported the following bills as correctly enrolled, viz:—No. 21, H. R file, entitled "A Bill providing for the annual meeting of the Legislative Assembly of the Territory of Iowa; No. 20, H. R. file, entitled "A bill relative to limited partnerships."

Also, the following bills as correctly engrossed, viz:—No. 28, H. R. file, entitled "A bill to provide for the collection of demands against boats and vessels;" No. 6, H. R. file, entitled "A bill providing for the establishment of common schools." which were severally read a third time, passed and titles agreed to; No. 26, H. R. file, entitled "A bill to authorize Joseph Williams and Charles A. Warfield, to keep a ferry," was also reported as correctly enrolled. Mr. Burchard asked and obtained the unanimous consent of the House to amend the bill. The bill was then read a third time, passed and the title agred to.

On motion of Mr. Hastings,

The House concurred in the resolution of the Council respecting seals for the several courts for the Territory.

Bill No. 4, Council file, entitled "A bill relative to promissory notes, bonds, due bills and other instruments of writing," was taken up and read a first time.

Mr. Swan from the committee on corporations, to whom was referred a petition for a ferry across Cedar river, at Blake's landing, reported as follows: That it is inexpedient to grant a charter for said purpose, and ask to be discharged from the further consideration of the same.

The committee were accordingly discharged.

On motion of Mr. Swan,

Resolved, That the committee on Internal Improvements, be instructed to enquire into the expediency of enacting a general law on the subject of ferries across all streams and rivers in this territory excep the Mississippi river, and that they report by bill or otherwise.

Mr. Taylor gave notice that he should on Monday next, bring in a bill subjecting real and personal estates to execution. Messrs. Taylor, Roberts and Blair, were appointed a committee to prepare the bill.

Bill No. 22, H. R. file, entitled "A Bill relating to informations in the nature of quo warranto, and regulating the proceedings thereon," was taken up. Mr. Grimes asked and obtained the unanimous consent of the House to amend the bill by striking out the words "military officers" wherever they occur.

The bill was then passed and titled agreed.

On motion the House adjourned.

Monday, December 3, 1838.

Mr. Grimes presented the petition of sundry citizens of Scott county, praying that a charter may be granted to Samsel Barkley, to keep a ferry across the Mississippi river, at the town of Davenport, which was referred to the committee on corporations.

Mr. Burchard presented the petition of sundry citizens of Scott, Cedar and Linn counties, praying that a territorial road, may be laid out from Davenport, to Big Linn grove, which was referred to the committee on roads and highways.

Mr. Summers presented the petition of sundry citizens of Scott county, praying that a charter may be granted to A. H. Davenport and John H. Sullivan, to keep a ferry across the Mississippi river, which was referred to the committee on roads and highways.

On motion of Mr. Cox,

Resolved, By the Council and House of Representatives of the Territory of Iowa, that the post master at Davenport, Scott county, be and he is hereby authorized to have the mail from Davenport, to Du Buque, conveyed in two horse post coaches, twice a week during the present session of the Legislative Assembly, and that the post master general of the United States, be memorialized by the Legislative Assembly, to allow and pay the extra expense that may be incurred under this resolution.

Mr. Summers from the committee on roads and highways, reported bill No. 35, H. R. file, entitled "A Bill to authorize Wm. Hogan, to establish and keep a ferry across the Mississippi river at the town of Lyons," which was read a first time.

Mr. Grimes, from the committee on the judiciary, reported bill No. 36, H. R. file, entitled "A Bill fixing the terms of the Supreme and District courts of the Territory of Iowa, and for other purposes," which was read a first and second time, and considered in committee of the whole, Mr. Roberts in the chair. After some time the committee rose and reported the bill to the House with amendments in which the House concurred.

On motion of Mr. Cox,

The bill was re-committed to the committee on the judiciary.

Mr. Swan, from the committee appointed for that purpose, reported "A memorial to the Congress of the United States on the subject of granting to miners the right of pre-emption to mineral lots," which was read and ordered to be printed, and is as follows:

To the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the Council and House of Representatives, of the Territory of Iowa, respectfully represents:

That whereas, a law of Congress was passed at its last session, granting the right of pre-emption to settlers on the public lands, under the regulations and restrictions therein provided, but the said law does not grant to the miners, who were the PIONEERS to commence operations in the Territory, any right of pre-emption to their lots, in case the mineral lands should be offered for sale.

Your memorialists beg leave therefore to represent, that the pre-emption law is unequal in its effects, so far as the mineral interest is brought into competition with that of the farmer. It will be evident to your honorable body, that the law to be just, should be equal in its benefits to the different classes of the settlers within the Territory that may be affected thereby; and as the persons who have been engaged in mining, during several years in the northern part of this Territory, and who have in many cases, expended *large sums* without deriving any benefit, have not, as a general rule, made those improvements as to entitle them to a pre emption under the existing law, they would be left without the means of obtaining their unquestionable rights, and without authority to continue the mining operations on their respective lots in case the mineral lands should be brought into market.

Under these circumstances your memorialists, most respectfully solicit that the protecting hand of the Government may be extended to the miners who have devoted so large a portion of their time and labor in developing the mineral resources of Iowa, and particularly in that section of the Territory designated and known as the "Du Buque Mines."

Your memorialists further represent, that, in many cases, very large sums have been expended by the enterprising miner on a single lot of ten acres, the value of which has but recently been made manifest. The mineral riches of the country are brought to view from year to year, and as the practical miner is more or less acquainted with the science of mineralogy, patient and persevering, his operations are continued under numberless difficulties, but with the full persuasion that the liberal government, under which it is his boast to live, will carefully guard his interest, and not permit the speculator or monopolist to deprive him of the small lot of mineral land on which he has bestowed his time, his labor, and his money. Your memorialists confidently hope that justice, the cardinal principle of all free governments, will induce your honorable body to grant to the miner the right of pre-emption to ten acres of land, on which he may have discovered mineral at any time since the year 1833; and that a provision to this effect may be inserted in any law of Congress authorizing the sale of mineral lands. In no case, however, is it desired by your memorialists that the miner should receive a pre-emption for more than one lot; and where two or more persons may claim the same lot, under such law, the conflicting claims to be investigated and the question decided, in conformity with the rules which have been established in other cases of pre-emption under the existing law.

Your memorialists would further respectfully suggest, that the mineral lots should not be sold for less than three dollars per acre, and that all who may avail themselves of such pre-emption, should receive their lots at that price. And in cases where there may be not more than two mineral lots claimed on one quarter section of land, your memorialists also suggest that the said claimants should share the pre-emption right, equally between them, to the remaining part of said quarter section: Provided, however, that such right

shall not in any way interfere with a prior pre-emption right of any other person or persons.

All of which is respectfully submitted, &c.

Mr. Frierson, from the committee on Internal Improvements, reported "A memorial to the Congress of the United States, on the subject of making an appropriation for the survey and improvement of the Wabesipinecon, Maquoketa, Turkey and Skunk rivers, and the Musquetice slough," which was read and concurred in, and is as follows:

To the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the Council and House of Representatives, of the Legislative Assembly, of the Territory of Iowa, would respectfully represent.

That the Territory of Iowa, is bounded on the east, by the broad and beautiful river Mississippi, which being navigable for steam-boats generally about eight months in each year, affords an almost unequalled channel, down which the rich products of the fertile soil and inexhaustible mines of Iowa, may be floated to a distant market, on the confines of the ocean, and along which in return, our enterprising citizens may receive the products, and manufactures of the most distant climes. This majestic river, furnishes all that part of our population, who live near its banks, a great highway for the transportation of their surplus produce, and for the importation of whatever must necessarily be brought from a foreign market. But there are other portions of our Territory, blessed with a soil as fertile, and a population as industrious, as handy and as enterprising as the banks of the Mississippi can possibly boast, which have not at present channels through which they can have access to and communication with the other States and Territories of this confederacy.

Your memorialists believe that it is the policy of the parent government, to extend to Iowa, the same fostering care which has been extended to other Territories, to reach with a protecting hand, every section of this beautiful region and secure to us all the blessings which we derive from benignant skies and a prolific soil. And your memorialists would further state, that Iowa is not only washed on one side by the father of rivers, but she is intersected and crossed in every direction by many valuable streams of surpassing beauty, which seem to have been designed by the bountiful author of nature, as channels down which the inhabitants are to float their surplus products, until they reach that great interior highway of nations—the Mississippi river.

Many of these streams might easily be improved so as to render them extremely valuable for all the purposes of navigation, but your memorialists will, for the present, only call the attention of your honorable body to the following five, viz:

Skunk, Wabesipinicon, Great Maquoketa, Musquetine Slough and Turkey river. Skunk river rises in the same region of country, where the Iowa, Cedar &c. have their sources, and after a course including meanders of more than two hundred miles through one of

the most beautiful and fertile regions of the earth, falls into the Mississippi near the confines of Lee and Des Moines counties, in this Territory. The tract of country through which this river flows, is not watered by any other considerable stream, and consequently its inhabitatnts can have no other navigable channel by which their heavy products can be exported.

Your memorialists have taken some pains in collecting facts relating to Skunk river. and they are of opinion that if a few snags near the mouth, and within the influence of the back water from the Mississippi were removed, and some other unimportant obstructions overcome, this river could be rendered navigable by slack water or otherwise to the forks thereof, a distance of about one hundred miles including meanders from its mouth.

The Wabesipinicon and Makoqueta, have their sources in the Indian country, near the north west boundary of this Territory, and after meandering through a fine fertile and salubrious region, for one hundred and fifty or two hundred miles, mingle their waters with those of the Mississippi, between the mouth of Fever river and Rock Island. Each of these rivers' in the opinion of your memorialists, can be navigated at favorable seasons, from sixty to eighty miles above their mouths, and with very slight improvements might be rendered valuable highways for the fine and fertile counties which they water.

In the opinion of your memorialists almost all that has been said of the two last streams, will also apply to Turkey river. Like them it is a clear, limpid and beautiful stream, flowing through and watering a most beautiful and fertile country, and like them it could be rendered navigable for most of the year, at a very trifling expense. Nay more, its banks are covered with dense forests of valuable timber, and the lofty hills which overlook its clear blue stream are believed to contain inexhaustible quantities of lead ore.

Your memorialists would now call your attention to a stream of very different description from these last, but which at a very small expense, might be made an inexhaustible source of wealth to the inhabitants on its banks.

The Musquitine Slough leaves the Mississippi river near the town of Bloomington, and after a course of between twenty-five and thirty miles, again unites with the same river near the mouth of the Iowa, thus forming the Musquitine Island. No body of land of equal extent in the Territory, can be more fertile than that on this Slough, and the finely sloped hills stretching around its shores nearly in the form of an immense crescent, the beauty of which might safely challenge the admiration of the world, seem admirably adapted by nature for the residence of man.

You memorialists would, however, beg leave to state to your honorable body, that owing to the fact that a few obstructions exist in the lower part of this Slough, a greater volume of waters enters its channel than can be discharged. The consequence is its fertile banks are annually overflowed, and extensive marshes are formed whose malasia is death, and from which a miasma arises which scatters disease over the surrounding country.

Your memorialists believe that if a few trifling obstructions were

removed from this stream, and one or two small dams raised near the upper end of Musquitine Island, more than forty sections of valuable land would be reclaimed, the health of the vicinity improved, and the Musquitine Slough rendered valuable either for the purposes of navigation, or for propelling machinery. The expenses of improving all the streams enumerated in this memorial, as your memorialists believe, would be small, while the benefits resulting therefrom to the Territory and the people of Iowa, would be immense. As a preliminary step, however, it would be necessary to have accurate surveys and estimates made by a competent engineer, and your memorialists pray your honorable body to cause such survey and estimate to be made as early as practicable, and to grant an appropriation in money for that purpose.

And as in duty bound your memorialists will ever pray, &c.

Mr. Cox from the committee appointed for that purpose reported bill No. 37, H. R. file, entitled "A Bill defining the duties of county surveyors," which was read a first time.

On motion of Mr. Hastings,

Bill No. 29, H. R. file, entitled "A Bill to authorize J. S. Kirkpatrick to keep a ferry across the Mississippi river at Bellview, was read a second time and considered in committee of the whole, Mr. Summers in the chair. After some time the committee rose and reported the bill to the House with amendments, in which the House concurred; the bill was then ordered to be engrossed for a third reading. On motion of Mr. Bailey,

Bill No. 31, H. R. file, entitled "A Bill to prevent trespass on school lands," was read a second time and considered in committee of the whole, Mr. Swan in the chair. After some time spent therein, the committee rose and by their chairman reported the bill to the House with amendments in which the House concurred.

Mr. Cox moved to amend in the 5th line of the 1st section by striking out "ten" and inserting "three nor more than fifty," which was agreed to, and the bill was ordered to be engrossed for a third reading.

Mr. Grimes from the committee on the Judiciary, reported bill No. 36, H. R. file, with amendments, in which the House concurred; the bill was then ordered to be engrossed for a third reading.

On motion of Mr. Frierson,

Bill No. 32, H. R. file, entitled "A bill for the benefit of mechanics" was read a second time and considered in committee of the whole, Mr. Toole in the chair. After some time spent therein, the committee rose and by their chairman, reported the bill to the House with amendments, in which the House concurred; the bill was then ordered to be engrossed for a third reading.

On motion of Mr. Grimes,

Bill No. 33, H. R. file, entitled "A bill allowing and regulating writs of attachment," was read a second time and considered in committee of the whole, Mr. Temple in the chair. After some time the committee rose and reported the bill with amendments, in which the House concurred, the bill was then ordered to be engrossed for a third reading.

On motion, the House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

On motion of Mr. Bailey,

Bill No. 34, H. R. file, entitled "A bill to establish a territorial road from Keokuk to Iowa city on the Des Moines river," was read a second time and considered in committee of the whole, Mr. Bankson in the chair. After some time spent therein, the committee rose, and by their chairman reported the bill to the House with amendments in which the House concurred, and the bill ordered to be engrossed for a third reading.

The following message was received from the Council, by their Secretary, Mr. Wallace.

Mr. Speaker,—

The Council have passed bills of the following titles, viz:

No. 7. An act relating to the office of Register of Deeds.

No. 10. An act to provide for the incorporation of agricultural societies.

No. 11. An act authorizing Timothy Fanning to establish and keep a ferry across the Mississippi river at the town of Du Buque.

In all of which they ask the concurrence of the House of Representatives. And then he withdrew.

On motion of Mr. Hastings,

Bill No. 4, Council file, entitled "A bill relative to promissory notes, bonds, due bills and other instruments of writing," was read a second time and considered in committee of the whole, Mr. Bailey in the chair. After some time spent therein, the committee rose and reported the bill to the House with amendments, in which the House concurred.

On motion of Mr. Beeler,

The bill was then recommitted to the committee on the Judiciary.

On motion of Mr. Swan,

Bill No. 11, Council file, entitled "A bill to authorize Timothy Fanning to establish and keep a ferry across the Mississippi river at the town of Du Buque, was read a first and second time, and considered in committee of the whole, Mr. Beeler in the chair. After some time the committee rose and by their chairman reported the bill to the House without amendment, in which the House concurred; the bill was then ordered to a third reading.

Mr. Delashmutt asked leave of absence for Messrs. Taylor and Price, until Monday next; leave was granted.

Mr. Hastings gave notice that he should, on to-morrow, introduce a bill relating to strays; also a bill to repeal an act of the Legislative Assembly of the Territory of Wisconson, approved January 12th 1838.

Messrs. Hastings, Grimes and Cox, were appointed a committee to prepare the bills.

Mr. Bailey gave notice that he should at some future day introduce a bill to authorize sheriffs and constables to take delivery bonds. Messrs. Bailey, Delashmutt and Toole, were appointed a committee to prepare the bill, and the committee on the Judiciary

were discharged from the further consideration of the same subject.

On motion, the House adjourned.

Tuesday, December 4, 1838.

Mr. Grimes presented the remonstrance of sundry citizens of Scott county, praying that the county lines of said county may not be altered, which was referred to the committee on township and county boundaries.

Mr. Frierson presented the petition of sundry citizens of Muscatine county, praying that a law may be passed to provide for the sale of the lands now belonging to said county; also a remonstrance on the same subject, which was referred to the select committee on that subject appointed, on the 22d of November.

Mr. Porter presented the petition of sundry citizens of Henry county, praying that a territorial road may be laid out from Burlington to the territorial line, which was referred to the following select committee, viz. Messrs. Porter, Delashmutt, Coop, Beeler and Patterson.

On motion of Mr. Grimes,

Resolved, That Leander Judson, be requested to furnish sixty copies of his sectional map of Iowa territory, for the use of this House.

On motion of Mr. Bankson,

Resolved, That Messss. Swan and Beeler, be added to the standing committee on Enrolments.

Mr. Grimes from the committee on the Judiciary, reported back to the House, bill No. 4, Council file, entitled "a bill relative to promissory notes, &c." with amendments; the bill was then considered in committee of the whole, Mr. Brierly in the chair. After some time spent therein, the committee rose, and by their chairman, reported the bill with amendments, in which the House concurred.

On motion of Mr. Swan,

The bill was further amended, by adding to the 10th section "provided, if the defendant fails to appear at the first term of the court, the plaintiff, in order to obtain judgment against him at that term, must prove the execution of the note, bond or other instrument."

The bill was then ordered to be engrossed for a third reading.

Mr. Frierson, from the committee on Internal Improvements, reported bill No. 38, H. R. file, entitled "a bill to regulate ferries," which was read a first time.

Bills No. 7 and 10, Council file, were taken up and read a first time

Bill No. 11, Council file, entitled "a bill to authorise Timothy Fanning to establish and keep a ferry across the Mississippi river at the town of Du Buque," was read a third time, passed, and title agreed to.

The following communication was received from James G. Edwards, and referred to the committee on expenditures.

BURLINGTON, DEC. 4, 1838.

W. H. WALLACE, ESQ.

Speaker of H. R. of Iowa.

Sir, I herewith transmit nine copies of the late Wisconsin laws, in accordance with a resolution passed by the honorable body over whom youpreside. These, with two copies furnished Messrs. Taylor and Roberts make eleven, which, as near as I can learn, are all the resolution called for. If the House can make out an order on the Secretary of the Territory for the payment of these laws, which amounts to $19,25, they will oblige their ob't. serv't.

JAMES G. EDWARDS.

Mr. Hastings from the select committee reported back to the House bill No. 7, H. R. file, entitled "a bill regulating interest on money in the Territory of Iowa," with amendments. The bill was then considered in committee of the whole, Mr. Burchard in the chair. After some time spent therein, the committee rose, and by their chairman, reported the bill to the House with amendments, in which they asked the concurrence of the House.

On this question the yeas and nays were called for and were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler. Brierly, Burchard, Coop, Delashmutt, Frierson, Grimes, Hastings, Patterson, Parker, Porter, Temple and Wallace, Sp'r—15.

Nays—Messrs. Cox, Roberts, Swan, Taylor and Toole—5

So the House concurred in the report of the committee.

Mr. Bailey moved to amend, by striking out "twelve," and inserting "twenty," in the third line of the third section.

On this question the yeas and nays were called, and were as follow:

Yeas—Messrs. Bailey, Beeler, Brierly, Burchard, Coop, Delashmutt, Grimes, Hastings, Patterson, Parker, Porter, Temple and Wallace, Speaker—13.

Nays—Messrs. Bankson, Cox, Frierson, Roberts, Swan, Taylor and Toole—7.

So the amendment was agreed to.

The bill was then ordered to be engrossed for a third reading.

Mr. Grimes from the committee on the Judiciary, reported bill No. 39, H. R file, entitled "a bill for opening and repairing or vacating public roads and highways," which was considered in committee of the whole, Mr. Coop in the chair. After some time spent therein, the committee rose, reported progress, and asked leave to sit again; leave was granted.

The following communication was received and read:

Mr. Speaker:

SIR—I herewith transmit to you, and the honorable members that compose the House of Representatives, my resignation of the office I received at your hands.

With the highest consideration for yourself, and each member, I remain your obedient servant,

SAURIN JENNERS.

On motion, the House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

Mr. Toole, from the committee on enrolments, reported the following bills as correctly enrolled:

Bill No. 6. H. R. file, entitled a bill providing for the establishing of common schools.

Bill No. 22, a bill relating to informations in the nature of quo warranto.

No. 26, a bill authorising Joseph Williams and C. A. Warfield to keep a ferry.

No. 28, a bill providing for the collection of demands against boats and vessels.

Which bills were sent to the Council for concurrence.

Mr. Toole also reported the following bills as correctly engrossed, viz:

No. 23, H. R. file, a bill to divide the county of Henry, and establish the county of Jefferson.

No. 30, H. R. file, a bill authorizing Wm. Blake and Peter Blake Jr. to establish a ferry.

No. 2. Council file, a bill regulating the mode of taking depositions, &c.

On motion of Mr. Frierson,

Resolved, That Saurin Jenners, be allowed three dollars per day, for his services as assistant clerk in this House twenty days.

Bill No. 23, H. R. file, was then read a third time, passed, and title agreed to.

On motion of Mr. Grimes,

Resolved, that the committee on expenditures, be instructed to make a calculation of the probable expenses of the present Legislative Assembly, and report to this House as soon as practicable.

Bill No. 2. Council file, was read a third time, passed, and title agreed to.

The House then resolved itself into a committee of the whole on a memorial to Congress, on the subject of granting the right of preemption to owners of mineral lots, Mr. Cox in the chair. After some time spent therein, the committee rose and reported the memorial to the House with amendments, in which the House concurred.

On motion of Mr. Grimes,

Resolved, that the Governor of the Territory, be requested to forward copies of the said memorial, to the President of the United States, the commissioner of the general land office, the secretary of state and our delegate in Congress, and that our said delegate be instructed to use his utmost exertions to secure the object of the memorial.

Bill No. 30, H. R. file, was read a third time, and the questionwas then taken on the passage of the bill, and decided in the negative.

Bill No. 35, a bill to authorize Wm. Hogan, to establish a ferry across the Mississippi river at the town of Lyons, was read a second time and considered in committee of the whole, Mr. Frierson in the chair. After some time the committee rose and reported the

bill to the House with amendments in which the House concurred.

The following message was received from the Council by their Secretary, Mr. Wallace:

Mr. Speaker,—

The Council have passed a memorial on the subject of an amendment of the organic law, with an amendment. Also bill No. 17, H. R. file, entitled "an act organizing a board of county commissioners in each county in the Territory of Iowa." with sundry amendments in which they ask the concurrence of the House.

They have also concurred in the resolution of the House, authorizing the Post Master at Davenport, to have the mail from Davenport to Du Buque, carried in two horse post coaches," &c.

And then he withdrew.

Bill No. 37, H. R. file, entitled "a bill defining the duties of county surveyors," was read a second time and considered in committee of the whole, Mr. Grimes in the chair. After some time spent therein, the committee rose, and reported the bill to the House with amendments in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Swan,

Resolved, That a select committee be appointed to examine the bills engrossed and enrolled by the clerks of this House, and report how many are competent to discharge their duties, and how many additional ones are required.

Messrs. Swan, Grimes, Hastings, Bailey and Taylor were appointed said committee.

On motion, the House adjourned.

Wednesday, December 5, 1838.

Mr. Burchard presented the petition of sundry citizens of Scott county, praying that a charter may be granted to Wm. R. Shoemaker, to keep a ferry across the Mississippi river at the town of Davenport, which was referred to the committee on corporations.

Mr. Toole, from the committee on enrollments, reported the following bills as correctly engrossed, viz: bills No. 29, 31 and 32.

Mr. Patterson, from the committee on expenditures made the following report:

The committee on expenditures, to whom was referred the resolution adopted by the House on yesterday, instructing them to make an estimate of the probable expenses of the present Legislative Assembly, beg leave to report.

Your committee have not been able to make a nett calculation of all the expenses of this Assembly, and the territorial government for the present year—but from the means within their reach, they have come to the following conclusion:—

The per diem of members	$8,779
Mileage of Do.	1,000

Clerks' salaries and other officers	5,250
Rent of State House	1,200
Printing for both Houses and laws	3,000
Stationery	2,000
Furniture of the Legislative chambers	1,000
Printing laws in newspapers	500
Contingent expenses	2,000
Total,	29,729.

Your committee find the appropriation of Congress to defray the expenses of the territorial government to be $24,675, out of which are to be taken the salaries of the Governor, judges, district attorney and marshal, which amount to $8,950, leaving a balance only of $15,725, to defray the expenses of this Legislature. Your committee have not included any extra allowance for the President of the Council and Speaker of the House of Representatives amounting to $450, the service of the chief clerks in preparing the journals for the two Houses for publication, amounting to $600, the allowance of the Secretary of the Territory, for preparing the laws for publication, $400—the expenses of the sheriffs of the different counties in ordering the elections, $300—for the maps of Iowa, furnished this House by Mr. Judson, and laws of Wisconsin, furnished by Mr. Edwards, making an amount of $600, which added will make a balance necessary, over and above the appropriation, of $16,354.

Your committee would therefore, respectfully recommend that this House, in conjunction with the Council, memorialize Congress for an additional appropriation of $16,354.

On motion, the said report was concurred in.

On motion of Mr. Grimes,

Ordered, That the committee on expenditures, be instructed to prepare a memorial to Congress for further appropriations to defray the expenses of the present Legislative Assembly.

Mr. Swan from the select committee appointed yesterday, made the following report.

Your committee have performed the duties asssigned them, and think it necessary, that a good and efficient clerk should be elected, as an assistant to the chief clerk of this House. Also, that an additional clerk be employed in the engrossing department, and that the present incumbent be employed in punctuating the different bills of this House, as well as in engrossing.

The report of the committee was concurred in, and the House proceeded to the election of an assistant clerk.

Messrs. Blair and Coop, were appointed tellers.

Henry W. Moore, received 9 votes, Jesse Williams 5, A. F. Russell 3, S. R. Murray 3. There being no election, the House proceeded to a 2d ballot.

Mr. Burchard withdrew the name of A. F. Russell.

Henry W. Moore received 8 votes, Jesse Williams 9, S. R. Murray 4.

There being no choice, the House proceeded to a 3rd ballot.

Mr. Summers withdrew the name of S. R. Murray.

Henry W. Moore received 12 votes, Jesse Williams 10. Mr. Moore was declared to be duly elected assistant clerk.

The House then proceeded to the election of an additional engrossing clerk.

Messrs. Patterson and Delashmutt, were appointed tellers.

S. R. Murray received 7 votes, Wm. H Turner 10, J G. Edwards 4. There being no election, the House proceeded to a second ballot, when S. R. Murray received 12 votes, Wm. H. Turner 9. Mr. Murray was declared duly elected as an engrossing clerk.

Mr. Patterson from the committee on expenditures, reported as follows:

The committee on expenditures, to whom was referred the account of James G. Edwards, for eleven copies of the laws of Wisconsin, furnished this House, report, that it is expedient to grant to said Edwards, the sum of $19,25, the amount of his account.

The report of the committee was concurred in.

On motion of Mr. Hastings,

Resolved, That James G. Edwards be requested to furnish this House with fifteen additional copies of the Wisconsin laws.

The memorial to Congress, on the subject of an appropriation of land for a Penitentiary, was read a second time, and considered in committee of the whole, Mr. Patterson in the chair. After some time spent therein, the committee rose and reported the memorial with sundry amendments, in which the House concurred; the memorial was then ordered to be engrossed for a third reading.

Bill No. 17, H. R. file, entitled "An act organizing a board of county commissioners in each county, as amended by the Council was taken up, and the amendments to the 5th and 17th sections concurred in; the amendment to the 22nd section was disagreed to.

On motion of Mr. Summers,

The vote of yesterday on concurring with the committee of the whole, in amendments made to bill No. 35, was reconsidered, and, on motion of Mr. Cox, the House refused to concur with the committee; the bill was then recommitted to the committee on roads and highways.

The memorial to Congress on the subject of amending the organic law, as amended by the Council, was concurred in.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Henry W. Moore, elected an assistant clerk, and S. R Murray, elected an engrossing clerk, came forward and were sworn.

Mr. Swan, from the committee on enrollments reported the following as correctly enrolled, to wit:

Bill No. 4, Council file, entitled "An act relative to promissory notes," &c.; No 23 H. R. file, entitled "An act to divide the county of Henry and establish the county of Jefferson." The said bills were then sent to the Council for concurrence.

The committee on enrollments reported bills No. 7, H. R. file, "A bill regulating interest on money in the Territory of Iowa;" No. 34, H. R. file, "An act to locate and establish a territorial road

from Keokuk, on the Mississippi river, to Iowa city on the Des Moines river;" bill No. 36, H. R. file, "An act fixing the terms of the Supreme and District courts of the Territory of Iowa, and for other purposes," as correctly engrossed.

Mr. Grimes presented the following resolution:

Resolved, By the Council and House of Representatives of Iowa Territory, That the Secretary of the Council and Chief Clerk of the House shall receive six dollars per day for their services in this assembly, and each of the additional clerks, Sergeant-at-arms, Doorkeepers, Messengers and Firemen, receive three dollars per day, to be paid by the Secretary of the Territory, upon the presentation of a certificate of their services, signed by the presiding officer of the House in which they served and countersigned by the Secretary or Chief Clerk.

And, on the question of the adoption of the same, it was decided in the affirmative, as follows:

Yeas—Messrs. Bankson, Beeler, Cox, Delashmutt. Grimes, Hastings, Patterson, Porter, Roberts. Summers, Swan, Taylor, Tempie, Toole, and Wallace, Speaker—15.

Nays—Messrs. Brierly, Burchard, Coop and Frierson—4.

Bills No. 29, H. R. file, "A bill to authorize J. S. Kirkpatrick to keep a ferry at Bellevue," and No. 31, H. R. file, "A bill to prevent trespass on School Lands," were then taken up, read a third time, passed and the titles agreed to.

Bill No, 32, H. R. file, "A bill for the benefit of mechanics," was then taken up and read a third time.

Mr. Swan asked and obtained the unanimous consent of the House to add to said bill the following section, to-wit:

SEC. 5. And it is further provided by this act, That when any person is employed to work on mineral ground, where mineral is found, he shall have all the benefit of this act, and shall have a lien on a sufficient quantity of mineral on the lot where he may be employed to pay him for any just demand which he may have in consequence of labor, that he may have performed on the same.

On motion of Mr. Cox,

Ordered, That said bill be re-committed with the amendment.

Bill No. 7, H. R. file, was then read a third time, and on motion of Mr. Grimes, the same was recommitted.

Bill No. 34, H. R. file, was taken up, the blanks filled with the name of James Suttan, Joseph Robb and James McMurray, read a third time, passed and the title of the same agreed to.

Bill No. 35, H. R. file, "A bill fixing the time for holding the Supreme and District courts and for other purposes," was then taken up, and read a third time.

On motion of Mr. Cox,

Said bill was amended as follows: In the fourth section, insert "the county of Benton is hereby attached to the county of Jackson for Judicial purposes."

The bill was then passed and the title agreed to.

Bill No. 38, H. R. file, "A bill to regulate ferries," was read a second time and considered in committee of the whole, Mr. Parker

in the chair. The committee, after some time spent in consideration thereof, rose and reported the same to the House with amendments, in which the House concurred; and on motion of Mr. Grimes, the bill was amended by striking out the word 'May' in the last section, and inserting 'March.' Said bill was then ordered to be engrossed for a third reading.

On motion, the House adjourned.

Thursday, December 6, 1838.

Mr. Burchard presented the remonstrance of sundry citizens of Scott county, against any alteration in the boundary lines of said county.

On motion, the said remonstrance was referred to the committee on township and county boundaries.

On motion of Mr. Coop,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of establishing a territorial road leading from Fort Madison to West Point in Lee county, thence to Salem, in Henry county, thence to the seat of justice of Jefferson county.

Mr. Summers, from the committee on roads and highways, reported bill No. 40, entitled "A bill to authorize J. H. Sullivan and A. H. Davenport, to keep a ferry across the Mississippi river, at the town of Rockingham." Read a first time.

Mr. Taylor, from the select committee appointed for that purpose, reported bill No. 41, entitled "A bill subjecting real and personal estate to execution." Read a first time by its title.

The Speaker announced the following communication from the Judges of the Supreme Court of this Territory, to wit:

BURLINGTON, DEC. 4, 1838.

To the Honorable the Speaker of the House of Representatives of the Territory of Iowa.

Sir,—We herewith beg leave to present for the consideration of the Legislative Assembly a bill entitled "An act to allow and regulate the Action of Right."

Yours, very respectfully,
CHARLES MASON,
JOSEPH WILLIAMS,
T. S. WILSON.

The bill referred to in the said communication was read a first time.

Mr. Hastings, from the select committee appointed for that purpose, reported bill No. 43 entitled "A bill to repeal an act of the Legislative Assembly of the Territory of Wisconsin, approved January 19th, 1838." Read a first time.

The committee on enrollments reported the following bills as correctly enrolled:

Bill No. 31, H. R. file, entitled "An act to prevent trespass on school lands;" bill No. 29, H. R. file, entitled "An act to authorize J. S. Kirkpatrick to establish and keep a ferry across the Mississippi river, at the town of Bellevue;" bill No. 34, H. R. file, entitled "An act to locate and establish a territorial road from Keokuk, on the Mississippi river, to Iowa city on the Des Moines river."

Ordered to be sent to the Council for concurrence.

And bills as follows, as correctly engrossed, to wit:

Bill No. 33, H. R. file, entitled "A bill allowing and regulating writs of attachment," and bill No. 37, H. R. file, entitled "A bill defining the duties of county surveyors."

The said bills, No. 33 and 37, were read a third time, passed, and the titles thereof agreed to.

Message from Council by the Secretary, Mr. Wallace.

Mr. Speaker,—

I am instructed to inform the House of Representatives, that the Council have concurred in the resolution of the House fixing the compensation of the officers of the Legislative Assembly. And then he withdrew.

On motion of Mr. Grimes,

The House resolved itself into committee of the whole, Mr. Coop in the chair, for the consideration of bill No. 39, entitled "A bill for opening and repairing or vacating public roads and highways;" and, after some time spent therein, the committee rose and reported the bill with amendments.

The House concurred in the report of the committee.

On motion of Mr. Cox,

Ordered, That the said bills be referred to the committee on roads and highways.

Mr. Swan, from the committee on enrollments, reported the following as correctly enrolled, to wit: A memorial to Congress on the subject of the defence of the frontier; and a bill relative to pleas in abatement and the abatement of suits by the death of parties. And that the said memorial and bill had been presented to the Governor for his signature.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Wallace, the Secretary of the Council, being introduced, delivered the following message:

Mr. Speaker,—

I am instructed to inform the House of Representatives, that the Council insist upon their amendment made to bill of the House No. 17, and 22d section, and have appointed Messrs. Hempstead, Clarke and Payne, a committee, on the part of the Council, to confer with a similar committee of the House in relation to the disagreeing vote of the two houses.

They have also passed bills of the following titles:

No. 9. An act to incorporate the city of Du Buque.

No. 8. An act concerning marriages.

No. 12. An act to locate a road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county, and to the county sea tof Slaughter county.

In all of which they ask the concurrence of the Honse of Representatives. And then he withdrew.

Mr. Beeler, from the committee on enrollments, reported bi:l No. 36, H. R. file, entitled "An act fixing the terms of the Supreme and District courts of the Territory of Iowa, and for other purposes," as correctly enrolled; and bill No. 38, H. R. file, entitled "An act to regulate ferries," as correctly engrossed.

Bill No. 38, H. R. file, entitled "A bill to regulate ferries;" and memorial in reference to the erection of a penitentiary in this Territory, being taken up, were read a third time, passed, and the titles to the same agreed to.

Bill No. 9, Council file, entitled "A bill to incorporate the city of Du Buque," was read a first and second time, and on motion of Mr. Hastings, the House for the consideration of said bill, resolved itself into a committee of the whole, Mr. Roberts in the chair. After some time spent in the consideration of the same, the committee rose and by their chairman reported said bill with amendments.

The question then recurred upon the concurrence of the House with the report of the committee; whereupon it was decided in the affirmative, and the bill ordered to a third reading.

On motion, the House adjourned.

Friday, December 7, 1838.

Mr. Grimes presented the petition of Jeremiah Smith and others, praying for the repeal of an act for the partition of the half breed lands and for other purposes, and an act supplementary thereto. Referred to the committee on the Judiciary.

On motion of Mr. Blair,

Resolved, That the committee on Roads and Highways, be instructed to inquire into the expediency of locating a territorial road, from Phelps' landing opposite Oquawka, to Mount Pleasant in Henry county, and report by bill or otherwise.

On motion of Mr. Bailey,

Resolved, That Messrs. Parker and Brierly be added to the standing committee on Roads and Highways.

Mr. Summers, from the select committee to whom was referred the resolution of the House, on the subject of the seat of justice of Scott county, made report—

That they have had the subject under consideration, and upon an examination, find that at the close of the election for county seat in Scott county, on the 6th day of August last, there were polled for the town of Rockingham two hundred and seventeen votes, and of the town of Davenport two hundred and two votes; and that the

sheriff and county commissioners of the county of Du Buque, to whom the returns of said election were made, have decided that Davenport is the seat of justice, for said county having rejected eighteen votes polled at Rockingham as illegal.

Your committee believe that the sheriff and commsssioners of Du Buque county had not the power under the law providing for that election to reject any of the votes polled at said election, and would therefore recommend the appointment of three commissioners, to purge the polls of said election, and submit for the consideration of the House the following bill, to wit:

Bill No. 44, entitled a bill concerning the seat of justice of Scott county, which was read a first time.

Mr. Swan from the committee on Enrolments, reported an act to authorize Timothy Fanning to keep a ferry across the Mississippi river, at Du Buque, as correctly enrolled, and Mr. Toole from the same committee, reported as correctly enroled, bills of the following titles, to wit:

An act defiuing the duties of county surveyors.

An act allowing and regulating writs of attachment. Also

A memorial to Congress on the subject of a Penitentiary.

The said bills and memorial were ordered to be sent to the Council for concurrence.

Mr. Parker asked and obtained leave to introduce a bill to locate a road from Keasauqua, to the seat of justice of Jefferson county.

The chair appointed Messrs. Parker, Bailey and Coop, a committee to prepare the bill.

Mr. Toole from the select committee appointed for that purpose reported bill No. 45, entitled a bill to establish the boundaries of Louisa county, and to locate the seat of justice for said county, and for other purposes. Read a first time.

Mr. Hastings from the select committee appointed for that purpose, reported bill No. 46, entitled an act relating to strays, which was read a first time.

Mr. Taylor asked leave at a future day, to introduce bills of the following titles, to wit:

A bill to prevent the selling of spirituous liquors to Indians, and

A bill to punish the venders of unwholesome liquors and provisions.

Messrs. Taylor, Bankson and Thornton were appointed a committee to prepare said bills.

Mr. Hastings asked leave at some futuae time to introduce a bill to restrain unincorporated banking associations. Leave was granted, and Messrs. Hastings, Grimes, and Cox were appointed a committee to prepare the same.

Bill No. 8, Council file, was read a first time, and

On motion of Mr. Grimes,

Was referred to a select committee; whereupon the chair appointed Messrs. Cox, Grimes, Bailey, Swan and Toole said committee.

Bill No. 12, Council file, entitled "an act to locate a road from Fort Madison, in Lee county, to Mount Pleasant, in Henry county,

and to the county seat of Slaughter county, was then taken up and read a first time.

Bill No. 40, H. R. file, was taken up read a second time, and considered in committee of the whole, Mr. Swan in the chair. After a short time, the committee rose, and reported said bill without amendment. The House concurred in the report.

And on the question, "shall the bill be engrossed and read a third time?" it was determined in the affirmative.

Bill No. 43 H. R. file, entitled "a bill to repeal an act of the Legislative Assembly of the Territory of Wisconsin, was then read a second time and ordered to be considered in committee of the whole, Mr. Summers in the chair. After some time the committee rose and reported said bill without amendment, in which report the House concurred, and ordered said bill to be engrossed and read a third time.

Bill No. 7, Council file, entitled "An act relating to the office of Register of Deeds, &c." was then taken up and considered in committee of the whole, Mr. Taylor in the chair. The committee rose after a short period and reported said bill with amendments. The House concurred in the report of the committee.

The bill was then read a third time and ordered to be engrossed.

On motion of Mr. Grimes,

Ordered that the foregoing bill last under consideration be referred to a select committee. Messrs. Grimes, Taylor, Hastings, Blair, and Frierson were appointed said committee.

Mr. Swan, from the committee on Enrolments, roported a memorial to Congress on the subject of granting preemptions on mineral lands, as correctly enrolled.

Bill No. 10, Council file, was next taken up and read a second time, and considered in committee of the whole, Mr. Temple in the chair. The committee rose and reported the bill without amendment; in which report the House concurred; and ordered the said bill to be engrossed and read a third time.

Bill No. 9, from the Council, entitled "an act to incorporate the city of Du Buque," was read a third time, passed, and title agreed to.

Bill No. 3, from Council, was then read a second time, and considered in committee of the whole, Mr. Toole in the chair. The House concurred in the report of the committee, made on the bill without amendment; and on the question, "Shall the said bill be engrossed and read a third time?" it was determined in the affirmative.

Bill No. 12, Council file, was next read a second time and considered in committee of the whole, Mr. Bankson in the chair. The committee rose, after some time, and reported the bill with amendments. The House concurred in the report of the committee, and ordered said bill to be engrossed, and read a third time.

Mr. Swan gave notice that he should on to morrow ask leave to amend the 27th standing rule of this House as follows:—Strike out all of said rule and insert the following, viz:

"After a bill shall have passed the House, it shall be the duty of the Chief Clerk of the House so far to alter the title of the bill as

to strike out the words 'a bill,' and insert in lieu thereof the word 'an act.' It shall then be duly enrolled; after which it shall be examined by a standing committee for that purpose, who shall carefully compare the enrolled with the engrossed bill, and correcting any errors that may be discovered in the enrolled bill, shall mark them, and report forthwith to the House."

On motion of Mr. Swan,

Ordered, That a committee of conference be appointed on the disagreeing vote of the two Houses in relation to the amendment of the Council to the 22d section of bill No. 17, H. R. file. Messrs. Swan, Beeler and Roberts were appointed said committee.

Mr. Hastings moved to adjourn; which motion Mr. Swan moved to amend by saying 'to 2 o'clock;' which was agreed to.

The question was then taken on the motion to adjourn as amended; which was decided in the negative.

Mr. Grimes from the committee to whom was referred a bill concerning divorces, reported a substitute therefor; which was ordered to be printed.

On motion the House adjourned until 2 o'clock P M.

2 O'CLOCK, P. M.

Mr. Beeler gave notice that he should, on Monday next, or some day thereafter, ask leave to introduce a bill, entitled 'a bill regulating the publication and distribution of the laws and journals of the Legislative Assembly of the Territory of Iowa, and the reprinting of sundry private acts of the Legislative Assembly of the Territory of Wisconsin, and for other purposes.' Leave was granted; and Messrs. Beeler, Delashmutt and Burchard were appointed a committee to prepare said bill.

On motion of Mr. Grimes,

Ordered, That the House now resolve itself into a committee of the whole, for the consideration of bill No. 48, H. R. file, entitled "a bill for the relief of the poor," Mr. Bailey in the chair. After some time the committee rose, reported progress, and asked leave to sit again. Leave was granted.

The Speaker announced a communication from the Hon. Wm. B. Conway, Secretary of the Territory. Said communication, with the accompanying documents, were then read; and,

On motion of Mr. Beeler,

Ordered that they be laid on the table and spread upon the journals of the House, and are as follows:

SECRETARY'S OFFICE,
Dec. 6, 1838.

To the Honorable the Speaker of the House of Representatives.

SIR,—The receipt of a joint resolution authenticated by the signatures of the Honorable the presiding officers of both branches of the Territoaial Legislature of Iowa, and duly transmitted to this Department, is hereby respectfully acknowledged.

This resolution was passed on the 5th of the present month, and specifies the per diem compensation which the chief clerk and other

officers of each House shall receive; and it furthermore provides that such compensation *is to be paid* by the Secretary of the Territory. It was known to the Secretary at an early stage of your legislative proceedings, that some difference of opinion existed in relation to expenditures and disbursements, and hence he took occasion to bring the entire subject in a very distinct form before both Houses of Assembly on the third day after the commencement of the session, as by reference to his communication of that day (the 15th Nov.) will more fully and at large appear. And the Secretary was not aware of any joint action of the legislature on the subject of disbursements, in the shape of a general provision, until he had received the resolution which was passed on the 5th inst. to which this communication is intended as a reply. In replying, therefore, to the joint resolution of the Honorable Legislative Assembly, (pursuant to which a certificate has been presented) the Secretary takes pleasure in giving the assurance that he is PREPARED and DISPOSED to meet every demand against the Territorial Government that may be accompanied by a sufficient voucher in contemplation of law.

But the legal sufficiency of the voucher constitutes a difficulty, which, in the payment of money, that MUST BE ACCOUNTED FOR by the disbursing officer, becomes to him at least, a momentous subject.

A man may do what seems good in his own eyes with his own money, but when the money is not his own, but placed in his hand for specific purposes, a distinct and well defined knowledge of those purposes becomes a matter of the first importance to him.

The money now in the hands of the Secretary is to be expended for these purposes, namely, "to pay the expenses of the Legislative Assembly—the printing of the laws, and other incidental expenses."

Expenses are incurred in the Legislative Assembly, for the services of clerks and other officers. How these clerks and other officers should acquire a legal existence as such, is a subject over which the Secretary possesses no control; but what constitutes official existence in contemplation of law is in the present instance involved in obscurity and doubt. A clerk in either house, who renders services as such, becomes a public creditor, and a fund *is* placed in the hands of the Secretary to compensate him for his services thus rendered. But the manner in which a clerk or other officer is legally created is now a question. The organic law provides, specifically, for the per diem of the members of the Legislature, and for their mileage in going to and returning from the seat of the Territorial Government; but it contains no other specific provisions with regard to items of legislative expenditure. The term "expenses" is general and comprehensive, and in the absence of a legal definition, it vests the Secretary with unlimited discretion.

But it was certainly not intended by Congress that such should be the character of his official discretion; because it is provided also that he shall ACCOUNT annually for the MANNER in which the money placed in his hands shall have been expended. True, he is not obliged to account to any officer of the Territorial Government.—

Still the Legislative authorities must regulate their 'expenses' by some rule, and here the question again returns, as to what amounts to a competent regulation of the expenses now considered. The discretion of the Secretary is regulated and restricted by the provisions of the resolution now before him; but it will be seen by the subjoined communication, that the resolution itself has been regarded as "destitute of legal authority or Executive sanction."—The views of his Excellency the Governor have been elicited, by the Secretary, as a preliminary protection against unauthorised disbursements, and, whilst the difference appears so palpable between the requirements of the resolution and the sanction which has been considered as necessary to its legal validity, it becomes important to enquire into the character of the official action which would remove the objection thus disclosed.

If the Secretary were to present his accounts at the Treasury Department of the United States, for the purpose of making his annual settlement accompanied by vouchers "destitute of legal authority" and claim credits for moneys paid to persons "legally unknown," the responsibilities thus incurred would render a Territorial Secretaryship one of the most undesirable stations on earth. And the fact that the Secretary had acted thus, in direct opposition to the expressed opinion of the Executive, with regard to the legal authenticity of his vouchers, might not tend greatly to increase the claims of the ruined officer to public commisseration. This is, therefore a serious subject.

The subjoined opinion of his Excellency Governor Lucas, was frankly elicited and as frankly expressed; with the knowledge that it would accompany the Secretary's reply to your resolution. The whole subject is therefore respectfully recommitted to the Honorable the Legislative Assembly, attended by the anxious hope, that the Secretary will not be required to circumnavigate the great ocean of official discretion, without a chart to guide him in his course; and, more especially, that the chart which may be furnished shall possess every legal sanction that can conduct him into the haven of security, in money matters at least.

It will be always remembered, that the Secretary possesses no part, or particle of the Legislative POWER, except in its primary character at the ballot box. It is therefore respectfully submitted, whether it is not absolutely necessary that the legislative authorities declare whether the organic law is in itself sufficient to authorize disbursements, under its general terms and provisions, or whether vouchers of unquestionable legality, cannot be furnished to enable the Secretary to indulge his desire of paying every person employed in the public service, to whom payment is honestly due?

I have nothing farther to add, but to invite your particular attention to the subjoined correspondence with the Governor, while I remain very respectfully,

WM. B. CONWAY,
Secretary of the Territory.

SECRETARY'S OFFICE,
IOWA TERRITORY, DEC. 6, 1838.

To His Excellency Gov. LUCAS:

SIR,—Your Excellency will please to notice, in the Legislative Journals of December 5th, 1838, a joint Resolution providing for for the pay of Clerks, &c. upon the presentation of a certificate to the Secretary, attested as therein prescribed.

A certificate under this resolution, (together with the Resolution itself,) has been presented this day. And my only object is to enquire whether your Excellency would consent to give me a written opinion on the subject; stating whether the certificate in question, is or can be legally regarded as a sufficient voucher, in settling my accounts with the Treasury Department of the United States.

With very respectful consideration, I remain

Your obedient servant,

WM. B. CONWAY,

Secretary of the Territory.

EXECUTIVE OFFICE,
IOWA TERRITORY, DEC. 6, 1838.

WM. B. CONWAY, Sec'y. of Iowa Territory.

SIR,—I acknowledge the receipt of your communication of this date, together with a joint resolution of the Council, and House of Representatives, of the Territory of Iowa; making an allowance for Clerks, Doorkeepers, Messengers, Fireman, &c. and directing the pay of such allowance, by the Secretary of the Territory, on the certificate of the presiding officer of the House, attested by the Secretary or Chief Clerk. Also a certificate of the Speaker of the House of Representatives, attested by the Chief Clerk, certifying that Samuel W. Summers is entitled to three dollars per day, for his services as Sergeant at Arms, from the 12th of November, to the 5th of December inclusive, and requesting my opinion whether said certificate can be legally regarded as a sufficient voucher in settling your accounts with the Treasury Department of the United States.

In complying with your request, it becomes necessary to take a review of the nature of our government, the power vested in it, and the sources from whence this power is derived. The second clause of the 3d section of the 4th article of the Constitution of the United States, vests in congress, the power to make all needful rules and regulations, respecting the Territory, or other property belonging to the United States.

Under this clause of the Constitution, Congress passed the Act of the 12th of June, organizing the Territorial Government of Iowa; and vested in the Territorial Government certain powers, by which, in connection with the Constitution of the United States, we must be controlled in all our official acts. This act declares that the Legislative Power of the Territory "shall be vested in the Governor and Legislative Assembly:" in the 2d section it declares that the Governor shall approve of all laws passed by the Legislature, before they shall take effect; and in every case, when the acts of the

Legislature are spoken of, they are mentioned as the acts of the Governor and Legislative Assembly, and in no place is there any power vested in the Legislative Assembly independent of the Governor.

The 11th section of the Organic law declares that there shall be appropriated annually, a sufficient sum, to be expended by the Secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the Legisiative Assembly, the printing of the Laws and other incidental expenses; and declares that the Secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the *manner* in which the aforesaid sum shall have been expended.

You are by this clause created the disbursing agent of the Treasury Department of the United States, and held responsible to it, for your disbursements. The 7th clause in the 9th section of the 1st article of the Constitution of the United States declares "that no money shall be drawn from the Treasury, but in consequence of appropriations made by law, and a regular statement and account, of the receipts and expenditures of all public money, shall be published from time to time." By the organic law, you are ex officio, a sub treasurer of the United States, and you are bound to render your accounts annually, for settlement, and to produce legal vouchers for all money disbursed by you. With this view of the subject, I am clearly of the opinion that the resolution and certificate referred to in your communication, being destitute of legal authority or Executive sanction, could not with safety be received by you as vouchers for the payment of money upon them.

The officers named in the resolution and certificate are legally unknown to us, and must continue to be so, until a law is passed creating these offices, fixing the salary and defining the manner of payment.

The foregoing are briefly my views on the subject referred to me by you, in your communication.

Very respectfully, your ob't. servant,

ROBERT LUCAS.

On motion of Mr. Frierson,

The last motion was reconsidered, and the said communication referred to a committee composed of one member from each electoral district. The chair appointed Messrs. Frierson, Swan, Roberts, Summers, Grimes, Porter, Bailey and Taylor, said committee.

On motion of Mr. Taylor,

Ordered, that the House do now in committee of the whole, resume the consideration of bill No. 48, entitled "a bill for the relief of the poor;" Mr. Bailey in the chair. After some time spent therein, the committee rose and by their chairman reported the said bill with amendments. The House concurred in the report of the committee; and on the question "shall the bill be engrossed and read a third time?" it was determined in the affirmative.

Mr. Temple, from the committee to whom was recommitted bill No. 32, H. R. file, entitled "a bill for the benefit of mechanics," reported the same to the House. Said bill was then read a second

time, and, on motion of Mr. Temple, the House resolved itself into a committee of the whole, on said bill. After some time spent in the consideration thereof, the committee rose and reported the same to the House without amendment. The House concurred in the report of the committee;

And the bill was ordered to be engrossed for a third reading.

Mr. Swan offered the following:

Resolved by the Council and House of Representatives of the Territory of Iowa, That in consequence of the communication from the Honorable Secretary of this Territory, relating to the expenditure of public money, &c. dated Dec. 7th, inst. and the difficulties attending the same, that it is expedient to adjourn until Monday next for the purpose of assembling in convention, in the Hall of the House of Representatives, to take into consideration the best mode of future procedure.

Mr. Bailey moved to amend, by striking out Monday, and inserting to morrow morning at 10 o'clock.

The question being upon the adoption of the amendment;

The yeas and nays being called for by Mr. Frierson, were as follow:

Yeas—Messrs. Bailey, Brierly, Burchard, Coop, Cox, Delashmutt, Grimes, Parker, Porter, Roberts, Summers, Taylor, Temple and Toole—14.

Nays—Messrs. Bankson, Beeler, Frierson, Hastings, Patterson, Swan and Wallace, Speaker—7.

So the amendment was adopted.

Mr. Cox moved to reconsider the vote as taken on the adoption of the amendment; which was agreed to.

The question then recurred upon the adoption of the amendment; which was decided in the negative.

Mr. Grimes, moved to amend as follows, viz: after the word procedure in the last line of the resolution, add the following:

"And that the chief clerk be instructed respectfully to invite the Governor of the Territory and the Council to meet this House at 11 o'clock to morrow morning in convention." Mr. Swan accepted the amendment. The question then recurred on the adoption of the original resolution, as amended.

Aud the yeas and nays thereon being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Brierly, Burchard, Coop, Cox, Delashmutt, Grimes, Hastings, Porter, Roberts, Summers, Swan, Temple, Toole, and Wallace, Speaker—16.

Nays—Messrs. Beeler, Frierson, Patterson, Parker and Taylor —5.

So the resolution and amendment were adopted.

On motion, the House adjourned.

Monday, December 10, 1838.

Mr. Burchard, presented a remonstrance of sundry citizens of Scott county, against any alteration in the boundary lines of said county.

The said petition was referred to the committee on township and county boundaries.

Mr. Summers, presented the petition of inhabitants of Scott county, praying for the appointment of three commissioners to locate, at the expense of the Territory, a road from the town of Parkhurst, to the Indian boundary line; and a petition of citizens of the same county, praying that a charter may be given to Ralph Letton, to keep a ferry at the town of Parkhurst. Said petitions were severally referred to the committee on roads and highways.

Mr. Swan, from the committee on corporations, to whom was referred the petitions of citizens of Scott county, desiring that a ferry charter granted to John Wilson, by the Legislative Assembly of Wisconsin, be made void, made report,

That it is inexpedient to grant the prayer of the petitioners, and would be at this time an improper interference of legislative authority, and that they have leave to withdraw their petition.

The House concurred in the report.

Mr. Swan, from the select committee to whom was referred the communication of the Hon. Wm. B. Conway, Secretary of the Territory, together with a communication of his Excellency Robert Lucas, Governor of the Territory, (which were presented to this House on the 7th inst.) offered the following report which was read by the Chairman.

REPORT

Your committee have viewed with much regret, the grounds taken by the executive in his communication of the 6th inst which was very properly elicited by the Hon. Wm. B. Conway, in his official character, as Secretary of this Territory; and this regret, results more particularly from the belief, that the members of the Legislature, as freemen, and representatives of freemen, can never reconcile their views of either legislative or personal independence, with the exercise of power, thus claimed by the Executive.

That the organic law vests the Governor of this Territory, with very enlarged and extensive powers, is not denied by your committee and it is believed that the powers thus unquestionably granted, are amply sufficient to satisfy the mind of any reasonable Executive. He is the Governor of the Territory—He is the commander-in-chief of the militia—he is superintendant of Indian affairs—he can grant pardons for offences committed against the laws of this Territory—and he can grant conditional reprieves for offences committed against the laws of the United States—he can commission all officers who shall be appointed to office under the laws of this Territory—and he may *veto* in an *absolute* manner, any laws or all laws of the Legislative Assembly, for which he would not vote, if he were a member of either House. The foregoing powers, your committee concede to the Executive, and whenever a spirit is manifested to

transcend these, they are conceded with reluctance and regret. It is nevertheless a point for which your committeee will still contend, that the Legislature, as an aggregate and deliberative body have their own inherent rights, which no Executive power can justly invade or take away; that amongst these, is the right to regulate the internal policy, and business arrangements of their respective Houses a right resulting from their own organization, as a deliberative assembly. Every branch and department of Government, can rightfully adopt rules and regulations to facilitate the discharge of their respective duties, with which rules and regulations, no external power has a right to interfere, and any interference therein, must be resisted as usurpation. To say what number of clerks, &c., is necessary in each House, is a right which each is believed to possess, and the amount of salary which each officer shall receive, the House of which he is an officer, has a right to declare. A resolution was adopted on the 5th inst., in pursuance of this right, and the resolution has been declared by the Executive, as destitute of legal authority. If the Executive is right in this opinion, then the Legislature have no right of power independent of him. Then would it be necessary to have the Executive sanction for every quill, every drop of ink, or sheet of paper used in this House. Then would it be necessary to have the Executive sanction in adopting rules, and deciding questions of order; nor could a speaker or a clerk be duly elected without "Executive sanction." This doctrine in the opinion of your committee, would lead to Executive despotism. Your committee deem it unnecessary to insist, that the Executive is clearly in error, as regards the clause which he quotes from the constitution of the United States, relative to the appropriation of public money; the joint resolution adopted on the 5th, did not provide for, or direct the appropriation, but the distribution of money. The fund in question has been previously appropriated by Congress, pursuant to the constitution of the United States, and its provisions. The money has been drawn from the Treasury of the United States, by the Secretary of the Territory, and the resolution of the 5th, declared to be "destitute of legal authority," merely directed the distribution of a fund for the payment of expenses, provided for by the organic law.

Therefore Resolved, That the power to regulate the internal policy and business arrangements of the Legislative Assembly, is inherent in that body and cannot be infringed with success, without reducing the representatives of a free people, to a state of servile dependence on the will or whims of one man.

C. SWAN,
L. SUMMERS,
HAWKINS TAYLOR,
JAMES W. GRIMES,
A. B. PORTER,
ROBERT G. ROBERTS.

After which Mr. Frierson, from the minorty of the committee to whom was referred a communication from the Hon. Wm. B. Conway, Secretary of the Territory, submitted the following

REPORT.

That the committee have examined the communication referred

to them for consideration with that care and attention which the subject at this time seems to demand, and find that two points only arise for investigation.

1st. Is a joint resolution of the two Houses of the Legislative Assembly, good and valid in law without the signature of the Governor of this Terrritory? and,

2d. Can this Legislative Assembly properly take cognizance of a letter not addressed, either to the Council or House of Representatives, which is not a legislative document, and contains nothing which can call an executive act in question?

The minority of the committee are of opinion that a proper solution of these two questions would decide all that it is necessary to investigate and settle under the resolution which has been referred to them.

Before attempting to decide on the first point in question, the minority of the committee have carefully examined the provisions of the organic law and also all the legislative proceedings within their reach, and the result has been a full and entire conviction that no joint resolution of this Legislative Assembly, can have any binding effect in law before it is approved by the executive.

And they are warranted in this opinion not only by the fact that the Legislative power of this Territory is always spoken of in the organic law, in conjunction with the excutive, and in every case where the acts of the Legislature are mentioned they are spoken of as the "acts of the Governor and Legislative Assembly," but in all cases where the minority of the committee have been able to examine the acts of other Legislative bodies, they find that all joint resolutions have been approved by the executive, before they have had any binding effect in law.

The Executive and Legislative departments have been wisely provided as a check upon each other, and all attempts on the part of one of these departments to encroach on the rights and the duties of the other should be promptly arrested.

Each department should be made to revolve in its own legitimate sphere, so as never on any occasion, to interfere with another.—Should the executive attempt to take the enacting power into his own hands, it would be the duty of the Legislature to resist the attempt, and check his course.

On the other hand, all attempts to pass laws, or pass joint resolutions and give to them the binding force of laws, without the executive sanction, should be avoided as illegal and revolutionary.

On the first part of the second point in question the minority of the committee believe there can be but little difference of opinion.

The Secretary of the Territory is the only disbursing agent known to the organic law. He alone is responsible for his acts; the Governor can have no control over his disbursements, except that he might disapprove the general appropriation bill at the end of the session, if objectionable to him; but it would in the opinion of the minority of the committee be very unfair to anticipate his veto, before he knows any thing of the provisions of the bill, no part of which has yet been framed,

Even then if the Secretary should assume the responsibility of paying on the certificates of the presiding officers of the two Houses, be unquestionably has the right to do so.

The Secretary may, in the opinion of the minority of the committee, safely pay for all the printing, and incidental expenses of the Legislative Assembly, on the certificates of the presiding officers of each House without any joint resolution on the subject. And in the same way however improperly the executive may, and does think they have been employed, he may pay the 23 subordinate officers now employed by this Legislative Assembly—and if his vouchers are allowed by the Treasury Department of the United States, he is safe. No other power or authority can control him in the case. The Governor has no control of the matter, nor has he, so far as the minority of the committee can learn, ever assumed any, beyond the mere expression of his private opinion, that a joint resolution, destitute of executive sanction, would not be a safe voucher. In this he makes no attempt to control the Secretary, but leaves him to the exercise of his own discretion. While treating this part of the subject, the minority of the committee must observe, in reference to the paper communicated to the Secretary at his own request relative to a joint resolution of the Council and House of Representatives, when that resolution was never presented to the Governor for his cosideration with a view to his approval or disapproval *officially*, does not furnish any good grounds for the action of this House relative to the propriety of the Governor's proceedings.

This House can only recognize the official acts of the Governor, and cannot take cognizance of his private opinions communicated to others, although made public by those to whom they may have been communicated.

After a review of the whole case as well as a careful examination of the papers referred to them, the minority of the committee have finally come to the conclusion that the Secretary is the only disbursing officer known to the organic law of this Territory, and that he may rightfully pay all incidental and other expenses of the Legislative Assembly upon the certificate of the presiding officer of either House, countersigned by the Secretary or chief clerk thereof.

They are also of opinion that there is no issue formed between the Executive and this Legislative Assembly, because no appropriation bill has been presented to him for his approval or disapproval —he has rejected no bill or resolution sent to him from this Legislature, and therefore there is no just cause of difference between the Executive and this House.

JOHN FRIERSON,
G. S. BAILEY.

Mr. Cox offered the following:

Resolved, That the Speaker of this House, appoint a committee in accordance with the resolution of the House of third of December, to memorialize the Post Master General, to pay the extra expenses that may be incurred under said resolution, which was adopted, and

Messrs. Cox, Summers and Swan, were appointed the committee.

Bill No. 41, H. R. file, entitled an act subjecting real and personal estate to execution, was read a second time and considered in committee of the whole, Mr. Beeler in the chair.

The committee arose, reported that they had made progress in the duty assigned them, and asked leave to sit again. Leave was granted.

The following bills from the Council:

No. 3. An act to provide for laying out and opening territorial roads.

No. 10. An act to provide for the incorporation of agricultural socie ties.

No. 12. An act to locate a territorial road from Fort Madison, Lee county, to Mount Pleasant, in Henry county, thence to Prairie La Porte, in Clayton county, were then taken up, and

Nos. 3 and 10 were read a third time, passed, and the titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 12 was, on motion of Mr. Taylor, referred to a select committee of Messrs. Taylor, Swan, Porter, Cox and Roberts.

Bill No. 32. H. R. file, entitled "An act for the benefit of Mechanics," was taken up, read a third time and passed.

On motion of Mr. Grimes,

The title of said bill was amended so as to read as follows, viz: "An act relative to Mechanics liens, and for other purposes."

Mr. Taylor from the select committee appointed for that purpose, introduced the following entitled bills, viz:

No. 49. An act to prevent the selling of spirituous liquors to Indians, and

No. 50. An act to punish the venders of unwholesome liquors and provisions.

Said bills were then read a first time.

Mr. Grimes from the committee on the Judiciary, reported bill No. 51. entitled "An act concernig debtors and their securities, which was considered in committee of the whole, Mr. Brierly in the chair. After some time the committee rose and reported the bill with amendments, in which report and amendments the House concurred. The bill was then ordered to be engrossed and read a third time.

Mr. Grimes, from the committee on the Judiciary, reported the following entitled bill.

No. 52. An act to prevent and punish gambling, which was considered in committee of the whole, Mr. Burchard in the chair.

The committee arose and reported the bill with amendments.—The House concurred in the report, and the bill was ordered to be engrossed for a third reading.

Mr. Swan, according to notice, asked and obtained leave to amend the 27th standing rule of this House.

Mr. Frierson, from the committee on townships and county boundaries, to whom was re-committed bill No. 25. H. R. file, entitled A bill to provide for the incorporation of townships, reported the same back to the House with amendments. Said bill was then considered in committee of the whole, Mr. Coop in the chair.

The committee arose, reported that they had made progress therein, and asked leave to sit again. Leave was granted.

The House adjourned to 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Toole, from the committee on enrollments, reported the followinging entitled bills as correctly engrossed, viz:

No. 40. H. R. file, A bill to authorize John H. Sullivan and Adrian H. Davenport, to establish and keep a ferry across the Mississippi river at the town of Rockingham.

No. 43. H. R. file, A bill to repeal an act of the Legislative Assembly of the Territory of Wisconsin, approved January 19, 1838.

Which bills were then severally read a third time, passed, and their titles agreed to.

Ordered, That said bills be sent to the Council for concurrence.

The House resolved itself into a committee of the whole, for the further consideration of bill No. 25, H. R. file, entitled A bill to provide for the incorporation of townships, Mr. Coop in the chair. After some time spent therein, the committee rose and reported the same with amendments, and

On the question, will the House concur in the report of the committee? It was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Delashmutt, Frierson, Grimes, Patterson, Parker, Price, Summers, Swan, Temple, and Tocle—12.

Nays—Messrs. Brierly, Burchard, Coop, Cox, Hastings, Porter, Roberts, Taylor, Thornton and Mr. Wallace, Speaker—10.

Mr. Taylor moved to lay the bill on the table, until the 10th day of January next, which was decided in the negative.

Mr. Cox moved to lay the bill on the table until Thursday week, which was decided in the negative, and

On the question, shall the bill be engrossed and read a third time? it was decided in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bailey, Beeler, Delashmutt, Frierson, Grimes, Patterson, Parker, Price, Summers, Swan, Temple and Toole—12.

Nays—Messrs. Brierly, Burchard, Coop, Cox, Hastings, Porter, Roberts, Taylor, Thornton and Mr. Speaker—10.

On motion the House adjourned.

Tuesday, December 11, 1838.

On motion of Mr. Bankson,

Resolved, That the Speaker be requested to assign to the sergeant-at-arms, door-keepers, messengers, and firemen, their several duties and stations in this House.

On motion of Mr. Beeler,

Resolved, That all petitions, applications, and bills, concerning roads and ferry charters; which may hereafter be made or intro-

duced during the present session, be referred to the standing committee on roads and highways, with instructions to devise if possible, means by which the Legislative Assembly may be relieved from the extraordinary burden of legislating thereon, with leave to report by bill or otherwise.

Bill No. 8, Council file, entitled "A bill concerning marriages," was on motion of Mr. Grimes, then considered in committee of the whole, Mr. Cox in the chair. After some time, the committee rose and reported the bill with amendments.

The question being put, will the House concur in the report of the committee? it was determined in the affirmative.

The yeas and nays being called for, were as follow, to wit:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Burchard, Coop, Cox, Frierson, Grimes, Hastings, Parker, Porter, Price, Roberts, Summers, Swan, Taylor, Temple, Thornton and Toole—21.

Nays—Mr. Wallace, Speaker—1.

Mr. Cox moved to strike out the 10th section of said bill, which was determined in the negative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Coop, Cox, Grimes, Parker, Porter, Roberts, Swan, Thornton and Wallace, Speaker—10.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Burchard, Frierson, Hastings, Price, Summers, Taylor, Temple and Toole—12.

Mr. Grimes moved to stike out the latter part of the 10th section. Lost:

The said bill was then ordered to be engrossed for a third reading.

The following message from the Council, was received by their Secretary.

Mr. Speaker,—

The Council have passed bills of the following titles, viz:

H. R. file, No. 6. An act providing for the establishment of common schools.

No. 22. An act relating to informations in the nature of quo warranto, and regulating the mode of proceeding thereon.

No. 23. An act to divide the county of Henry, and establish the county of Jefferson, with amendments.

Also No. 6. Council file, an act to organize, discipline and govern the militia of this Territory.

No. 16. An act for the limitation of actions, and for avoiding vexatious law suits.

No. 17. An act regulating the intercourse between the Legislative and Executive departments of the Territory of Iowa.

No. 18. An act concerning trespass on property, &c.

No. 19. An act to locate and establish a territorial road, &c. Also,

No. 36. H. R. file, An act to authorize Joseph Williams &c., to keep a ferry &c. with amendments; in all of which they ask the concurrence of the House.

Mr. Summers from the committee on roads and highways, reported bill No. 53, entitled A bill to authorize Ralph Letton, to establish and keep a ferry across the Mississippi river at the town of Parkhurst, which bill was read a first time.

Mr. Taylor from the select committee, to which was referred on yesterday, bill No. 12, Council file, entitled A bill to locate a territorial road from Fort Madison in Lee county, to Mount Pleasant in Henry county, thence to Prairie La Porte in Clayton county, reported as a substitute therefor, a bill of the following title, to wit:

A bill to lacate a road from Fort Madison in Lee county, to Trenton in Henry county; the said bill was then considered in committee of the whole, Mr. Frierson in the chair. After some time the committee rose, and reported the bill without amendment, in which the House concurred; the bill was then ordered to a third reading.

Mr. Cox from the select committee appointed for that purpose, reported a memorial to the Post Master General of the United States, which was read a first time, and is as follows:

To the Hon. Amos Kendall, Post Master General.

Whereas, the mail from Davenport to Du Buque, in the Territory of Iowa, is carried once a week on horseback, under the existing contract with the Post Master General.

And whereas, many of the letters, public documents, and newspapers, from members of the Territorial Assembly, now in session at Burlington, to their constituents in the northern district, cannot in this manner be conveyed in due time, but remain at the Davenport Post office from week to week, to the great inconvenience of the people in the said northern section of the Territory.

And whereas, in order to remedy this inconvenience, authority has been given by the said Territorial Assembly, to the Post Master at Davenport, to carry the mail between that place and Du Buque, twice a week, in two horse coaches, during the time that the members of the said Assembly may be engaged in the discharge of their legislative duties.

Your memorialists, therefore, the Council and House of Representatives of the Territory of Iowa, most respectfully request that this arrangement may be sanctioned by the department, and that the extra expenses which may be incurred in conveying the mail between Davenport and Du Buque, in the manner and for the period herein before mentioned, may be paid out of the funds of the General Post Office.

Resolved, By the House, (the Council concurring therein) that the President of the Council and Speaker of the House, sign the foregoing memorial, and that the same be attested by the Secretary of the Council, and principal Clerk of the House, and forwarded to the Post Master General.

The committee of the whole, who had on yesterday, under consideration bill No. 41, H. R. file, entitled A bill subjecting real and personal estate to execution, resumed the same, Mr. Beeler in the chair. The committee, after some time spent therein, rose and reported said bill with amendments, in which the House concurred.

On motion of Mr. Taylor,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The unfinished business of the morning being the disposition of bill No. 41, H. R. file, the same was,

On motion of Mr. Grimes,

Laid upon the table subject to the order of the House.

Mr. Swan from the committee on enrollments, reported that bill No. 11, Council file, had been presented this day to the Governor for his signature.

Bill No. 42, H. R. file, entitled "An act to allow and regulate the action of right," was then read a second time and considered in committee of the whole, Mr. Grimes in the chair. After some time the committee rose and reported the same to the House with amendments. The House concurred in the report of the committee, and said bill was ordered to be engrossed and read a third time.

Bill No. 46, H. R. file, entitled an act relating to strays was then taken up, read a second time, and considered in committee of the whole, Mr. Patterson in the chair. After some time, the committee rose and reported the same to the House with amendments, in which report and amendments the concurrence of the House was requested.

The House concurred in the report of the committee.

Mr, Grimes moved to amend by striking out the word "hogs" where the same occurs in said bill, and

On the question, will the House adopt the amendment? it was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Beeler, Burchard, Grimes, Hastings, Summers, Swan, Temple and Thornton—8.

Nays—Messrs. Bankson, Bailey, Blair, Brierly, Coop, Cox. Delashmutt, Frierson, Patterson, Porter, Price, Roberts, Taylor, Toole and Wallace, Speaker—15.

Mr. Grimes moved to lay the bill on the table until the 10th day of January next. Lost.

On motion of Mr. Hastings,

The bill was recommitted to the committee who reported the same.

Bill No. 27, H. R. file, entitled "An act concerning divorce," was then read a second time; and,

On motion of Mr. Summers,

The House resolved itself into a committee of the whole, Mr. Porter in the chair. The committee rose, reported the bill under consideration with amendments, and asked the concurrence of the House. The House concurred.

Mr. Taylor moved to strike out the word "three" in the fifth line of the first section, and insert "two."

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

Yeas—Messrs. Bailey, Coop, Cox, Grimes, Hastings, Patterson, Price, Summers, Taylor and Mr. Speaker—10.

Nays—Messrs. Bankson, Beeler, Blair, Brierly, Burchard, Delashmutt, Frierson, Parker, Porter, Roberts, Swan, Temple, Thornton and Toole—14.

So the amendment was lost.

Mr. Taylor then moved to amend the second section by striking out "two" and inserting "one."

The question being on the adoption of the amendment,
The yeas and nays were called for, and were as follow:
Yeas—Messrs. Bailey, Blair, Coop, Cox, Grimes, Hastings, Patterson, Porter, Price, Summers, Taylor and Wallace, Speaker—12.
Nays—Messrs. Banks on, Beeler, Brierly, Burchard, Delashmutt, Frierson, Parker, Roberts, Swan, Temple, Thornton and Toole--12.
So the amendment was lost.

Mr. Taylor then moved to strike out the word "three" in the 5th line of the first section. The question being then put, shall the word "three" be stricken out? it was determined in the affirmative.

And the yeas and nays being called for were as follow:
Yeas--Messrs. Bailey, Blair, Brierly, Coop, Cox, Grimes, Hastings. Patterson, Porter, Price, Summers, Taylor and Wallace, Speaker--13.

Nays--Messrs. Banks on, Beeler, Burchard, Delashmutt, Frierson, Parker, Roberts, Swan, Temple, Thorton and Toole--11.

The question was then upon the filling up of the blank made by the last vote. Mr. Hastings moved that it be filled with the word "two."

Whereupon the yeas and nays were called for and are as follow:
Yeas--Messrs. Bailey, Beeler, Blair, Burchard, Coop, Cox, Frierson, Grimes, Hastings, Patterson, Porter, Price, Summers, Taylor and Wallace, Speaker--15.
Nays—Messrs. Banksom, Brierly, Delashmutt, Parker, Roberts, Swan, Temple Thornton and Toole—9.
So the blank was filled with the word "two."

Mr. Taylor then moved to amend the third line of the second section, as follows:
Strike out "two" and insert "one." Lost.

Mr. Bailey moved that the bill be re-committed, which was not agreed to.

The question then recurred, "shall the bill be engrossed and read a third time?" it was decided in the affirmative.

Mr. Beeler gave notice that he should at a future day, by leave, introduce bills of the following titles: "A bill regulating weights and measures," "A bill to prohibit the wearing concealed weapons," "A bill for the relief of surities of persons charged with criminal offences." Messrs. Beeler, Swan and Porter, were appointed a committee to prepare said bills.

Mr. Hastings gave notice that he should, by leave, at a future day introduce a bill to prescribe the mode of proving in courts of the Territory, judgments rendered by justices of the peace, in the several States. Leave was granted, and Messrs. Hastings, Grimes and Cox, were appointed the committee to prepare the bill.

Mr. Taylor gave notice that he should, by leave, at a future day introduce a bill to authorize the clerks of circuit courts, and of the boards of county commissioners, to appoint deputies in certain cases. Leave was granted, and Messrs. Taylor, Beeler and Roberts, were appointed a committee to prepare the same.

Bill No. 22, H. R. file, entitled "An act relating to informations in the nature of quo warranto, and regulating the mode of proceeding thereon" as amended by the Council, was taken up; when the House

disagreed to amendments in section 19, and amended the last section, and concurred in all the other amendments, made by Council to said bill.

Bill No. 6, H. R. file, entitled "A bill providing for the establishment of common schools," as amended by the Council, was taken up, and the amendments to 1st, 3d and 12th sections concurred in, and the amendments made to the 6th section disagreed to, and the word "respective" in the 15th section, added by Council, stricken out.

Ordered, That the Council be informed.

Mr. Swan, from the committee of conference who were appointed to confer with a like committee of the Council respecting a disagreement to an amendment of the 22d section of bill No. 17, H. R. file, reported,

That having the same under consideration they agree with the committee from the Council that the amendment made by the Council should be agreed to, and ask this House to concur. The House concurred in the report.

Bills No's. 23 and 26. were then taken up, and the amendments made to the same by the Council, were concurred in.

Bills No, 16, 17, 18 and 19, Council file, were taken up and read a first time.

Bill No. 17, Council file, was then taken up and considered in committee of the whole, Mr. Roberts in the chair. The committee after some time, rose and reported the same with amendments, in which report and amendments the House concurred. The said bill was then ordred to be engrossed for a third reading.

The House adjourned.

Wednesday, December 12, 1838.

Mr. Bailey presented the petition of 360 citizens of Van Buren county, praying that a charter be granted to Wm. Meek & Co. to erect a mill dam, with a lock attached, across the Des Moines river, for hydraulic purposes, and the improvement of the navigation of said river, &c.

On motion of Mr. Bailey,

Said petition was referred to the committee on corporations.

On motion of Mr. Cox,

Resolved, That the committee on Territorial Affairs be instructed to inquire into the expediency of creating the office of Territorial Treasurer and defining his duties, and that they report by bill or otherwise.

On motion of Mr. Brierly,

Resolved, That the committee on roads and highways, be instructed to enquire into the expediency of establishing a territorial road from Keokuk on the Mississippi river, to Mount Pleasant in Henry county.

Mr. Taylor offered the following:

Resolved, That the Secretary of the Territory be requested to inform this House, whether he considers a resolution of this House signed by the Speaker, and countersigned by the chief clerk, a sufficient warrant upon which to pay out money, which was laid on the table.

Mr. Taylor offered the following:

Resolved, That the select committee to whom was referred the communication of the Secretary of the Territory of the 7th inst. be instructed not to report on the same, until called upon by thishouse.

The resolution was lost.

Mr. Beeler from the special committee appointed on yesterday for that purpose, reported bills of the following titles, to wit:

No. 54, An act regulating weights and measures.

No. 55, An act to prohibit the wearing of concealed weapons;

And No. 56, An act for the relief of the securities of persons charged with criminal offences.

Said bills were then severally read a first time.

Mr. Beeler from the committee on enrolments, reported as correctly engrossed, the following entitled bills, H. R. file:

An act for the relief of the poor.

An act concerning divorces.

An act concerning debtors and their securities; and

An act to prevent and punish gaming.

Mr. Price from the same committee, also reported bill No. 25, H. R. file, entitled a bill to provide for the incorporation of townships, as correctly engrossed.

Mr. Porter from the select committee appointed for the purpose of preparing bill No. 57, H. R. file, entitled an act to establish a territorial road from the town of Trenton, in Henry connty, to the boundary line of Jefferson county, reported the same. Read a first time.

Mr. Patterson from the committee on expenditures, which had been instructed to present a memorial to Congress, asking for a further appropriation to defray the expenses of the present Legislative Assembly, reported a memorial, which was read a first time; and is as follows:

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That they are obliged to apply to Congress for an additional appropriation to defray the expenses of the Territorial government of Iowa.

Congress at its last session appropriated $24,675 for this purpose, from which is to be substracted the salaries of the Governor, Judges of the Supreme Court, District Attorney and Marshal, leaving a balance of but $15,725 to defray the expenses of the Legislative Assembly.

The per diem of members and their mileage amounts to about $10,000, leaving but $5,725 to furnish and pay the rent of the Legislative Chambers, and committee rooms, to procure the stationa-

ry, and pay the freight of the same to its seat of government, to pay for printing the laws of this Assembly, and the journals of the two houses; the pay of the officers of the House; furnishing a room for the Territoriol Library; the expenses of ordering the elections, &c.

Your honorable body must be aware of the many small sums of money necessary to be disbursed in starting a new territorial government. Many difficulties are to be encountered, every necessary is obtained at a high price.

Your memorialists would respectfully ask your honorable bodies for an additional appropriation of $16,354, which, in the opinion of your memorialists, will be sufficient to cover the expenses of this session of the Legislative Assembly and the pay of the Government officers.

Mr. Grimes, from the Judiciary committee, according to previous instruction, reported bill No 58, entitled an act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, &c. which was considered in committee of the whole, Mr. Summers in the chair. The committee rose after some time, reported progress, and asked leave to sit again. Leave was granted.

Message from the Council, by their Secretary, Mr. Wallace.

Mr. Speaker,

The Council have passed bills of the following titles, viz:

No. 20, Council file, entitled An act to locate and establish a territorial road, &c.

No. 21, Council file, entitled "An act to establish a seminary of learning, &c. Als),

No. 16, H. R. file, entitled An act to provide for the election of county treasurers, &c. with amendments.

In all of which the concurrence of the House of Representatives is requested. Also,

Bill No. 2, H. R. file, entitled an act to make valid and good in law the acts of Robert G. Roberts, &c. without amendment.

And then he withdrew.

Mr. Hastings, from the select committee to which was recomitted Bill No. 7, entitled "a bill regulating interest on money, &c." reported the same back to the House with amendments.

On motion, the House resolved itself into a committee of the whole on said bill, Mr. Swan in the chair. The committee rose, after some time, and reported the bill with amendments.

The House concurred; when

Mr. Taylor moved to strike out "twenty" and insert "fifteen" wherever the same are found in said bill.

The yeas and nays were called for, and are as follow; to wit:

Yeas—Messrs. Bankson, Cox, Patterson, Roberts, Taylor, and Toole—6

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Burchard, Coop, Delashmutt. Frierson, Grimes, Hastings, Parker, Porter, Price, Summers, Swan, Temple, Thornton and Wallace, Speaker—18.

So the amendment was negatived.

Mr. Swan moved to strike out "twenty" and insert "twelve;" which was determined in the negative.

The yeas and nays having been ordered, were as follow:

Yeas—Messrs. Bankson, Cox, Patterson, Roberts, Swan, Taylor, Thornton and Toole—8.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Burchard, Coop, Delashmutt, Frierson, Grimes, Hastings, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—16.

Mr. Temple moved to strike out the 3d section; which was decided in the negative.

Mr. Cox moved to strike out "twenty" wherever it occurs; which was not agreed to.

Mr. Delashmutt moved to strike out "six," in the second section, and insert "twenty;" to which motion the House disagreed.

Mr. Delashmutt then moved that the word "six" be stricken out, in second section.

The yeas and nays, on the motion, being called for, are as follow:

Yeas—Messrs. Bailey, Delashmutt. Grimes and Parker—4.

Nays—Messrs. Bankson, Beeler, Blair, Brierly, Burchard, Coop, Cox, Frierson, Hastings, Patterson, Porter, Price, Roberts, Summers, Swan, Taylor, Tempie, Thornton, Toole and Wallace, Speaker—20

So the motion was lost.

Mr. Burchard moved to strike out "six" and insert "seven;" when Mr Bankson called for a division of the question, first on striking out "six."

And the yeas and nays thereon being called for are as follow:

Yeas—Messrs. Bailey, Blair, Burchard, Delashmutt, Grimes, Parker and Thornton—7.

Nays—Messrs. Bankson, Beeler, Brierly, Coop, Cox, Frierson, Hastings, Patterson, Porter, Price, Roberts, Summers, Swan, Taylor, Temple, Toole and Wallace, Speaker—17.

So the question of striking out "six" was decided in the negative.

The question then recurred upon the engrossment and third reading of the bill; whereupon, on motion of Mr. Bailey, it was determined in the affirmative.

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Taylor,

Resolved, That the Editor of the Burlington Patriot, be requested to furnish each member of this House with ten copies of his paper, as often as the same may be published during this session of the Legislative Assembly, and that the Secretary of the Territory be instructed to pay for the same out of the contingent fund.

On motion of Mr. Hastings,

Resolved, That the committee on Roads and Highways be instructed to inquire into the expediency of establishing a territorial road, from the town of Wyoming, in Muscatine county, by way of the town of Moscow, to the town of Napoleon, the county seat of Johnson county.

Mr. Frierson, from the select committee to which was referred the communication of the Secretary of the Territory, accompanied

by a communication to that officer from the Governor, submitted the reports of both the majority and minority of said committee; which were read.

The said reports were then, on motion of Mr. Bailey, laid upon the table.

A message from the Council, by their Secretary.

Mr. Speaker,—

The Council have adopted the following resolution, in which they ask the concurrence of the House:

Resolved by the Council and House of Representatives, That it be made the duty of the messengers of each House, whenever a bill is printed to furnish each and every member of both branches of the Legislative Assembly with a copy of said bill.

The Council have also concurred in the amendment made by the House of Representatives to bill No. 9 of Council, entitled An act to incorporate the City of Du Buque.

And then he withdrew.

On motion of Mr. Grimes,

Leave of absence until Friday next, was granted to Mr. Delashmutt.

Bill No. 49, H. R. file, entitled An act to prevent the selling of spirituous liquors to Indians, was taken up, read a second time, and ordered to be considered in committee of the whole, Mr. Temple in the chair. After some time spent therein, the committee rose and reported the same to the House without amendment. The report of the committee was concurred in, and the bill ordered to be engrossed for a third reading.

Bill No. 50, H. R. file, entitled An act to punish the vendors of unwholesome liquors and provisions, was read a second time.

The House then resolved itself into a committee of the whole on the same, Mr. Toole in the chair. After a short time the committee rose, reported the bill to the House with amendments, and asked its concurrence. The House concurred in the committee's report.

The bill was then ordered to be engrossed and read a third time.

Bill No. 16, Council file, A bill for the limitation of actions, and for avoiding vexatious law suits, was read a second time. The House then resolved itself into a committee of the whole for the consideration of said bill, Mr. Taylor in the chair. The committee rose after some time, and reported the same to the House without amendment; in which report the House concurred, and,

On motion of Mr. Grimes, said bill was laid upon the table.

Bill No. 18, Council file, entitled An act concerning tresspass on property, &c. was read a second time and considered in committee of the whole, Mr. Parker in the chair. After a short time spent therein, the committee rose and reported the bill with amendments. The House concurred, and

On motion of Mr. Taylor,

Ordered, that said bill be referred to a select committee.

On motion of Mr. Grimes,

The last motion was reconsidered; when,

On motion of Mr. Beeler,

The House ordered that the bill under consideration be referred to the committee on the Judiciary, with instructions that it advise with the Judges of the Supreme Court.

The Speaker announced a communication from the Judges of the Supreme Court which was read, and is as follows:

BURLINGTON, DEC. 11, 1838.

To the Honorable the Speaker of the House of Representatives.

SIR,—We herewith transmit the enclosed bill, which we beg leave to submit to the consideration of the Legislative Assembly, in compliance with a joint resolution of that body.

Yours, very respectfully,
CHARLES MASON,
T. S. WILSON,
JOSEPH WILLIAMS.

Bill No. 59, being the one referred to in the foregoing communication, entitled "an act to provide for the partition of real property," was then read a first time.

Bill No. 19, Council file, entitled "an act to locate and establish a territorial road from the town of Wapello, in Louisa county, to the town of Du Buque, &c." was read a second time' and

Ordered, That the House resolve itself into a committee of the whole, Mr. Hastings in the chair, for the consideration of the same. After a short time, the committee rose, and by their chairman, reported the bill to the House with amendments. The House concurred in the report, and the bill,

On motion of Mr. Cox,

Was referred to the committee on Roads and Highways.

Memorial to the Post Master General, reported on this morning by the chairman of the select committee, which was appointed to prepare the same, was next read a second time, when the House resolved itself into a committee of the whole, on said memorial, Mr. Bankson in the chair. After some time the committee rose and reported the same without amendment. The House concurred in the report of the committee, and

On motion of Mr. Summers,

The 16th standing rule of the House was suspended in reference to said memorial. It was then read a third time and passed.

Bill No. 20, Council file, entitled "an act to locate and establish a territorial road, from the ferry landing opposite Oquawka &c. was then read a first time, and ordered to be referred to the committee on Roads and Highways.

Bill No. 21, Council file, entitled "an act to establish a seminary of learning at Wapello, in Louisa county, was then taken up and read a first time.

Bill No. 53, H. R. file, entitled "an act to authorise Ralph Letton, to establish and keep a ferry across the Mississippi river at the town of Parkhurst, was read a second time, and

Ordered, That the House resolve itself into a committee of the whole, for the consideration thereof, Mr. Bailey in the chair. The committee after a short period, rose and reported the bill with amendments. The House concurred in the report, and,

On motion of Mr. Grimes,

Ordered, That the word "ten" be stricken from said bill, and the word "twelve" inserted instead thereof.

Mr. Frierson moved to amend the third section as follows:

Strike out all after the word "from," and insert the words "the time when the land shall be sold and the proprietor obtain an evidence of title to the landing on the Iowa shore." The amendment was lost.

Mr. Temple moved to amend the bill, by inserting the word "half" between the words "one" and "mile," to which the House disagreed.

The question being then put, "shall the bill be engrossed and read a third time?" it was determined in the affirmative.

Bill No. 8, Council file, entitled an act concerning marriages, was taken up, and,

On motion of Mr. Taylor,

Ordered, that said bill be recommitted to the select committee who heretofore had the same under consideration.

Bill No. 12, Council file, entitled a bill to locate a territorial road from Fort Madison &c. was then read a third time, passed, and the title agreed to.

Bill No. 17, Council file, entitled an act regulating the intercourse between the Legislative and Executive departments of the territory of Iowa, being next under consideration, was read a third time, passed, and the title agreed to.

Ordered, that the Council be informed.

Bill No. 25, H. R. file, entitled a bill to provide for the incorporation of townships, was read a third time, and on the passage of the same,

The yeas and nays were called for and are as follow:

Yeas--Messrs. Bailey, Beeler, Blair, Frierson, Grimes, Patterson, Parker, Price, Summers, Swan, Temple and Toole—12.

Nays—Messrs. Bankson, Brierly, Burchard, Coop, Cox, Hastings, Porter, Roberts, Taylor, Thornton and Wallace, Speaker--11.

So the bill passed and the title thereof agreed to.

Ordered, that said bill be sent to the Council for concurrence.

Bill No. 27, H. R. file, entitled "an act concerning divorce," was next read a third time;

And the yeas and nays being called for on its passage, were as follow:

Yeas--Messrs. Bailey, Beeler, Blair, Burchard, Grimes, Hastings, Porter, Price, Summers and Temple,--10.

Nays--Messrs. Bankson, Brierly, Coop, Cox, Frierson, Patterson, Parker, Roberts, Swan, Taylor, Thorton, Toole and Wallace, Speaker--13.

So the bill was lost.

Bill No. 52. H. R. file, a bill to prevent and punish gambling, was taken up, and read a third time; when Mr. Porter moved that the bill be recommitted; which was not agreed to.

The yeas and nays being called for, on the passage of the bill, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Burchard, Cox, Frierson, Grimes, Hastings, Patterson, Price, Roberts, Summers, Swan, Taylor, Temple, Thornton and Wallace, Speaker—19.

Nays—Messrs. Coop, Parker, and Porter—3.

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

No. 51, H. R. file, entitled an act concerning debtors and their securities, was then taken up, read a third time, passed, and the title thereof agreed to, and

Ordered, That the clerk request the concurrence of the Council.

On motion, the House adjourned.

Thursday, December 13, 1838.

Mr. Burchard presented a remonstrance of inhabitants of Scott county, against any alteration in the boundary lines of said county, which was,

On motion, referred to the committee on townships and county boundaries.

Mr. Grimes presented the petition of 163 citizens, of the county of Des Moines, asking for the establishment of a territorial or other road leading from the town of Burlington, on or near the township line which runs through said town, to the Des Moines river. The petition was referred to the committee on roads and highways.

On motion of Mr. Summers,

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a territorial road from the town of Camanche in Clinton county, by way of Brophey's ferry, and Sanbornton, to Elkford in Jones county.

On motion of Mr. Taylor,

The following preamble and resolution was adopted:

Whereas, in the opinion of this House, the Secretary of this Territory is the only disbursing officer known to the organic law: therefore,

Resolved, That the Hon. Wm. B. Conway, Secretary of this Territory, be hereby instructed and required to pay the subordinate officers of this House, three dollars per day for their attendance upon the same, and the chief clerk six dollars per day, upon the presentation of a certificate signed by the speaker and countersigned by the chief clerk, stating the number of days they have served; which shall be a sufficient voucher to him as a disbursing agent of the Territory.

Mr. Parker, from the select committee appointed to prepare bill No. 60, entitled An act to locate and establish a territorial road from Keasauqua in Van Buren county, to the county seat of Jefferson county, reported the same, which was referred to the committee on roads and highways.

Mr. Hastings, from select committee, according to notice, reported bill No. 61, entitled A bill to restrain unincorporated banking associations. Read a first time by its title.

Mr. Taylor, from select committee, appointed for the purpose of preparing bill No. 62, entitled An act to authorize clerks of the circuit and county commissioners courts, to appoint deputies in certain cases, reported the same; which was read a first time by its title.

Mr. Swan, from the committee on corporations, reported bill No. 63, entitled An act to authorize Wm. Meek & sons to erect a dam across the Des Moines river. Said bill was then read a first time by its title.

Mr. Summers asked and obtained leave to introduce a memorial to Congress, for the benefit of those settlers of section sixteen of the public lands, who occupied the same before United States surveys.

The chair then appointed Messrs. Summers, Patterson and Bankson, a committee to prepare said memorial.

Mr. Toole, from the select committee appointed for that purpose, reported a memorial to Congress, asking for an appropriation at the present session of that body, sufficient to defray the expenses of the improvement of the navigation of the Iowa and Cedar rivers; which memorial was read a first time.

Mr. Hastings, from select committee, reported bill No. 64, entitled A bill to prescribe the mode of proving, in courts of this Territory, judgments rendered by justices of the peace in the several states; which was read a first time by its title.

Mr. Burchard, asked leave to bring in a bill at a future day, providing for the organization of the county of Clinton. Leave was granted, and Messrs. Burchard, Taylor and Porter, were therefore appointed by the chair, a committee to prepare the bill.

Mr. Hastings gave notice, that he should by leave at a future day, introduce A bill, entitled a bill for the support of illegitimate children. Leave was granted: the chair then appointed Messrs. Hastings, Taylor and Porter, a committee to prepare said bill.

Mr. Beeler asked and obtained leave at a future time, to introduce a bill declaring what laws shall be in force. Messrs. Beeler, Frierson and Coop, were then appointen a committee to prepare the bill.

On motion of Mr. Grimes,

Ordered, That the committee on corporations, be instructed to prepare and report to this House, a memorial to Congress asking for an appropriation of lands for the construction of a rail road, from Burlington to Mount Pleasant in Henry county, thence to the line of the State of Missouri in Van Buren county.

Mr. Frierson, asked and obtained leave to introduce a bill providing for the incorporation of the Bloomington and Cedar river canal company. The chair then appointed a committee to prepare and report the same, consisting of Messrs. Frierson, Coop and Temple.

Mr. Taylor asked leave at a future day to introduce a memorial asking of Congress, a donation of land to construct a rail road from Fort Madison, by way of West Point, to the county seat of Van Buren county. Leave was granted; Messrs. Taylor, Parker and Porter, were appointed a committee to prepare the bill.

Bill No. 21, Council file, entitled "An act to establish a seminary of learning at Wapello in Louisa county, was then read a second time and considered in committee of the whole, Mr Beeler in the chair. After some time, the committee rose and reported the bill to the House without amendment. The House concurred in the report:

Mr Grimes then moved the second section of the bill be stricken out, which was disagreed to. Said bill was then ordered to be engrossed for a third reading.

The memorial to Congress, reported on yesterday by the committee on expenditures, was then taken up, read a second time, and ordered to be considered in committee of the whole, Mr. Blair in the chair. After some time spent therein the committree rose and reported the same without amendment, in which the House concurred. The memorial was then ordered to be engrossed for a third reading.

Bill No. 48, H. R. file, entitled A bill for the relief of the poor, was then read a third time, passed, the title agreed to, and ordered to be sent to the Council for concurrence.

No. 16, H. R. file, entitled, An act to provide for the election of county Treasurer, and report their duties as amended by the Council, was taken up, and the amendment in the first section concurred in, and the amendments to the 5th and 7th sections disagreed to.

The resolution adopted yesterday by Council, with regard to the messengers of both Houses, was concurred in.

Ordered, That the Council be informed.

Bill No. 58, H. R. file, was again taken up and considered in committee of the whole, Mr. Summers in the chair. After a short time, the committee rose and reported the bill to the House without amendment, in which the House concurred.

On motion of Mr. Cox,

The said bill was ordered to be referred to a select committee. Messrs. Cox, Grimes, Hastings, Taylor and Roberts, were appointed said committee.

On motion of Mr. Patterson,

The vote taken yesterday, on No. 27, An act concerning divorces, was reconsidered, and the question was then put, shall the bill pass? which was decided in the affirmative, and the title thereof agreed to.

On motion of Mr. Summers,

The House adjourned until 2 o'clock P M.

2 O'CLOCK, P. M.

Mr. Price, from the committee on enrollments reported as correctly engrossed bills of the following titles:—No. 7, "A bill regulating interest on money in the Territory of Iowa."

No. 49, "An act to prevent the selling of spirituous liquors to Indians;" and,

No. 50, "An act to punish the venders of unwholesome liquors and provisions."

The Speaker announced a communication from the Hon. Wm. B. Conway, Secretary of the Territory, which was read, and is as follows:

SECRETARY'S OFFICE,
Dec. 18, 1838.

To the Honorable the Speaker of the House of Representatives.

Sir,—The Secretary of the Territory, has the honor to acknowledge the receipt of a resolution, adopted by the House of Representatives, during the morning session of this day, to which (at the afternoon session of to morrow) he will promptly return a decisive reply—and in the mean time he remains, very respectfully,

Your obedient servant,

WM. B. CONWAY,

Secretary of the Territory.

Mr. Swan, presented the petition of Jacob Bailey, an inhabitant of the county of Clinton, praying to be divorced from his wife Nancy Bailey, which was, on motion, referred to a select committee.

The chair appointed Messrs. Swan, Summers, Frierson, Toole and Parker, said committee.

Mr. Beeler, from the committee on enrollments reported as correctly engrossed, the following entitled bills, to wit:

No. 42, An act to allow and regulate the action of right.

No. 53, An act to authorize Ralph Letton, to establish and keep a ferry across the Mississippi river at the town of Parkhurst.

The following message from the Council was then received by their Secretary.

Mr. Speaker,—

The Council have concurred in memorial of the House to the Congress of the United States, on the subject of pre-emption rights to owners of mineral lots.

The Council have also passed bills of the House, as follows, with amendments:

An act to authorize J. S. Kirkpatrick, to keep a ferry, &c.

An act defining the duties of county surveyors.

An act to regulate ferries.

An act to provide for the collection of demands against boats and vessels; in all of which the concurrence of the House is requested.

The Council have also passed bill No. 23, Council file, An act to authorize the Legislative Assembly to punish for contempt, and to privilege members from arrest; in which the concurrence of the House is also requested.

The Council have also passed bills of the House of the following titles, without amendment:

An act to repeal an act of the Legislative Assembly, of the Territory of Wisconsin, approved January 19, 1838.

An act to authorize John H. Sullivan, &c. to keep a ferry, &c.

An act relating to Mechanics' liens.

An act to locate and establish a territorial road from Keokuk, &c.

And then he withdrew.

Bill No. 41, H. R. file, entitled An act subjecting real and personal estate to execution, was then taken up.

Mr. Taylor then moved to amend the fourth section of said bill, by inserting between the words "calf" and "not," the words "one horse or a yoke of oxen."

The yeas and nays being called for on the adoption of the amendment, were as follow:

Yeas—Messrs. Beeler, Blair, Brierly, Coop, Cox, Frierson, Grimes, Hastings, Patterson, Parker, Roberts, Taylor, Temple, Thornton and Toole—15.

Nays—Messrs. Bailey, Burchard, Price, Summers, Swan, and Wallace, Speaker—6.

So the amendment was adopted.

Mr. Beeler, then moved to amend the fourth section of the bill, by inserting therein, the words "the stock in trade of merchants."

The yeas and nays being called for on the adoption, of this amendment, were as follow:

Yeas—Mr. Beeler—1.

Nays—Messrs. Bailey, Blair, Brierly, Burchard, Coop, Cox, Frierson, Grimes, Hastings, Patterson, Parker, Price, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—20.

The amendment was lost.

On motion of Mr. Swan,

The 4th section was amended by adding to the same the following:

"Provided said libraries shall not contain more than one hundred dollars, worth of books."

Mr. Bailey moved to commit the bill under consideration, to a select committee; the motion was disagreed to.

Mr. Grimes then moved that the words, "in sixty days after the issuing of the same" be inserted in the second line of the 21st section of said bill, which was agreed to.

Mr. Taylor offered the following amendment:

In the third line of the 12th section strike out the words "sixty days" and insert in lieu thereof, the words "six months."

The yeas and nays on the question of the adoption of the same, were as follow:

Yeas—Messrs. Bailey, Beeler, Brierly, Roberts, Summers, Taylor, Toole and Wallace, Speaker—8.

Nays—Messrs. Blair, Burchard, Coop, Cox, Frierson, Grimes, Hastings, Paterson, Parker, Price, Swan, Temple and Thornton—13.

So the amendment was not agreed to.

Mr. Taylor moved to amend the 12th section, by striking out "sixty days" and inserting "four months."

Mr. Swan offered the following as a substitute in the 2d line of said section: insert after the word follows "on all sums over one thousand dollars, a stay of six months, on all sums less than one thousand and over five hundred dollars, a stay of three months, and all smaller sums, a stay of sixty days." Which was adopted.

Mr. Grimes moved that the bill be referred to a select committee, which was not agreed to.

Ma. Bailey moved to amend the third section by adding thereto the following: "Provided, That the owner of any real estate sold under the provisions of this act may redeem the same at any time within one

year from such day of sale, by paying the purchase money, together with twenty per centum interest on the same."

The amendment was adopted.

On motion of Mr. Swan,

The following was added to the end of the 12th section of the bill to wit:

"The stay under this act in the above cases, shall be in force one year from and after the passage of this act and no longer, and then only on contracts already made."

The bill was then ordered to be engrossed and read a third time.

Mr. Grimes, from the committee on the Judiciary, repored bill No. 65, entitled A bill to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory, which was read a second time and considered in committee of the whole, Mr. Brierly in the chair. After some time, the committee rose and reported the bill with amendments. The House concurred in the report of the committee, and the bill was ordered to be engrossed for a third reading.

Bill No. 7, H. R. file, entitled a bill regulating interest on money in the Territory of Iowa, was then taken up and read a third time.

The question being upon the passage of the bill, the yeas and being called for, were as follow:

Yeas—Messrs. Bailey, Beeler. Brierly, Burchard, Coop, Frierson, Grimes, Hastings, Patterson, Parker, Price, Roberts, Summers, Temple, Thornton, Toole and Wallace, Speaker—17.

Nays—Messrs. Blair, Cox, Swan and Taylor—4.

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

Ordered, That it be sent to the Council for concurrence.

Bill No. 42, H. R. file, entitled A bill to allow and regulate the action of right.

Bill No. 50, H. R. file, entitled A bill to punish the venders of unwholesome liquors and provisions.

Bill No. 53, H. R. file, entitled A bill to authorize Ralph Letton, to establish and keep a ferry across the Mississippi river, at the town of Parkhurst, were severally read a third time, passed and their titles agreed to.

Bill No. 49, H. R. file, entitled A bill to prevent the selling of spirituous liquors to Indians, was read a third time.

Mr. Grimes asked and obtained the unanimous consent of the House, to amend the bill by adding to the first section the following words: "to make complaint of such violations of this law as come within their kdowledge;" the bill was then passed and the title agreed to.

Ordered, That said bills be sent to the Council for concurrence.

Bill No. 55, H. R. file, entitled "A bill to prohibit the wearing of concealed weapons," was taken up, read a second time, and considered in committee of the whole, Mr. Burchard in the chair. After some time spent therein, the commmittee arose and reported the bill without amendment, in which the House concurred.

Mr. Grimes moved to strike out the 6th line, which was not agreed to.

Mr. Cox moved to insert "dirk knife or bowie knife" which was lost.

Mr. Cox then called for the previous question, and the bill was ordered to be engrossed for a third reading.

Bill No. 56, H. H. file, entitled "A bill for the relief of securities of persons charged with criminal offences," was then read a second time and considered in committee of the whole, Mr. Coop in the chair. After sometime spent therein, the committe arose and reported the same with an amendment in which the House concurred. The bill was then ordered to be engrossed for a third reading.

On motion the House adjourned.

Friday, December 14, 1838.

The minutes of yesterday were read and corrected.

Mr. Summers presented the petition of citizens of Scott county, asking for an alteration of the boundaries of said county.

The petition was referred to the committee on townships and county boundaries.

Mr. Burchard presented the petition of inhabitants of Clinton county, praying that a charter may be granted to Elijah Buel and George W. Harlan, to keep a ferry at the town of Lyons. Which was referred to the commmittee on roads and highways.

Mr Frierson presented the petition of citizens af Muscatine county, praying for an alteration in lines of said county, which was referred to the committee on townships and county boundaries.

Mr. Grimes, presented a petition numerously signed, of inhabitants of Henry and Des Moines counties, praying that a range of townships be added to the west side of the said county of Des Moines: the petitition was referred to the committee on townships and county boundaries.

Mr. Summers offered the following:

Whereas the members of this body have been politely furnished with a specimen copy of the Pittsburg Saturday Evening Visitor, and whereas we find it well filled with interesting literary matter, therefore,

Resolved, That we recommend it to the citizens of Iowa Territory, as a highly useful family newspaper. The resolution was lost.

On motion of Mr. Beeler,

The following preamble and resolution was adopted:

Whereas it is desirable to have an interchange of statute laws with the several States and Territories of the Union, therefore, be it resolved by the Couucil and House of Representatives of the Territory of Iowa, that a copy of the statute laws of this Territory, be transmitted by the Secretary of the Territory, to each of the Secretaries of state of the several States and Territories, accompanied with a request, soliciting an interchange of statute laws with them; and that he is hereby instructed to keep a book, in which he shall enter the date of the times he may receive and transmit such laws, and that he make report of his proceedings therein, at the next session of the Legislative Assembly.

Mr. Summers from the committee on roads and highways, to which had been referred a resolution instructing them to inquire into the expediency of establishing a territorial road from Mount Pleasant in Henry county, to Moscow in Muscatine county, made report thereon.

The report was concurred in.

Mr. Swan from the committee on enrollments, reported a joint resolution respecting the providing of seals for the several courts of this Territory, as correctly enrolled.

Bill No. 44, H. R. file, entitled A bill concerning the seat of justice of Scott county, was read a second time and considered in committee of the whole, Mr. Cox in the chair. The committee, after some time, rose and reported the bill with amendments. The House concurred in the report of the committee.

Mr. Taylor, offered the following as an amendment to be added at the end of the fourth line of the 2d section of said bill: "or any day thereafter, which may be agreed upon by a majority of said commissioners, provided such time may not extend beyond the first day of March next." The amendment was adopted.

Mr. Bailey moved to amend the third section by erasing the first syllable of the word "illegal;" which was agreed to.

On motion of Mr. Grimes,

The following was added after the word "county," in the last line of the 5th section of said bill as an amendment to said section:

"Until the seat of justice of said county shall be established as herein provided, all writs and process which by law are returnable to the district court of said county shall be valid if made returnable to the said court at the next term thereof without specifying the place, and all parties, witnesses, jurors, and other persons required to appear before said court at said term, shall appear at the place declared to be the county seat by the before mentioned commissioners, and if the county seat is not declared before the first day of said term of the court the said court shall be held at the town of Davenport."

The bill was then ordered to be engrossed for a third reading.

Bill No. 45, H. R. file, was taken up, read a second time, and,

On motion of Mr. Grimes,

Ordered to lie on the table two weeks.

Mr. Taylor asked and obtained leave to introduce a bill to establish the boundaries of Lee county. Messrs. Taylor, Patterson and Temple, were appointed a committee to prepare the same.

Memorial to Congress asking for an appropriation by Congress, for the improvement of the navigation of the Iowa and Cedar rivers, was read a second time and considered in committee of the whole, Mr. Frierson in the chair. After some time spent therein, the committe rose, and reported the memorial to the House with an amendment, in which the House concurred. Said memorial was then orderd to be engrossed for a third reading.

Bill No. 6, Council file, was read a second time and considered in committee of the whole, Mr. Grimes in the chair. The committee rose, reported that they had made progress in the consideration of the bill, and asked and obtained leave to sit again.

Bill No. 23, Council file, was taken up and read a first time.

Bill No. 21, Council file, was taken up, read a third time, passed, and the title thereof agreed to.

A communication from James G. Edwards, was read and referred to the committee on expenditures.

Bills No. 25, 28, 29 and 38, H. R. file, were taken up and the several amendments made to them by the Council were concurred in.

The amendments by Council made to bill No. 37, H. R. file, were disagreed to.

On motion of Mr. Grimes,

Leave was granted to Mr. Bailey to bring in a bill fixing a time for the annual meeting of the Legislative Assembly. Messrs. Bailey, Summers and Swan, were appointed a committee to prepare and report the same.

Mr. Grimes, from the committee on the judiciary, reported bill No. 66, entitled "An act to establish the several seminaries herein named;" was considered in committee of the whole, Mr. Hastings in the chair. After some time, the committee rose, and reported the bill to the House with amendments, in which the House concurred.

Mr. Grimes moved to amend said bill, by striking out the names in the fifth section, and inserting the following:

"William H. Starr, Geo. Temple, Nehemiah Chase, Milton D. Browning, John Porter Bradstreet, Leander J. Lockwood, Geo. H. Beeler, Wm. B. Remey, Isaac Leffler, J. B. Webber, Jeremiah Lamsom, Robert Ralston and Arthur Inghram."

The bill was then referred to the committee on schools.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Speaker announced the following communication from the Secretary of the Territory.

SECRETARY'S OFFICE,
DEC. 14, 1838

The Honorable the Speaker of the House of Representatives, will please announce from the chair, that the Secretary is constrained to ask the indulgence of the House until to-morrow, in replying to the fiscal resolution of yesterday.

With high regard,
Your ob't. servant,
WM. B. CONWAY,
Secretary of the Territory.

Mr. Swan, from the committee on enrollments reported as correctly enrolled, bills, H. R. file, numbered 2, 17, 23, 26, 34 and 43; likewise a memorial to the Congress of the United States.

The Speaker then signed the same, and directed the clerk to present them to the President of the Council for his signature.

Message from the Council, by their Secretary:

Mr. Speaker,—

I am instructed to inform the House, that the Council have receded from their amendment to the 19th section of bill No. 22, of the House of Representatives, entitled An act relating to informations in

the nature of quo warranto, &c.; and have concurred in the amendment made by the House to the 27th section of said bills as added by Council.

The Council have also concurred in memorial of the House to the Post Master General.

The Council have concurred in the amendment made by the House to bill No. 12, Council file, entitled An act to locate a road from Fort Madison, in Lee county, &c. And then he withdrew.

The House resolved itself into a committee of the whole, on bill No. 6, Council file, entitled A bill to organize, govern and discipline the militia of this Territory, Mr. Grimes in the chair. After some time the committee rose and reported said bill to the House with amendments. The House concurred in the report of the committee.

Mr. Grimes moved to amend the 7th line of the 26th section of the bill as follows: After the word "denomination" insert the following: "who prove to the commandant of the company in whose beat or precinct they reside, that they have been regularly ordained or licensed, and are now in full communion with their respective churches." The amendment was adopted.

On motion of Mr. Roberts,

The word "Keokuk" was so added to the first section of the bill, as to make the county of that name, belong to the second division.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Cox,

The House adjourned.

Saturday, December 15, 1838.

On motion of Mr. Brierly,

Resolved, That a select committee of three be appointed to enquire into the expediency of enacting a law regulating the taxes on the half breed lands, and so provide by law, that those who are residing on the same, and hold interest therein, shall have the right and privilege of paying the taxes on the land they occupy and cultivate. Messrs. Brierly, Taylor and Temple were appointed the committee.

Mr. Beeler offered the following:

Resolved, That the committee on the Judiciary, be instructed to enquire into the expediency and justice of enforcing the payment into the treasury of the county of Des Moines, the proportionable part of the debt due from the several counties of Lee, Van Buren, Henry, Louisa, Muscatine, and Slaughter, to the said county of Des Moines, agreeably to an act passed by the Legislative Assembly of Wisconsin, entitled "an act dividing the county of Des Moines into several new counties," approved January 18, 1838.

Mr. Cox moved to amend the resolution by striking out the word "judiciary," and inserting instead of the same, the word "claims:" the resolution as amended was adopted.

Mr. Summers, from the committee on Roads and Highways, to which was referred a resolution instructing that committee to enquire into the expediency of establishing a territorial road, from the town of Wyoming in Muscatine county, to Napoleon in Johnson county, made an unfavorable report thereon, and asked to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged.

Mr. Swan, from the committee on enrolments, reported the following to have been presented to the Governor, on yesterday, for his approval, viz.

An act to authorize Joseph Williams and Charles Alexander Warfield, to keep a ferry, &c.

An act to repeal an act of the Legislacive Assembly of Wisconsin, approved Jan. 19, 1838.

An act to divide the county of Henry, and establish the county of Jefferson.

An act to make good and valid in law, the acts of Robert G. Roberts, a Justice of the Peace, formerly of Du Buque county.

An act organizing a board of county commissioners, in the different counties of this territory.

An act to locate and establish a territorial road from Keokuk to Iowa city.

Also a memorial to Congress on the right of pre-emption to mineral lands, and a memorial to that body, praying that the organic law of the territory be amended.

Mr. Taylor from the select committee appointed for that purpose reported bill No. 67, H. R. file, entitled a bill to establish the boundaries of Lee county, which was read a first time.

Mr. Toole from the committee on enrolments, reported the following bills, H. R. file, as correctly engrossed, to wit:

No. 55, a bill prohibiting the wearing of concealed weapons.

No 56, an act for the relief of securities, &c.

No. 65, a bill to prevent disasters on steam boats, &c.; likewise a memorial to Congress, asking for an appropriation to improve the navigation of the Iowa and Cedar rivers; and a memorial to Congress, asking for an additional appropriation, to defray the expenses of the present Legislative Assembly.

Mr. Beeler from the select committee appointed for that purpose, reported bill No. 68, entitled an act declaring what laws shall be in force; whichw as read a first time.

Bill No. 23, Council file, entitled an act to authorise the Legislative Assembly to punish for contempt and to privilege members from arrest, was read a second time, and considered in committee of the whole, Mr. Parker in the chair. After a short time the committee rose and reported the same to the House without amendment; the House concurred in the report of the committee.

And the bill was ordered to be engrossed for a third reading.

Bill No. 51. H. R. file, entitled an act regulating weights and measures, was read a second time and considered in committee of the whole, Mr. Parker in the chair. The committee rose after some

time, reported the bill to the House without amendment, and asked its concurrence. The House concurred.

Mr. Taylor moved that the second section of the bill be stricken out, which was not agreed to.

Said bill was then ordered to be engrossed for a third reading.

Bill No. 61, H. R. file, entitled a bill to restrain unincorporated banking associations, was then read a second time and considered in committee of the whole, Mr. Roberts in the chair. After some time the committee rose, reported the bill to the House with amendments, and asked and obtained its concurrence.

The bill was then ordered to be engrossed for a third reading.

Mr. Swan from the committee on enrolments reported H. R. file, bills No. 29, 32 and 40, as correctly enrolled: The Speaker then signed the same and ordered, that they be sent to the Council for the signature of the President.

The Speaker announced a communication from the Secretary of the Territory, of this date, which was read. ordered to be printed, and referred to the committee on expenditures, and is as follows:

SECRETARY'S OFFICE,
TERRITORY OF IOWA, DEC. 15, 1838.

To the Honorable WM. H. WALLACE, *Speaker of the House of Representatives.*

SIR,—The preamble and resolution adopted by the Honorable the House of Representatives, on the 13th, the receipt of which was acknowledged on the same day, has been very attentively considered by the Secretary of the Territory.

The preamble, just noticed, contains and expresses the "OPINION" of the House of Representatives, which recognizes the Secretary of the Territory as "the only disbursing officer known to the Organic Law." For the opinion of the Honorable the House of Representatives, the Secretary entertains, and has always entertrined, the utmost respect; nor would he dissent therefrom on light and trivial grounds.

On the 5th of this month, a joint resolution was adopted by the Legislative Assembly, similar in its requirements, though not so positive and explanatory in its terms, as the one now before the Secretary for his consideration and FINAL decision. This resolution (of the 5th) required the payment of money, and, therefore, clearly implied the opinion that the Secretary was authorized to meet the demand.

From the reasons assigned in the communication from this Department, of the 6th instant, the opinion of Governor Lucas, as regards the right claimed by the Legislature, over the subject matter of their resolution (of the 5th) was reduced to a tangible form; and after a train of comprehensive reasoning, His Excellency was "clearly of the opinion," that the resolution (of the 5th) "being destitute of legal authority, or Executive sanction, could NOT with SAFETY be received by the Secretary as a voucher for the payment of money." It was then, and is still believed, that the opinion of the Executive is entitled to much consideration; and, therefore, the Secretary felt bound to *recommit* the subject, for further le-

gislative deliberation and action, if further might be deemed necessary and proper: and the Secretary is now obliged to regard the resolution of the 13th, as the *official answer* of the Honorable, the House of Representatives to the question which was submitted, by the very act of laying his correspondence with the Executive before that House. This (the resolution of the 13th) is therefore, the *answer* made known by legislative *action*, and it could be fairly considered as the opinion of one Department of the Territorial Government, against the opinion of another Department, on a question which is subject to the final decision of neither. Still, it is a question in which the Legislature and the Secretary have a *direct* interest; the former in expending the public money and the latter in *accounting* for its expenditure.

The Secretary was well aware of the views and opinions of the Executive, and particularly in relation to the disbursement of the public funds; and being thus acquainted with his views and opinions, and for this reason *alone*, which has been repeated again and again, the Secretary raised the question, in a distinct and official form, before the Legislative Assembly, on the 15th of November; and the Executive assurance, made known through the medium of that communication has never been doubted or contradicted, and it has been substantially repeated, in the correspondence which was read in the House of Representatives on the 7th.

Let it be well remembered, that the *principle* at issue, between the Executive and the Legislature, has never been decided, directly or indirectly, by the Secretary. He merely ceased to act, or declined official action, on a principle which was the subject of contested opinions, between the Legislature and the Executive; and the question stands in this position, up to the present moment, with one exception, and the materiality of that exception is yet a matter of inference; to which the Secretary will recur in the conclusion of this paper.

The Honorable the House of Representatives, will indulgently allow the whole subject to be reduced to a methodical arrangement, corresponding with the facts.

First. On the 15th of November, the Secretary of the Territory brought the subject of expenditures and disbursements, in a plain and official manner, before both branches of the Legislature of Iowa; and it was then submitted and earnestly pressed, whether the enactment of a law would not be necessary and proper, to regulate his discretion in making disbursements.

Secondly. Pursuant to the submission and recommendation of the Secretary, a Bill was reported in the House of Representatives, providing for the organization of the Legislative Assembly, known by the name of "Mr. Frierson's Bill."

Thirdly. The subject does not appear again, in an official form, until the 5th of December, and then it makes its appearance in the shape of a joint resolution.

Fourthly. The Secretary then, in a polite, respectful, and official manner, drew forth, in form and proportion, the Executive opinion, of and concerning the validity of the resolution of the fifth of December.

Fifthly. And lastly, this Executive opinion was very properly submitted, by the Secretary, to the Legislature, on the 7th of this month; and it will be conceded, that he (the Secretary) can take no official cognizance of any intermediate proceeding, until he received your resolution of the 13th, which he must regard as the action on, and the answer to the question which was recommitted to the House of Representatives, on Friday the 7th of December.

The foregoing is believed to be a correct, and fairly connected view of the whole case, and it will be seen, that the official action of both branches of the Legislature, by their separate resolutions of the 13th, DENIES, in the plainest manner, the correctness of the Governor's opinion, which had been considered since the seventh. The present state of the case may, therefore, be reduced to this single proposition, to wit: The "opinion" of the executive against the "opinion" of the legislature, with regard to a principle involving the official action and pecuniary responsibilities of the Secretary. This is the whole case, opinion against opinion, one of which only can be correct.

The organic law vests the legislative power of this Territory, "in the Governor and Legislative Assembly." This is broad, unqualified, and general; yet still it is the language of the law. But, if this clause will not admit of any qualification, it appears to prove too much; and unless a principle can be carried out into all its resulting consequences, it is to be recognized with commendable caution. If the clause just quoted, is to be received without any qualification, it proves that there is no act, motion, rule, or arrangement, however minute, with which the Executive may not rightfully interfere; and it proves, that he is, indeed, and in fact, an integral part and portion of the Legislature, considered in its distinguishing and essential character, as a deliberative assembly. The principle, therefore, proves too much, and is not to be hastily admitted.

Usage, as ancient as the origin of parliamentary organization, guarantees to every deliberative assembly the right of regulating its own proceedings, and to form, alter, improve and complete those arrangements, which may, by the assembly, be deemed necessary, proper and convenient, for the transaction of the business, for the prosecution of which the said assembly was called into existence. And, as clerks and other officers are nothing more (in that capacity) than a part or parts of the arrangements of a Legislative Assembly, the conclusion is supported by the usage, the precedents, and experience of ages, that the Legislature possess the inherent right of appointing their own clerks, and other incidental assistants, as courts have to appoint their own tip staves and criers. This is the ancient and the modern law of usage, and unless it be contravened, modified, or annulled, by positive enactment, usage always creates a strong presumption in favor of the right claimed under its authority. In exercising this right, legislators may run into extravagance, and do some mischief by their prodigality. This is, however, no argument against the proper, inherent, and essential rights of legislative bodies, and especially in this country, where the corrective is in the hands of an intelligent people, and can be so efficiently applied at short and convenient intervals. And wise men

have doubted whether this supervisory authority, over the internal regulations of a deliberative assembly, could, with either propriety or safety, be vested any where but in the Assembly itself. This law of usage has been established on the presumption that legislation will be generally entrusted to honest men; to men who would not invade right, because they possess temporary and revocable authority. And the history of the world proves the proposition clearly, that executive usurpation has inflicted more evils on our race than the wildest projects of legislative folly. But it is the duty of the wise and the good, to avoid all manner of dangerous extremes.

As regards the organization of the Legislative Assembly of Iowa, there seems to be no provision in the organic law, which modifies, diminishes, or takes away, any of the inherent and incidental rights of a legislative body, as guarantied and established by the law of usage; unless the first clause of the 4th section can be so construed. But this construction is repugnant to the clearest perceptions of the Secretary's understanding; and if it could be adopted by him, on the ground of expediency, he is aware that legislation, in this Territory, would, for the present, be brought to a hasty and very unsatisfactory close. He is well aware that the *concession* of the *principle*, at issue, by one side or the other, or an immediate adjournment, are the only alternatives presented by the existing state of the case.

That the House of Representstives will recede from the principle on which they have taken a stand, is a supposition flatly contradicted by their resolution of the 13th; and it is equally evident that the views of the Council have undergone no change on this subject, which is plainly manifested by their resolution of the same date. And that the opinion of Governor Lucas is not less stable and firm, than it was on the 6th is a fact which was made known to the Secretary in the following manner: On Saturday evening (the 8th inst.) the Secretary had the honor to write to Governor Lucas, informing him that his communication of the 6th to this department had been publicly spoken of as a "private letter;" and respectfully requesting him to say in reply, "whether his said communication of the 6th, had been transmitted to the Legislature with his knowledge and consent or not? And whether his Excellency wished the Secretary to recall said communication as a private paper, containing opinions which his Excellency was not willing to avow in a public and official manner?" These inquiries were presented to the Governor on last Saturday, to which he has given, up to this time, nothing more than a verbal reply, and that reply confirmed the official character of the communication of the 6th of December, as regards the meaning, intention, and destination of which, the Secretary never had any reason to entertain a doubt.

The Legislature and the Governor are, therefore, distinctly, positively, publicly, and officially, at variance, with regard to a *principle* involving, in this instance, the action and responsibilities of the Secretary. The Executive and the Legislature cannot both be correct, when they differ in relation to a principle which cannot be right and wrong at the same time. We are far from the Treasury Department, where the legal validity of vouchers is to be finally

determined, and the Legislature cannot stand still until information could be received from that distant source. A dilemma is thus presented, and the Secretary is clearly compelled to straddle one of its horns. He must take one side of this question, or let the members of the legislature go home; or they must consent to transact the public business without either clerks or firemen. The Secretary must, therefore, march up to this difficulty, and take his stand, with the unquestionable right of selecting his position. And, therefore, from a calm, impartial and considerate examination of the whole case, the Secretary concurs in the rectitude of the *principle* for which the Legislature have contended, and he is constrained, by the force of honest conviction to dissent from the opinion of the Executive. The Secretary has reached this conclusion with the most respectful and becoming reluctance;—but nevertheless he has reached this conclusion. The Legislature and the Secretary have, therefore, taken the same view of the question, as regards the relative rights of the conflicting departments. But it may be entirely possible, that the Legislature and the Secretary are both in error, in their estimate of the extent to which legislative authority is vested in the Executive, by the general clause in the 4th section of the organic law; and if the Secretary of the Treasury of the United States should happen to concur with the Governor of Iowa, in reference to the essential requisites of a "legal voucher," the responsibilities now to be incurred by the Secretary of the Territory, may become oppressively burthensome. This cannot be *intended* by the Legislature, as the result of a contest for *principle*.

There is, however, an inference to be drawn from the resolution adopted by the House of Representatives, on the 13th inst., which inference seems to result clearly from the concluding clause.—Speaking of the *certificate* of service and attendance, the resolution distinctly declares, that it "SHALL BE A SUFFICIENT VOUCHER to him (the Secretary) as disbursing agent of the Territory." And the resolution adopted by the Council on the same day, (the 13th inst.) is "*considered*," by that body, as a "SUFFICIENT and LEGAL *voucher* under the organic law."

The Secretary of the Territory, therefore, draws this conclusion, from the premises thus laid down, that the faith of both branches of the Legislature of Iowa is thus publicly, formally, officially and solemnly PLEDGED, for the LEGAL SUFFICENCY of the vouchers, upon the presentation of which the Secretary is authorized and required to disburse the funds of the United States, now in his hands. And if the Legislature will warrant this conclusion as correct, either by specific action, or by their silence, then the certificates may be sent to this office, and they shall be paid on presentation, so long as the funds in the hands of the Secretary will meet the demands of the public creditors.

Very respectfully, your obedient servant,

WM. B. CONWAY,

Secretary of the Territory of Iowa.

Bill No. 62, H. R. file, entitled an act to authorize clerks of courts to appoint deputies in certain cases, was taken up, read a second time, and

Ordered, that the House resolve itself into a committee of the whole for the consideration thereof, Mr. Summers in the chair. After a short time spent therein, the committee rose and reported the bill with amendments. The House concurred in the report of the committee.

And the bill was ordered to be engrossed for a third reading.

On motion of Mr. Bankson,

The House reconsidered the vote referring the communication of the Secretary of the Territory of to day, to the committee on Expenditures; when,

On motion of Mr. Swan,

Resolved, That the communication of the Secretary of the Territory of 6th inst. to this House, together with the accompanying communication of said Secretary to the Governor, and his excellency's answer thereto; the reports of the majority and minority of the committee to which they were referred, a resolution of this House passed 13th Dec. inst., instructing said secretary to disburse, with his reply to the same received this day, be printed.

Mr. Burchard then moved that 500 copies of the documents named in the foregoing resolution, last above recited, be printed for the use of the members of this House. which was disagreed to.

The yeas and nays being called for, on said disagreement, were as follow:

Yeas—Messrs. Bankson, Burchard. Cox, Porter, Summers, Swan, Taylor, Tempie, Toole and Wallace, Speaker--10.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Frierson, Grimes, Hastings, Parker and Thornton—11.

On motion of Mr. Taylor,

Resolved, That James G. Edwards be employed to print 500 copies of the communications of the Secretary of the Territory to this House of the 6th and 15th inst. with that of the Secretary to the Governor, and his answer thereto, accompanying the former, together with the resolution of this House passed on the 13th December, also the reports of the majority and minority of the committee to which said correspondence was referred.

Bill No. 64. H. R. file, was read a second time and considered in committee of the whole Mr. Swan in the chair. After a short time the committee rose, and reported the bill without amendment. The House concurred in the report of the committee.

On motion of Mr. Taylor,

The bill was recommitted to the select committee that reported it.

On motion, the House adjourned until Monday.

Monday, December 17, 1838.

Mr. Frierson presented the petition of sundry citizens of Muscatine county, praying that a portion of said county be attached to and

made a part of the county of Scott. Said petition was referred to the committee on townships and county boundaries.

Mr. Beeler offered the following:

Resolved, That the committee on territorial affairs be instructed to inquire into the propriety of devising ways and means of rendering our extensive prairies fit for cultivation, and whether it would not be advisable to memorialize Congress to grant to each settler in the prairie a fee simple title to three hundred and twenty acres of land, when the same is situated two miles or more from timber, which was on motion of Mr. Bailey, laid on the table.

Mr. Summers, from the select committee appointed for that purpose, reported a memorial to Congress asking that body to grant permission to settlers on the 16th section of the public lands to enter that portion of the same which they occupy, and that school lands be located elsewhere; which memorial was read a first time, and is as follows:

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent:

That many of our best citizens settled upon the public lands in this Territory, and commenced improving and cultivating prior to the public surveys thereof; that, in a number of instances after said surveys were made, settlers were grieved to find themselves occupying and improving the *sixteenth* or *school* section; that in most of those instances, the settler, having expended *all* his means in improving the land, could not resolve to desert it and lose all his industry and hard labor, but determined to remain upon the place he had selected for his home. We, therefore, appeal to your honorable bodies for relief.

Your memorialist, representing those setttlers, sincerly believing their situation distressing, and deserving your consideration, respectfully memorialize your honorable bodies to provide a way for their relief by permitting each to enter at the proper land office so much of the school section as he improved and cultivated prior to the said public surveys, and that provision be made for selecting elsewhere in the township the same quantity of land for school purposes.

Mr. Grimes, from the select committee appointed to draft a memorial to Congress on the subject of the construction of a rail road from Burlington, by way of Mount Pleasant, through Van Buren county, to the Missouri state line, reported the same. Said memorial was read a first and second time. The House then resolved itself into a committee of the whole for the consideration of the same, Mr. Taylor in the chair. After some time the committee rose and reported the memorial to the House without amendment in which the House concurred.

Mr. Taylor then moved to amend the same as follows: After the word "construction" in the last clause, add the following: "Provided, That such grant may not take from any settler or claimant his, her or their improvement." The amendment was agreed to.

Mr. Beeler then offered the following amendment to said memorial, the first to be inserted next after the word "improvement" in the last clause, and the second at the end of the memorial; viz:

"And provided further, that when the same shall conflict with any settler then and in that case an equivalent shall be granted for said road."

"And that his Excellency the Governor be and he is hereby requested to forward a copy of the foregoing memorial to the President of the United States and our delegate in Congress, requesting his best exertion to procure the passage of the same," which were adopted. Said memorial was then ordered to be engrossed for a third reading.

Mr. Beeler from the select committee appointed to prepare bill No. 69, entitled "An act regulating the publication and distribution of the laws and journals of the Legislative Assembly of the Territory of Iowa, and the re-printing of sundry local acts of the Territory of Wisconsin, and for other purposes," reported the same. Said bill was read a first time.

Mr. Frierson from the select committee appointed to prepare bill No. 70, entitled "A bill to incorporate the Bloomington and Cedar river canal company," reported the same.

Said bill was then read a first time.

Mr. Hastings from the select committee appointed to prepare bill No. 71, entitled "A bill for the support of illegitimate children," reported the same; which bill was then read a first time.

Mr. Nowlin from the committee appointed under a resolution of the Legislative Assembly of the 29th November ult., to investigate the affairs and condition of the Miners' Bank of Du Buque, made report thereon; which was read and ordered to be printed.

[See Appendix Document No. 5.]

Bill No. 59, H. R. file entitled "A bill to provide for the partition of real property," was taken up, read a second time, and ordered to be considered in committee of the whole, Mr. Temple in the chair. After some time spent therein, the committee rose, reported progress, and asked leave to sit again. Leave was granted.

Bill No. 63, H. R. file, entitled "An act to authorize Wm. Meek and sons to erect a dam across the Des Moines river" was taken up and read a second time; and on motion the House resolved itself into a committee of the whole for the consideration of the same, Mr. Toole in the chair. After some time the committee rose and reported the bill with amendments. The House concurred in the report.

Mr. Beeler offered the following, to be added to the bill:

"Sec. 6. If any person or persons, shall be injured in the navigation of said stream, by means of the erecting of said dam, or the insufficiency or bad repair of such lock, the said Wm. Meek and sons" their heirs and assigns, shall be liable to pay all damages incurred thereby." Not agreed to.

The bill was then ordered to be engrossed for a third reading.

The Secretary of the Council being introduced, delivered the following message:

Mr. Speaker,—

The Council have concurred in the amendments made by the House to bill No. 4, Council file, entitled "An act relative to promissory notes, &c."

The Council has passed bill No. 22, Council file, entitled "An act to locate and establish a territorial road, &c."

I am instructed to inform the House of Representatives that the Council insist upon their amendments to the 5th and 7th sections of bill No. 16, H. R. file, and have appointed Messrs. Hempstead, Clark and Swazey, a committee of conference in relation thereto.

The Council have also passed bills of the House of the following titles, to wit:

No. 5. An act to provide for the safe keeping and management of the territorial library; with amendments.

No 27. An act concerning divorces.

No. 51. An act concerning debtors and their securities, with amendments, in which the concurrence of the House is requested.

I am also directed to inform the House that the Council has receded from their amendment to the 6th section to bill No. 6, H. R. file, and has concurred in the amendment made by the House to the 15th section of said bill, added by Council.

Mr. Boeler, from the committee on enrollments, reported as correctly enrolled, bills of the following titles:

An act relating to information in the nature of quo warranto, &c.

An act to regulate ferries, and

An act to provide for the collection of demands against boats and vessels; also,

A memorial to the Post Master General.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Summers,

The memorial on the subject of school lands, read this morning, was ordered to be printed.

On motion of Mr. Price,

Leave of absence was granted to his colleague, Mr. Patterson, during the time he shall be necessarily detained by reason of indisposition in his family.

On motion of Mr. Grimes,

Resolved, That the committee on schools, be instructed to inquire into the expediency and propriety of levying a tax on lands owned by non residents of this Territory, to be appropriated in the establishment of a common school fund.

Mr. Coop offered the following:

Resolved, That this House adjourn, on Friday the 21st inst., at 12 o'clock, M., until the 27th inst., at 10 o'clock, A. M.

Mr. Bankson moved to lay the resolution on the table, until the 15th day of August next.

The question being put, and the yeas and nays being called for by Mr Taylor, were asked by:

Yeas—Messrs. Bankson, Bailey, Beeler, Burchard, Cox, Frierson, Grimes, Hastings, Parker, Summers, Swan, Taylor and Temple—13.

Nays—Messrs. Brierly, Coop, Delashmutt, Nowlin, Porter, Price, Roberts, Toole and Wallace, Speaker—9.

So the resolution was laid on the table.

Mr. Temple offered the following:

Resolved, That the Secretary of the Territory be directed to pay Messrs. Clarke & McKenny, one thousand dollars, to be accounted for in the final settlement of their accounts with the House of Representatives, for printing.

On motion of Mr. Nowlin,

The resolution was laid on the table.

Mr. Beeler, from the committee on enrollments, reported as correctly engrossed, A bill to restrain unincorporated banking associations.

Bill No. 55, H. R. file, entitled "A bill to prevent the wearing of concealed weapons," was taken up and read a third time.

On motion of Mr. Grimes,

The House unanimously amended the bill by adding the words "Bowie knife" to their number of weapons prohibited.

The bill was then passed, and the title agreed to.

Ordered, That it be sent to the Council for concurrence.

Bills H. R. file, No. 56, entitled "A bill for the relief of securities of persons charged with criminal offences;" and

No. 65, entitled "A bill to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory;" were taken up, read a third time, passed, their titles agreed to, and ordered to be sent to the Council for concurrence.

Memorial to Congress, asking for an additional appropriation to defray the expenses of the Legislative Assembly, was read a third time and passed.

Ordered, That it be sent to the Council for concurrence.

Memorial to Congress praying for an appropriation to improve the navigation of the Iowa and Cedar rivers, was read a third time, and,

On motion of Mr. Nowlin,

Recommitted to the committee which reported it.

Bill No. 23, Council file, entitled A bill to authorize the Legislative Assembly to punish for contempt and to privilege members from arrest was read a third time, pessed, and the title thereof agreed to.

Bill No 6, Council file, was read a third time, and on motion of Mr. Grimes, referred to the committee on the militia.

Bill No. 5, H. R. file, entitled A bill to provide for the safe keeping and management of the Territorial Library, was taken under consideration, and the amendments made by the Council, to the 1st and 2d sections thereof concurred in. The amendment made to the 3d section of the same was disagreed to.

On motion of Mr. Swan,

Ordered that a committee of conference be appointed to confer with a similar committee from the Council, on the disagreement of the House, to amendments made by Council to bill No. 15, H. R. file. Messrs. Swan, Grimes and Bankson, were appointed said committee.

Bill No. 27, H. R. file, as amended by the Council, was taken up and the amendments made the 1st, 2d and 6th sections agreed to, and the amendment made to the 9th section disagreed to.

Bill No. 51, H. R. file, was taken up and the amendments made to same by the Council were concurred in.

Bill No. 22, Council file, entitled A bill to locate and establish a territorial road from Black Hawk in Louisa county, by way of Mount Pleasant, to the southern boundary of Van Buren county &c., was taken up and read a first time.

Mr. Swan from the committee on enrollments reported, as correctly enrolled, the following entitled acts, viz:

An act regulating the mode of taking deposition and to provide for the perpetuation of testimony.

An act to provide for the incorporation of agricultural societies.

The said acts were then signed by the speaker, and the clerk ordered to present them to the President of the Council for his signature.

Mr. Hastings presented a petition praying that privilege be granted to Benjamin Nye, to erect a dam across Pine river.

Said petition was referred to a select committee, consisting of Messrs. Hastings, Toole and Thornton.

Mr. Patterson from the committee on expenditures to which was referred the account of James G. Edwards, of forty five dollars and fifty cents, for furnishing twenty-six copies of Wisconsin laws, reported that it is expedient to allow said account.

The report was concurred in.

Mr. Grimes from the committee on the judiciary, reported bill No. 72, H. R. file, entitled an act concerning grand and petit jurors; the House resolved itself into a committee of the whole on the same, Mr. Bankson in the chair. After some time the committee rose, and reported the bill with amendments; the House concurred in the report of the committee, and ordered the bill to be engrossed for a third reading.

On motion of Mr. Summers,

Ordered, That a committee of conference be appointed on the disagreeing vote of the two Houses, in relation to bill No. 27, H. R. file, entitled an act concerning divorces. Messrs. Summers, Taylor and Cox, were appointed said committee.

Mr. Frierson asked and obtained leave to introduce a bill, providing for the appointment and defining the duties of district prosecutors, in this Territory. Messrs. Frierson, Grimes and Cox, were appointed a committee to prepare said bill.

Mr. Hastings asked and obtained leave to introduce a bill relating to frauds and perjuries. Messrs. Hastings, Blair and Brierly, were appointed a committee to prepare and report the same.

Mr. Grimes from the committee on the Judiciary, reported bill No. 73, H. R. file, entitled a bill to provide for the punishment of the crime of bribery. The House resolved itself into a committee of the whole for the consideration of said bill, Mr. Bailey in the chair. After some time spent therein, the committee rose, reported said bill with amendments, and asked the concurrence of the House; the House concurred.

And ordered the bill to be engrossed for a third reading.

Bill No. 62, H. R. file, entitled An act to authorize clerks of district courts, and boards of county commissioners, to appoint deputies in certain cases, was taken up, read a third time, passed, and title agreed to.

Ordered, That it be sent to the Council for concurrence.

On motion of Mr. Blair,

The House adjourned.

Tuesday, December 18, 1838.

Mr. Summers offered the following:

Resolved, That a select committee of one from each electoral district be appointed to apportion the members of the House of Representative, for the next General Assembly, in the several counties of this Territory; which was,

On motion of Mr. Bankson, laid on the table.

On motion of Mr. Bankson,

Resolved, That the committee on Corporations, be instructed to inquire into the expediency of granting a charter to Robert Carey, to keep a ferry across the Mississippi river, at Charleston, Jackson county.

Mr. Beeler, from the committee on enrolments, reported as correctly engrossed, bills of the following titles, viz:

An act subjecting real and personal property to execution.

An act regulating weights and measures; and

An act to authorize William Meek and Sons, to erect a dam across the Des Moines river.

Also a memorial to Congress upon the subject of a rail road from the town of Burlington, to the boundary line of the State of Missouri.

Mr. Swan, from the committee on Enrolments, reported the following entitled acts to have been presented yesterday, to the Governor, for his approval, viz:

An act relative to Mechanics' liens, and for other purposes.

An act to authorise John H. Sullivan and Adrian H. Davenport, to keep a ferry; and

An act to authorize J. S. Kirkpatrick, to keep a ferry at the town of Bellview.

Mr. Summers, from the committee on Roads and Highways, made the following report:

The committee on Roads and Highways, to which was referred a resolution instructing them to enquire into the expediency of locating a territorial road from the landing opposite Oquawka, to Mount Pleasant in Henry county, have had the same under consideration, and are of opinion that it is not expedient at this time to establish said road; the committee therefore ask to be discharged. The report was concurred in.

Mr. Hall, from the committee on the Militia, to which was referred bill No. 6, Council file, entitled a bill regulating the organization and discipline of the militia of this Territory, reported the same back to the House without amendment.

Mr. Swan, from the committee appointed yesterday, to confer with a like committee of the Council, on the subject of the disagreement of the House, to an amendment made by the Council to the 7th section of bill No. 16, H. R. file, reported that the committee could not agree, and asked the House to adhere to their disagreement. The House adhered.

Mr. Burchard from select committee appointed to prepare bill No. 74, entitled a bill to provide for the organization of the county of Clinton, reported the same; which was,

On motion of Mr. Cox, laid on the table.

Mr. Price from the committee appointed to prepare bill No. 75, entitled an act concerning water crafts, &c. reported the same. Said bill was then read a first time.

Mr. Swan, from the committee on Corporations, reported bill No. 76, entitled a bill to incorporate the town of Bloomington; which was read a first time.

Mr. Hastings, from the committee to whom was referred the petition of Benjamin Nye, praying the Legislative Assembly to grant him a privilege to erect a dam across Pine river, reported bill No. 77, entitled a bill to authorize Benjamin Nye, to build a dam across Pine river. Said bill was then read a first time.

Mr. Beeler asked leave to introduce a bill concerning the revisal of statutes. Leave was granted, and Messrs. Beeler, Hastings and Nowlin were appointed a committee to prepare and report the same.

The following message from the Council was received by Mr. Wallace, their Secretary:

Mr. Speaker,

The Council have passed memorial of the House to the Congress of the United States, on the subject of a penitentiary, with amendments; also a memorial of the House on the subject of an appropriation for the improvement of the several streams therein named, with amendments. The Council have passed a memorial to the Congress of the United States, asking relief for Jeremiah Smith; in all of which I am instructed to ask the concurrence of the House.

I am instructed to inform the House, that the Council have refused to concur in the resolution of the House, in relation to an interchange of statutes, with the different states and territories.

I am also directed to inform the House, that the Council have receded from their amendment to bill No. 37, H. R. file.

And then he withdrew.

The Speaker announced the following communication, which was read, to wit.

DEC. 18, 1838.

To the Honorable the Speaker of the House of Representatives of the Territory of Iowa:

SIR—We have the honor to submit to the Legislative Assembly, the following acts, to wit: "An act relative to wills and testaments,

executors and administrators, and the settlement of estates;" and "An act to establish Courts of Probate."

Very respectfully yours,

CHARLES MASON,
T. S. WILSON,
J. WILLIAMS.

The said entitled acts were read a first time, and ordered to be printed.

Bill No. 22, Council file, entitled "A bill to locate a territorial road from Black Hawk to the southern boundary of Van Buren county," was read a second time, and considered in committee of the whole, Mr. Beeler in the chair. After some time the committee rose, and reported the bill to the House with amendments. The House concurred in the report.

On motion of Mr. Nowlin,

The third section of said bill was stricken out.

The House then ordered the same to be engrossed for a third reading.

Bill No. 68, H. R. file, entitled "a bill declaring what acts shall be in force," was taken up, read a second time, and ordered to be considered in committee of the whole, Mr. Blair in the chair. The committee, after a short time, rose and reported the bill without amendment. The House concurred in the report.

The question then being put, "shall the bill be engrossed and read a third time?" it was determined in the negative.

Bill No. 61, H. R. file, entitled "a bill to restrain unincorporated banking associations," was read a third time, passed, and the title of the same agreed to.

Ordered, That it be sent to the Council for concurrence.

Bill No. 41, H. R. file, entitled "a bill subjecting real and personal estate to execution was read a third time.

Mr. Hall then moved that the bill be recommitted, which was not agreed to.

The question being put, "shall the bill pass?" and

The yeas and nays thereon called for, were as follow; to wit:

Yeas—Messrs. Bankson, Bailey, Beeler, Brierly, Coop, Cox, Frierson, Grimes, Hastings, Nowlin, Parker, Porter, Swan, Taylor, Temple and Wallace, Speaker—16.

Nays—Messrs. Burchard, Delashmutt, Hall, Price, Roberts, Summers and Toole—7.

So the bill passed, the title was agreed to, and the clerk directed to present the same to the Council for concurrence.

Bill No. 54, H. R. file, entitled "a bill regulating weights and measures," was taken up, read a third time, passed, and the title agreed to.

Ordered, That it be sent to the Council for concurrence

Bill No. 63, H. R. file, entitled "an act to authorise William Meek and Sons to erect a dam across the Des Moines river," was read a third time and passed.

On motion of Mr. Bailey,

The vote on the passage of said bill was reconsidered.

Mr. Bailey then moved to strike out the word "fifty," and insert in lieu thereof, the words "thirty" and "thirty five;" agreed to.

The bill passed, and the title of the same was agreed to.

Ordered, That it be sent to the Council for concurrence.

Memorial to Congress on the subject of a rail road from Burlington, &c. was read a third time; and

The yeas and nays on its passage, being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Coop, Delashmutt, Frierson, Grimes, Hall, Hastings, Parker, Porter Summers, Taylor, Temple, Toole and Wallace, Speaker—16.

Nays—Messrs. Bankson, Brierly, Burchard, Cox, Nowlin Price, Roberts and Swan—8.

So the memorial passed.

Ordered that it be sent to the Council for concurrence.

Memorial to Congress for the relief of Jeremiah Smith, was read a first and second time; and, on motion, the House resolved itself into a committee of the whole on the same, Mr. Brierly in the chair. After some time, the committee rose, and reported the memorial without amendment. The House concurred, and the memorial was ordered to be engrossed for a third reading.

On motion of Mr. Swan,

The rule of the House was suspended and the memorial passed.

Bill No 52, H. R. file, as amended by Council, was read and concurred in.

The several amendments made by Council to memorial on the subject of a penitentiary, were concurred in except the last, which was disagreed to.

Memorial to Congress asking for an appropriation for the survey of the several streams therein named, as amended by Council, was read; and,

On motion of Mr. Grimes,

Referred to the committee on Internal Improvements.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Summers asked and obtained leave to introduce on Thursday next, or some other day, a memorial to Congress, praying for an appropriation to construct a rail road from Rockingham, westward, to the Indian boundary line by way of the county seat of Cedar county. Messrs. Summers, Roberts and Swan, were appointed a committee to prepare the same.

Mr. Cox asked leave to introduce a memorial to Congress, for the purpose of constructing a rail road from Rockingham, by way of Davenport and Richfield, to Du Buque. Leave was granted, and Messrs. Cox, Coop, and Bankson, were appointed a committee to prepare and report the same.

Mr. Swan offered the following:

Resolved, That Messrs. Grimes, Hall, Nowlin, Hastings and Roberts, be appointed a committee to take into consideration the expediency of memorializing Congress, on the subject of a rail road,

from Mount Pleasant, in Henry county, through the counties of Slaughter and Johnson, crossing a part of Linn and Jones counties, and terminating at the Mississippi river, as near as may be opposite the termination of the Wisconsin rail road, which is now under the supervision of officers of Government appointed for that purpose.

The resolution was rejected.

Mr. Frierson, from the committee on Internal Improvement, to which was referred on this morning, a memorial to Congress, asking for the survey of certain rivers therein named, as amended by the Council, reported the same back to the House without amendment.

Mr. Bailey presented the petition of sundry citizens of Van Buren county, praying that a charter to establish and keep a ferry across the Des Moines river at South Bentonsport, be granted to Giles O. Sullivan and John B. Smith

Referred to the committee on Roads and Highways.

Bill No. 6, Council file, entitled "a bill providing for the organization and discipline of the militia, was read a third time and passed.

On motion of Mr. Cox,

The resolution relative to the payment of money for printing, laid on the table yesterday, to Messrs Clarke and McKenny, was taken up.

Mr. Bailey moved to amend the same, by striking out the words "one thousand," and inserting in lieu thereof, the words "five hundred;" which was agreed to.

The resolution, as amended, was then adopted.

Memorial to Congress for the survey of several rivers of the Territory, was taken up and, on motion, the words "Wabesipinicon, Turkey and Maquokita, were stricken from the same. The question was then taken on the passage of the memorial, and decided in the negative.

Memorial on the subject of school land, was read a second time, and, on motion of Mr. Summers, the House resolved itself into a committee of the whole, for the consideration thereof, Mr. Burchard in the chair. The committee rose, after some time occupied therein, and reported the memorial to the House with amendments, in which the House concurred.

Mr. Bailey moved to strike out all after the word "memorial," as first used in said memorial, and the question being put on the agreement of the House to the motion;

And the yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Burchard, Coop, Cox, Frierson, Hastings, Parker, Porter, Price, Roberts, Swan, Temple and Wallace, Speaker—17.

Nays—Messrs. Delashmutt, Grimes, Hall, Nowlin, Summers, Taylor and Tocle—7.

Mr. Hastings offered the following:

Whereas the Supreme Judges of this Territory, by a joint resolution of the Council and House of Representatives, have been appointed to prepare and present to this Legislature during its present session, such laws as will form a code of jurisprudence and practice. Therefore,

Resolved, That the sum of —— dollars per day, shall be allowed and paid to each of the said Judges, together with the same mileage which is allowed to members of the Legislature of this Territory, for their services rendered in compliance with said resolution; said daily pay to be estimated from the time of the adoption of that resolution, to the end of the present session. And the said Judges are hereby authorised to receive the daily pay thus allowed, from the Secretary of the Territory, upon the certificate of the Speaker of the Council, or House of Representatives, attested in the same manner as are the certificates for the daily pay of the members of this Legislature.

Said preamble and resolution were read and referred to the committee on expenditures.

Mr. Hall asked and obtained leave to bring in a bill, at a future day, compelling persons holding offices to resign before they become candidates for offices incompatible therewith.

Messrs. Hall, Brierly and Porter were appointed a committee to prepare the bill.

On motion, the House adjourned.

Wednesday, December 19, 1838.

Mr. Beeler from the committee on enrollments, reported, that on yesterday, acts of the following titles were presented to the Governor for his approval, viz:

An act locating a territorial road frm Fort Madison &c.

An act regulating the intercourse between the Legislative and Executive Departments of the Territory of Iowa.

An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony; and

An act for the incorporation of agricultural societies.

Mr. Nowlin presented the petition of Robert Carey, praying that a ferry charter be granted to him to be established at Charleston, Jackson county.

Referred to the committee on corporations.

Mr. Summers, from the committee on roads and highways, to which was referred the petition of inhabitants of Van Buren county, asking that a ferry charter be granted Giles O'Sullivan and John B. Smith, reported that they did not feel authorized to act on the subject, and asked leave to be discharged.

The report was concurred in.

Mr. Bailey, from the committee on Schools, in accordance with a resolution of the House of the 16th instant, reported, that they had had the subject matter of the same under consideration, and deemed it inexpedient at present to tax non-resident lands in the Territory.

The report was, on motion of Mr. Cox, laid on the table.

Mr. Frienson, from the select committee appointed for that purpose, reported bill No. 30, entitled A bill to provide for the appointment of district prosecutors, and defining their duties. Read a first time.

Mr. Nowlin, from the committee on expenditures to which was yesterday referred a resolution authorizing the Secretary of the Territory to pay the Judges of the Supreme Court for services rendered in accordance with a resolution of the Legislative Assembly, made report, that they have had the subject under consideration and would recommend the adoption of resolution as follows:

Resolved, By the Council and House of Representatives of the Territoryof Iowa, That the Judges of the Supreme Court of this Territory shall each be allowed the sum of one hundred and twenty-five dollars for their services in drafting bills, and presenting them to the Legislature for enactment.

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the joint resolution passed 21st November last requesting the Judges of the Supreme Court to furnish this Legislative Assembly during its present session with such bills as will, in their opinion, form a proper code of jurisprudence for Iowa, and regulate the practice of the courts thereof, is hereby rescinded.

On motion of Mr. Bailey,

Said report and reslutions were laid on the table.

Mr. Taylor, from the committee appointed to prepare a memorial to Congress on the subject of a rail road from Fort Madison to the Des Moines river, reported the same, and is as follows:

To the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the Council and House of Representatives of the Territory of Iowa, in General Assembly met respectfully represents:

That they are desirous of calling the attention of Congress, to the expediency of making an appropriation for the construction of a rail road, from the town of Fort Madison on the Mississippi river, by the way of the town of West Point, to the Des Moines river, at some eligible point in the county of Van Buren.

The country through which it would pass, being alternate prairie and woodland, affords, from the make of the ground, an opportunity of constructing a rail road at but a very trifling expense, compared with many in different parts of the United States, or with the good that would result from it.

It is deemed unnecessary to detail at length, the great value and importance a work of this kind would be to the country through which it would pass. It would afford a channel through which the products of the industry of an enterprising, hardy and numerous population, would be sent to the great Mississippi. It would enhance the value of the lands, throuh which it would run, and afford a great and ready communication over a rich and fertile country. It would pass through several large prairies, at present the lands of which are of little value, but by the construction of such a work, they would not only be rendered valuable to the general government, but would afford a profitable and happy home to the bold and enterprising pioneer of the wilderness.

But apart from the great and manifold utility, to the whole country through which the road would pass, your memorialists deem it of paramount importance to provide in time of peace, for the safety

and defence of the thousands of citizens, who are now residing on a land contiguous to large and savage bodies of Indians.

By means of such a road as the one asked for, soldiers, provisions and munitions of war, could be sent from the Mississippi river, to the frontier in case of any hostilities on the part of the Indians, with that despatch that is so desirable in all Indian wars, and would contribute materially in keeping the Indians in awe and securig the peace and tranquility of our frontier.

Your memorialists would therefore respectfully pray your honorable body, for an appropriation of three thousand dollars, for the survey of the route of said rail road, and the donation of every alternate section of land through which it passes to aid in constructing the same: Provided, That such grant may not take from any settler or claimant, his, her or their improvement, and they further pray that it may be regarded by your honorable body, as a territorial work to be undertaken for the present Territory and future State of Iowa, and that it may be under the control and direction of the Legislature of Iowa.

And as in duty bound your memorialists will ever pray, &c.

On motion, the House resolved itself into a committee of the whole on said memorial, Mr. Coop in the chair. After some time spent in the consideration thereof, the committee rose, reported the memorial without amendment, and asked the House for its concurrence.

The House refused to concur in the report.

Message from the Council, by their Secretary, Mr. Wallace.

Mr. Speaker,

The Council have passed bills (Council file,) No. 15, entitled An act prescribing the mode of trying the right of property; and

No. 25, An act to provide a standard of weight for grain, salt, &c.

Also bills (H. R. file,) No. 7, entitled An act to regulate interest on money and to prevent usury; and

No. 10, entitled An act to authorize Aaron Usher and Thomas M. Groom, to establish a ferry across the Mississippi river, with amendments, in all of which I am instructed to request the concurrence of the House. And then he withdrew.

Mr. Hall from the committee appointed yesterday for that purpose, reported bill No. 31, entitled A bill compelling persons holding offices to resign before they become candidates for offices incompatible therewith, which was read a first time.

On motion of Mr. Summers,

The rule of the House requiring all bills to be printed before their second reading, was suspended in reference to said bill; it was then read a second time, and the House, on motion, resolved itself into a committee of the whole, for the consideration thereof, Mr. Cox in the chair. The committee after some time rose, and reported the bill to the House without amendment. The House concurred in the report; and,

On motion of Mr. Burchard,

Ordered, That the bill be referred to the committee on the judiciary.

The following entitled bills were severally read a third time, passed, and titles agreed to; viz:

Bill No. 22, Council file, entitled A bill to locate a territoril road from Black Hawk to the southern boundary of Van Buren county; and bills H. R. file, as follows:

No. 72, A bill concerning grand and petit jurors.

No. 73, A bill for the punishment of the crime of bribery.

Ordered, That the bills No. 72 and 73 be sent to the Council for concurrence.

Bill No. 15, Council file, entitled "A bill prescribing the mode of trying the right of property," was taken up and read a first time.

Bill No. 25, Council file, entitled "A bill to provide a standard of weight for grain, salt, &c." was read a first and second time.

On motion the House resolved itself into a committee of the whole on said bill, Mr. Frierson in the chair. After some time the committee rose and reported the same negatived the House concurred in the report.

The amendments to bills No. 7 and 10, H. R. file, made by the Council were then considered and adopted.

Mr. Summers moved to adjourn.

Mr. Beeler called for the yeas and nays on the motion, which were as follow:

Yeas—Messrs. Blair, Summers and Wallace, Speaker—3.

Nays—Messrs. Bankson, Bailey, Beeler, Brierly, Burchard, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Hastings, Nowlin, Parker, Porter, Price, Roberts, Swan, Temple, and Toole--21.

So the House refused to adjourn.

On motion of Mr. Grimes,

Ordered, That the report of the committee appointed to investigate the condition of the Miners' Bank of Du Buque, be taken up. The report was then read, and on motion of Mr. Swan, concurred in.

A communication from the judges of the Supreme Court of the Territory, was announced by the Speaker and read, enclosing bills of the following titles, viz:

An act to prevent trespass upon lands.

An act in relation to bonds and other securities. And

An act to allow and regulate the action of waste.

Said bills were then, on motion of Mr. Burchard, referred to the committee on the Judiciary.

Mr. Taylor asked and obtained leave to introduce a memorial to Congress asking for a donation of land for that part of the county of Lee, embraced in the half breed tract, equal to one thirty-sixth part of said tract. Messrs. Taylor, Bailey and Brierly, were appointed a committee to prepare said memorial.

Mr. Hastings asked and obtained leave to introduce a bill concerning notaries public, and a bill in relation to the appointment and duties of sheriffs. Messrs. Hastings, Grimes and Nowlin, were appointed a committee to prepare said bills.

Mr. Hall asked leave to introduce A bill concerning guardians, apprentices, orphans, and A bill to prevent imposition from the existence of lotteries in this Territory; also, A bill to provide for the burial of dead bodies found on board of ships or other vessels. Leave was granted; and Messrs. Hall, Cox and Frierson, were appointed a committee to prepare the bills.

Mr. Frierson asked and obtained leave on to-morrow to introduce A bill concerning free negroes, mulattoes, servants, and slaves. Leave was granted.

The chair appointed a committee consisting of Messrs. Frierson, Swan and Porter, to prepare and report said bill; and then,

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Grimes, from the committee on the judiciary, reported bill No. 82, entitled "An act to prevent trespass upon lands;" which was read a first time.

On motion of Mr. Bailey,

Leave of absence was granted to R. D. Barton, Doorkeeper of this House, until to-morrow at 12 o'clock, M.

Mr. Toole, from the select committee, to which was referred a memorial to Congress on the subject of the navigation of the Iowa and Cedar rivers, reported the same back to the House without amendment. Said memorial was then read a second time; and, on motion, the House resolved itself into a committee of the whole for the consideration thereof, Mr. Grimes in the chair. After some time the committee rose, and reported the same without amendment. The House concurred in the report.

Mr. Cox then moved to strike out the word "multiplicity," in the second clause of said memorial, and insert instead thereof, the words "great number;" the motion was agreed to.

Mr. Grimes, from the committee on the judiciary, reported bill No. 83, entitled "A bill concerning costs and fees;" said bill was read a second time by its title, and ordered to be considered in committee of the whole, Mr. Grimes in the chair. After some time spent therein, the committee rose, reported that they had made progress, and asked leave to sit again. Leave was granted.

On motion of Mr. Grimes,

The House resolved itself into a committee of the whole, for the further consideration of bill No. 59, entitled An act for the partition of real property, Mr. Temple in the chair.

The following message from the Council by their Secretary was received.

Mr. Speaker,—

The Council have passed bills, H. R. file, as follows:

No. 4, An act regulating criminal proceedings, with amendments.

No. 42, An act to allow and regulate the action of right.

No. 49, An act to prevent the selling of spirituous liquors to Indians, with amendments.

No. 50, An act to punish the venders of unwholesome liquors and provisions.

The concurrence of the House to amendments to said bills No. 4 and 49, is requested.

I am directed to inform the House, that the Council have receded from their amendment to the 9th section of bill No. 27, H. R. file; and then he withdrew.

The committee resumed its session, and after some time rose, reported the bill to the House with amendments, and asked for its concurrence. The House concurred in the report, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Swan,

Ordered, That the report laid upon the table this morning, made by the committee on expenditures in reference to a resolution, to them referred on yesterday, was taken up; and,

On motion of Mr. Nowlin,

The House resolved itself into a committee of the whole for the consideration of said resolution, and report with accompanying resolutions, Mr. Hastings in the chair. After some time, the committee rose, reported said resolutions and report with amendments, and asked the concurrence of the House.

Mr. Nowlin moved to amend the amendment made in committee of the whole, by striking out the word "three," and inserting "four;" to which the House disagreed.

Several other amendments being proposed, Mr. Grimes called for the previous question.

On the question, "shall the main question be now put?"

The yeas and nays were called for, and were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Burchard, Coop, Cox, Delashmutt. Frierson, Grimes, Hall, Hastings, Nowlin, Roberts, Summers, Temple, Toole and Wallace, Speaker—17.

Nays—Messrs. Bailey, Brierly, Parker, Price, Swan and Taylor—6.

The main question then being, "will the House concur in the report of committee?" Mr. Taylor called for the yeas and nays on the same, which were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Burchard, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Hastings, Nowlin, Roberts, Summers, Swan, Temple, Toole and Wallace, Speaker—18.

Nays—Messrs. Bailey, Brierly, Parker, Price and Taylor—5.

So the House concurred in report made by the committee of the whole; and the resolution adopted is as follows:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Judges of the Supeme Court of this Territory, shall each be allowed the sum of three dollars per diem, during the time they may be employed by the Legislature, for their services in drafting bills and presenting them to the Legislature for enactment.

The House adjourned.

Thursday, December 20, 1838.

Mr. Frierson presented a remonstrance of citizens of Muscatine county against the annexation of any part of said county to the county of Scott, which was referred to the committee on townships and county bouudaries.

Mr. Bailey offered the following:

Resolved, That the assistant doorkeeper, assistant messenger, and assistant engrossing clerk, be discharged on the 20th inst.

On the question of the adoption of the resolution,

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Brierly, Burchard, Coop, Delashmutt. Frierson, Hastings, Patterson, Parker and Price—12.

Nays—Messrs. Bankson, Cox, Grimes, Hall, Nowlin, Porter, Summers, Swan, Taylor, Tempie, Toole and Wallace, Speaker—12.

So the resolution was rejected.

On motion of Mr. Nowlin,

Resolved, That James G. Edwards be allowed the sum of forty five dollars and fifty cents, for furnishing each member of this House, with a copy of the laws of Wisconsin.

Mr. Nowlin from the committee on Enrolments, reported bills No. 6, 37, 51, and 52, as correctly enrolled.

The said bills were then signed by the Speaker, and ordered to be sent to the President of the Council for his signature.

Mr. Grimes, from the committee on the Judiciary, reported bill No. 84, entitled an act in relation to bonds and other securities.

Said bill was then read a first time.

Mr. Summers from the committee on Roads and Highways, to which was recommitted bill No. 35, H. R. file, entitled An act to authorize Wm. Hogan, to establish and keep a ferry &c. reported the same back to the House with an amendment.

Said bill was then read a second time, and considered in committee of the whole, Mr. Hastings in the chair. After some time the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

Mr. Bailey from the select committee appointed for that purpose, reported bill No. 86, entitled an act fixing the time for the annual meeting of the Legislative Assembly. Said bill was then read a first and second time, and considered in committee of the whole, Mr. Nowlin the chair. The committee after a short time rose and reported the bill with amendments.

The question then being put, "will the House concur in the report of the committee," it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Blair, Brierly, Burchard, Coop, Delashmutt, Frierson, Grimes, Nowlin, Patterson, Parker, Porter, Price, Roberts, Summers, Taylor and Temple—17.

Nays—Messrs, Bankson, Beeler, Cox, Hall, Swan, Toole and Wallace, Speaker—7.

Mr. Taylor moved to lay the bill on the table, which was disagreed to.

Mr. Swan moved to lay the bill on the table until the second Monday in January next; the motion was not agreed to.

The bill was then ordered to be engrossed for a third reading.

Mr. Beeler from the select committee appointed to prepare bill No. 87, entitled an act concerning the revival of statutes, reported the same. The bill was read a first time by its title.

Mr. Porter asked and obtained leave to introduce a memorial, ask-

ing Congress for a donation to effect the survey of Skunk river.

Messrs. Porter, Coop and Taylor, were appointed a committee to prepare said memorial.

Mr. Hastings from the select committee appointed to prepare bill No. 88, entitled a bill concerning notaries public, reported the same. Said bill was then read a first time by its title.

Mr. Swan, from the committee on Enrolments, reported a memorial to the Post Master General,, and acts of the following titles, viz:

An act to provide for the collection of demands against boats and vessels.

An act relating to informations in the nature of quo warranto, and regulating the mode of proceeding thereon.

An act to regulate ferries; to have been this day presented to the Governor for his approval.

Mr. Grimes, from the committee on the Judiciary, reported bill No. 89, entitled an act to allow and regulate the action of waste.

Said bill was then read a first time by its title.

Mr. Hall, from the committee appointed for that purpose, reported bills No. 90, entitled an act to provide for the burial of dead bodies, &c.; and No. 91, entitled an act to prevent imposition by way of lottery in this Territory.

Said bills were read a first time by their titles.

On motion of Mr. Grimes,

The House again resolved itself into a committee of the whole, for the consideration of bill No. 83, H. R. file, entitled a bill concerning costs and and fees, Mr. Hall in the chair. After some time spent therein, the committee rose, and by their chairman, reported said bill with amendments, in which the House concurred.

On motion of Mr. Bailey,

The bill was recommitted to the committee on the Judiciary.

Bill No. 15, Council file, entitled an act prescribing the mode of trying the right of property, was taken up, read a second time, and ordered to be considered in committee of the whole, Mr. Patterson in the chair. The committee rose after some time, and reported said bill with an amendment, in which the House concurred.

On motion of Mr. Grimes,

The bill was committtee on the Judiciary.

Bill No. 69, H. R. file, entitled an act regulating the publication and distribution of the laws and journals of the Legislative Assembly of the Territory of Iowa, and the reprinting of sundry local acts of the Territory of Wisconsin, and for other purposes. was taken up, read a second time, and considered in committee of the whole, Mr. Porter in the chair. After some time the committee rose, reported progress, and asked leave to sit again. Leave was granted.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Swan asked leave at some future day, to bring in a memorial asking Congress to so far amend the organic law of Iowa, as to enable the Legislative Assembly of this Territory, to pass any law by

a majority of two thirds of all members present, notwithstanding the same may have been returned to either house by the Executive, with his objections and disapproval. Leave was granted. The chair then appointed Messrs. Swan, Grimes and Cox, a committee to prepare said memorial.

The amendments made by the Council, to bill No. 4, H. R. file, were read and severally concurred in, except that made to the 122d section, which was disagreed to.

Bill No 49, H. R. file, as amended by the Council, was then taken up, when the House disagreed to the amendment.

Mr. Swan from the committee on Enrolments, reported bill No. 86, entitled an act fixing the time for the annual meeting of the Legislative Assembly as correctly engrossed.

Mr. Porter offered the following:

Resolved, That the House of Representative adjourn on Friday the 21st inst. at 12 o'clock M. until Thursday the 27th inst. at 10 o'clock A. M.

On motion of Mr. Taylor,

The resolution was laid on the table.

Bill No. 69, H. R. file, entitled an act regulating the publication and distribution of the laws and journals, was taken up, and on motion, the House again resolved itself into a committee of the whole on the same, Mr. Nowlin in the chair. After some time the committee rose and by their chairman, reported said bill with an amendment. The House concurred in the report of the committee, and, on motion, said bill was referred to a committee of one member from each electoral district.

Messrs. Bankson, Hall, Blair, Burchard, Porter, Toole, Roberts and Patterson, were appointed said committee.

On motion of Mr. Summers,

The vote by which the resolution to adjourn presented on this afternoon, was laid on the table, was reconsidered. On the question "shall said resolution be adopted?" it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Brierly, Burchard, Coop, Cox, Hall, Nowlin, Patterson, Porter, Price, Roberts, Summers, Swan, Temple, Toole and Wallace, Speaker—16.

Nays—Messrs. Beeler, Blair, Delashmutt, Frierson, Grimes, Hastings, and Taylor.—7.

Mr. Nowlin asked and obtained leave to introduce a bill appointing a fiscal agent.

Messrs. Nowlin, Frierson and Summers, were appointed a committee to prepare said bill.

Mr. Nowlin moved that the House adjourn.

Mr. Grimes moved to amend the motion, by adjourning until next Monday week, at 10 o'clock, A. M.

The question being taken on the adoption of the amendment, it was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Burchard, Cox and Grimes—3.

Nays—Messrs Bankson, Bailey, Beeler, Blair, Brierly, Coop,

Delashmutt, Frierson, Hall, Hastings, Nowlin, Patterson, Parker, Porter, Price, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—23.

The question was then put on the motion to adjourn, and determined in the affirmative.

Friday, December 21, 1838.

Mr. Summers asked leave of absence for Mr. Burchard, until Monday week. Leave was granted.

On motion of Mr. Patterson,

Resolved, That Charles Weston be allowed twelve dollars for two days services as chief clerk of this House.

On motion of Mr. Nowlin,

Resolved, By the Council and House of Reprentatives of the Territory of Iowa, That William B Conway, Esq. be and he is hereby appointed fiscal agent of the Legislative Assembly during its present session, and that all advances of money made by him shall be refunded to him out of such money as shall hereafter be appropriated by Congress.

Mr. Frierson, from the committee on townships and county boundaries, to which was referred the petition of sundry citizens of Des Moines and Henry counties, praying that an additional range of townships be attached to said county of Des Moines, reported,

That the committee had had the petition under consideration, and are unanimously of opinion that the prayer of the petitioners is unreasonable and ought not to be granted.

The report of the committee was concurred in.

Mr. Swan from the committee on enrollments, reported the following entitled acts as correctly enrolled, viz:

An act to punish the venders of unwholesome liquors and provisions.

An act concerning divorces.

An act to regulate interest on money, and to prevent usury; and,

An act to authorize Aaron Usher and Thomas M. Groom to keep a ferry.

The said acts were then signed by the Speaker, and the Clerk directed to present them to the President of the Council for his signature.

Mr. Hastings asked leave of absence for Mr. Roberts of Cedar county, until Monday week. Leave was granted.

Bill No. 67, H. R. file, entitled A bill to establish the boundaries of Lee county, was read a second time and considered in committee of the whole, Mr. Price in the chair. After some time the committee rose, reported [the bill without amendment, and requested the concurrence of the House.

Mr. Cox moved to lay the bill on the table, and that it be made the order of the day for Friday next. The question being put,

"shall the bill lie on the table?" it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Cox, Delashmutt, Frierson, Grimes, Hastings, Nowlin, Swan and Temple—12.

Nays—Messrs. Brierly, Coop, Patterson, Parker, Price, Summers, Taylor, Toole and Wallace, Speaker—9.

The following message from the Council, was received by their Secretary, Mr. Wallace:

Mr. Speaker,—

The Council have concurred in all the amendments made by the House to bill No. 6, Council file.

I am instructed to inform the House that the Council insist upon their first amendment to memorial of the House to the Congress of the United States on the subject of a penitentiary, and have receded from their second amendment to said memorial; and have rejected memorial, of the House, on the subject of an additional appropriation to defray the expenses of this Legislative Assembly. I am also directed to inform the House that the Council have adhered to their amendments to bill No. 16, H. R. file, An act to provide for the election of county treasurers, &c.

The Council also insist upon their amendments to bill No. 5, H. R. file, An act to provide for the safe keeping &c., of the Territorial Library; and have appointed Messrs. Hempstead, Parker and Inghram, a committee of conference in relation thereto.

The Council have also passed bills of the House of Representatives, entitled as follows, with amendments:

An act for the relief of securities of persons charged with criminal offences.

An act to authorize clerks, &c. to appoint deputies, &c.

Also bills of the Council entitled as follows:

No. 26, An act to establish the boundaries of Louisa county, and for other purposes.

No. 24, An act for the prevention of frauds.

In all of which the concurrence of the House is requested.

The Council have also passed bill No. 53, H. R. file, An act to authorize Ralph Letton to keep a ferry, &c. without amendment.

They have also passed a resolution to the House, authorizing the Judges of the Supreme Court to receive a per diem allowance for services rendered the Legislative Assembly, with an amendment. And then he withdrew.

Bill No 44, H. R. file, entitled "A bill concerning the seat of justice of Scott county," was taken up, and on motion, ordered to lie on the table and be made the order of the day for Friday week.

Bill No. 86, H. R. file, entitled "A bill fixing the time of the annual meeting of the Legislative Assembly," was taken up and read a third time; when Mr. Nowlin moved to lay the same on the table; to which the House disagreed.

The question being then put, "shall the bill pass?" it was determined in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Beeler, Blair, Brierly, Coop, Delashmutt, Frier-

son, Grimes, Hastings, Nowlin, Patterson, Parker, Porter, Price, Summers, Taylor and Temple—16.

Nays—Messrs. Bankson, Cox, Swan, Toole and Wallace, Speaker—5.

Memorial to Congress, on the subject of the navigation of the Iowa and Cedar rivers, was then read a third time.

The question then being put, "shall the memorial pass?" it was determined in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Beeler, Blair, Brierly, Coop, Delashmutt, Frierson, Grimes, Hastings, Nowlin, Parker, Porter, Price, Summers, Swan, Taylor, Temple, Toole and Wallace, Speaker—18.

Nays—Messrs. Bankson and Cox—2.

On motion, the House adjourned.

Thursday, December 27, 1838.

The House met pursuant to adjournment; there not being a quorum present, the Messenger was despatched to procure the attendance of absent members. After a short time a quorum appeared.

Mr. Cox then presented petitions as follows:

Of citizens of Charleston, in Jackson county, praying for the establishment of a bank at that place. Of James Leonard and others, inhabitants of Jackson county, praying that a charter may be granted them to keep a ferry a Charleston. Of sundry citizens of Jackson county, asking that a portion of the present county of Clinton, be attached to Jackson.

The two first named petitions, were, on motion of Mr. Bankson, referred to the committee on corporations; and the last to the committee on townships and county boundaries.

Mr. Frierson presented the petition of Joseph Williams and others, inhabitants of Bloomington, in Muscatine county, praying that a charter be granted to them and their associates, for a company to improve the Muscatine Slough. The petition was referred to the committee on townships and county boundaries.

On motion of Mr. Hastings,

A committee was appointed to confer with a similar committee of the Council, in relation to the disagreement of the two Houses on bill No. 16, H. R. file. Messrs. Hastings, Blair and Cox, were appointed the committee on the part of the House; a like committee was also appointed to confer in relation to a similar disagreement on bill No. 5, H. R. file, and Messrs. Hastings, Grimes and Nowlin, were appointed to constitute said committee.

On motion of Mr. Grimes,

Ordered, That the committee on territorial affairs, to which was referred that part of the Governor's Message which relates to the location of the seat of Government of this Territory, be instructed to report to this House as soon as practicable.

Mr. Summers from the committee on roads and highways, to which was referred certain petitions, asking for the establishment of territorial roads, reported bill No. 92, entitled An act establishing certain territorial roads; said bill was read a first time.

Mr. Summers from the committee on townships and county boundaries, reported bill No. 92, entitled A bill to define the boundaries of the counties of Clinton and Scott; which was read, and

On motion of Mr. Hastings,

Laid on the table.

Mr. Nowlin from the committee on enrollments, reported the following entitled Acts to have been presented to the Governor for his approval, on the 25th inst., viz:

An act to prevent and punish gambling.

An act defining the duties of county surveyors; and

An act providing for the establishment of common schools; also

That a bill entitled An act to authorize the Legislative Assembly to punish for contempt, and to privilege members from arrest, had been correctly enrolled.

Bill No. 71, H. R. file, entitled A bill for the support of illegitimate children, was taken up read a second time, and considered in committee of the whole, Mr. Roberts in the chair. After some time the committee rose, and reported the bill with amendments. The House concurred in the report of the committee, and ordered said bills to be engrossed for a third reading.

Bills, Council file, No. 24, entitled A bill for the prevention of frauds; and

No. 26, entitled A bill to establish the boundaries of Louisa county, and for other purposes, were taken up and read a second time by their titles.

Bill No. 70, H. R. file, entitled A bill to incorporate the Bloomington and Cedar river canal company, was taken up, read a second time, and ordered to be considered in committee of the whole, Mr. Summers in the chair. After some time the committee rose and reported the bill to the House with amendments, which were concurred in.

Mr. Nowlin moved that the 22d section of said bill be stricken out; which was not agreed to.

On motion of Mr. Grimes,

The following proviso was added to the 22d section, viz: "Provided that the whole amount loaned at any time by said corporation, shall not exceed $200,000; which privilege of loaning money shall continue ten years from the passage of this act."

On motion of Mr. Cox,

The blank in the third section of said bill was filled with the following names, to wit: "Joseph Williams, John Vanater, Adam Ogilvie, Charles A. Warfield, Suel Foster, William Gordon, Henry Gillet, William D. Viele, Charles Whittlesey, James W. Tollman, John G. Foy."

On motion of Mr. Frierson,

The blank in the 3d, line, of the 4th section was filled with the word "Bloomington."

The bill was then ordered to be engrossed for a third reading.

The amendment of the Council, made to a joint resolution passed this House, paying the Judges of the Supreme Court for certain services, was disagreed to.

Mr. Nowlin from the committee on enrollments, reported, An act to establiish a seminary of learning at Wapello, in Louisa county, as having been correctly enrolled.

Mr. Hasting asked and obtained leave at a future day, to bring in a bill cencerning amendments and jeofails.

Messrs. Hastings, Bankson and Roberts, were appointed a committee, to prepare the bill.

On motion, the House adjourned.

2 O'CLOCK, P. M.

Bill No. 75, H. R. file, entitled "An act concerning water crafts, lost goods found adrift &c." was taken up, read a second time, and ordered to be considered in committee of the whole, Mr. Temple in the chair.

The following message from the Council was received by their Secretary.

Mr. Speaker,—

I am directed to present for your signature, bills of the Council of the following titles:

An act to establish a seminary at Wapello in Louisa county; and

An act to authorize the Legislative Assembly to punish for contempt and to privilege members from arrest.

I am also instructed to inform the House, that the Council have passed bill No. 33, H. R. file, entitled An act allowing and regulating writs of attachment, with amendments; in which the concurrence of the House of Representatives is requested.

I am also instructed to inform the House that the Council insist upon their amendments to bills No. 49, H. R. file, entitled An act to prevent the selling of spirituous liquors to Indians; and have receded from their amendment to the 122d section of bill No. 4, H. R. file, An act regulating criminal proceedings.

The Council have also concurred in resolution of the House appointing a fiscal agent. Then he withdrew.

After some time spent in the consideration of said bill, No 79, the committee rose and reported the same with amendments; in which the House concurred. The bill was then ordered to be engrossed for a third reading.

Mr. Swan, from the committee on enrollments, reported as correctly enrolled bill No. 42, H. R. file, entitled "An act to allow and regulate the action of right;" which was duly signed by the Speaker, and the clerk directed to present the same to the President of the Council for his signature.

Mr. Nowlin from the committee on territorial affairs, reported bill No. 94, H. R. file, entitled A bill to locate the seat of government; which was read a first time.

Mr. Swan from the committee appointed for that purpose, reported a memorial to Congress, asking that the organic law of the Territory

may be so far amended as to enable the Legislative Assembly to enact laws, the Governor dissenting therefrom, by a vote of two thirds; which was read a first and second time, and considered in committee of the whole, Mr. Toole in the chair. The committee rose, after a short time, reported the memorial without amendment, and asked the concurrence of the House. The report was concurred in, and the memorial ordered to be engrossed and read a third time, and is as follows:

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent; That in the 2d section of the Organic Law of the Territory of Iowa, we find that the Governor of this Territory, has an absolute veto on all laws, which may be enacted by the Representatives of the people of this Territory.

Your memorialists would also represent, that a power thus given to an Executive, is, in their opinion, incompatible with the free institutions and government under which it is their pride and boast to live; a law which invests any officer under our general government, with such unlimited powers might (when used without due deliberation on the part of an Executive) lead to unpleasant results, and embarrass the operations of the different branches of our territorial gevernment, and create disagreement where none should exist.

We, your memorialists, would therefore respectfully request, that the Organic Law of this Territory may be so amended that any bill which may be returned to the Council or House of Representatives, by the Governor of this Territory with objections, and his disapproval can be again taken up and passed by a majority of two thirds of all members present in each House, and that said passage shall have the effect to make any such law as good and valid as it would have been if approved of by the Executive.

All of which is respectfully submitted to your honorable body.

Mr. Hastings presented the remonstrance of sundry inhabitants of Cedar and Muscatine counties, against any alteration in the boundaries of said county. Referred to the committee on townships and county bonndaries.

Mr. Hastings from the select committee appointed for that purpose, reported bill No. 95, entitled A bill for the appointment and duties of sheriffs; said bill was read a first time by its title.

Mr. Swan from a select committee appointed to take into consideration the expediency of granting a divorce to Jacob Bailey, from his wife Nancy Bailey, according to the prayer of a petition on that subject to them referred, reported that they had had the same under consideration and believe that it is inexpedient for this House to grant the prayer of the petitioner, in consequence of a general law, concerning divorces, having passed the Council and House of Representatives, making it the duty of the several district courts of this Territory, to grant divorces on application and proof according to the provisions of said act, and asked to be discharged. The report was concurred in.

On motion of Mr. Summers,

The House resolved itself into a committee of the whole, for the consideration of bill No. 35, H. R. file, entitled A bill to authorize Wm. Hogan, to keep a ferry across the Mississippi river, Mr. Bankson in the chair. The committee after some time rose and reported said bill without amendment, and pending the question "will the House concur in the report of the committee?" it was,

On motion of Mr. Grimes,

Ordered, That the further action of the House on said bill be postponed until Tuesday next.

Mr. Wallace, the Secretary of the Council, being introduced, informed the House that the Council had insisted upon their amendment to a resolution authorizing the Secretary of the Territory to pay the Judges of the Supreme Court, &c.; and had appointed Messrs. Hempstead, Clark and Inghram, a committee of conference in relation to the disagreement of the two Houses.

On motion of Mr. Swan,

A committee similar to the foregoing one, appointed by the Council, consisting of Messrs. Swan, Bailey and Toole, were appointed on the part of the House.

The amendments made by the Council to bill No. 56, H. R. file, were read and concurred in.

Memorial on the subject of a penitentiary, as amended by Council, was taken up and concurred in.

Mr. Grimes, from the committee on the judiciary, to which was referred bill No. 83, H. R. file, entitled An act concerning costs and fees, reported the same back to the House with an amendment; and on motion, the House considered said bill, as amended, in committee of the whole, Mr. Beeler in the chair. After a short period, the committee rose and reported the bill under consideration with an amendment, in which the House concurred. Said bill was then ordered to be engrossed for a third reading.

Mr. Swan, from the committee of conference appointed this afternoon, reported that the committee had had an interview with the one appointed on the part of the Council in relation to a disagreement of the two Houses as to the terms of a resolution paying the supreme Judges, &c. and had agreed to concur in the following amendment thereto:

Between the words "they" and "employ," strike out the words "may be," and insert "have been."

The question being then put upon the adoption of the amendment made to said resolution by Council, and the concurrence of the House in the report of the committee of conference, it was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Cox, Patterson, Porter, Price, Swan, Taylor, Temple, Toole and Wallace, Speaker—10.

Nays—Messrs. Bankson, Beeler, Blair, Delashmutt, Frierson, Grimes, Hastings, Nowlin, Roberts, Summers and Thornton—11.

The amendments made by the Council to bill No. 33, H. R. file, entitled A bill allowing and regulating writs of attachment, and for

other purposes, were severally read and concurred in; except those made to the 1st. 16th and 17th sections which were disagreed to; also the second amendment in the form of the writ.

Bill No. 49, H. R. file, as amended by Council, was taken up and concurred in.

On motion of Mr. Swan,

Resolved, That the Hon. Thomas S. Wilson, associate Judge of the Supreme Court of this Territory, be entitled to three dollars per diem, for the time he has been employed by this House in drafting laws, and that the certificate of the Speaker and chief clerk, shall be a sufficient voucher for the Secretary of this Territory to disburse, and he is hereby requested to pay the same.

Mr. Nowlin offered the following:

Resolved, By the Council and House of Representatives of the Territory of Iowa, That his Excellency Gov. Lucas, is hereby respectfully requested to inform each House of the Legislative Assembly, of all acts by him approved during the present session; and that he is further requested hereafter to inform the House in which a bill originated of his approval thereof immediately after the same has been given.

Mr. Bailey moved that the resolution be laid upon the table, to which the House disagreed.

The question being then put, "shall the resolution be adopted?" it was determined in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Cox, Delashmutt, Grimes, Hastings, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—15.

Nays—Messrs. Bailey, Beeler, Blair, Frierson, Patterson and Price—6.

Mr. Patterson presented the remonstrance of David W. Kilbourn and G. Erskine for themselves, the New York Company, and others whom they represent, praying that An act for the partition of the half breed lands and for others purposes, passed at the last annual session of the Legislative Assembly of Wisconsin, may not be repealed. The remonstrance was referred to the committee on the judiciary.

Mr. Bailey presented the petition of inhabitants of Van Buren county, praying that a charter to erect a dam, with a lock attached, across the Des Moines river at Bentonsport in said county, be granted to Henry Eno & Co.

On motion, said petition was referred to the committee on corporations; and then,

On motion, the House adjourned.

Friday, December 28, 1838.

On motion of Mr. Cox,

Resolved, That a committee be appointed to bring in a memorial asking Congress to have the Rapids on the Mississippi river,

above Rock Island, examined and surveyed by competent engineers; and that said memorial ask of Congress a donation in land of sufficient value to make a steam boat canal from the head of said rapids to the foot of the same, in the territory of Iowa.

Whereupon, Messrs. Cox, Bankson, Swan, Frierson and Roberts, were appointed said committee.

Mr. Swan from the committtee on corporations, to which was referred on yesterday, the petition of inhabitants of Van Buren county, reported bill No. 96, entitled an act to authorise Henry Eno & Co. to construct a dam across the Des Moines river. Which bill was read a first time.

Mr. Hastings from the joint committee appointed to confer with a like committee of the Council, in relation to a disagreement of the two houses to an amendment made to bill No. 5, H. R. file, entitled a bill to provide for the safe keeping and management of the Territorial Library, reported that the committee on the part of the Council insisted upon said amendment, while that of the House disagreed to the same.

The report was recieved, and the House adhered to said disagreement.

Mr. Nowlin from the committee on Enrolments, reported as correctly enrolled,

A bill to locate and establish a territorial road from Black Hawk in Louisa county, via. Mount Pleasant, to the southern boundary of Van Buren county; and

A memorial to Congress for the relief of Jeremiah Smith.

Mr. Cox, from the select committee appointed on the 12th inst., to take into consideration bill No 58, H. R. file, and report the same with such amendments as they might deem proper, reported the same with amendments. On motion, the House resolved itself into a committee of the whole for the further consideration of said bill and amendments, Mr. Coop in the chair. After a considerable time spent therein, the committee rose, reported that they had made progress and asked leave to sit again. Leave was granted.

Mr. Summers, from the select committee appointed for that purpose, reported a memorial to Congress, asking for an appropriation of three thousand dollars, to defray the expenses of a survey of a rail road leading westward from the town of Rockingham. The memorial was read a first time; and is as follows:

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent, That a large and valuable portion of the national domain is embraced within the limits of Iowa; and that rail roads and other facilities are much needed from different points on the Mississippi river, into the interior.—Your memorialists would further represent that there is already an appropriation made by Congress to cut a canal from lake Michigan to the navigable waters of Rock river in the territory of Wisconsin, and the state of Illinois has made a sufficient appropriation to clear out the Rapids in Rock river, which will open a communication

between lake Michigan and the Mississippi river at the town of Rockingham. Your memorialists further represent, that the country north west of Rockingham, in the direction of Johnson county, is rapidly settling with industrious and enterprising citizens.

Your memorialists would respectfully state that, whilst they regard with gratitude the past favors of the government, toward this Territory, they yet feel impelled to call the attention of your honorable bodies to a subject of no less importance to the interests of the government than it is to the citizens of Iowa. Your memorialists refer to the construction of a rail road from Rockingham on the Mississippi river, through the counties of Scott and Rochester, in Cedar county, and terminate at some point in Johnson or Linn counties.

Your memorialists most confidently believe that by the construction of such a road a profitable market will be opened for all agricultural productions—the facilities of commerce will be increased, and a large and profitable trade retained within our own limits.—These are considerations which have exerted a great influence upon the minds of your memorialists, and they believe they will not fail to be appreciated by your honorable bodies.

Your memorialists would therefore respectfully pray your honorable bodies for an appropriation of three thousand dollars for a survey of the route of said rail road, and the donation of every alternate section of land through which it passes to aid in its construction: *Provided*, That such grant may not take from any settler or claimant his, her, or their improvement. And they further pray that it may be regarded by your honorable bodies, as a territorial work, to be undertaken for the benefit of the present Territory and future State of Iowa, and that it may be under the control and direction of the Legislature of Iowa.

And as in duty bound, your memorialists will ever, &c.

The order of the day being, in part, the consideration of bill No. 67, H. R. file, entitled a bill to establish the boundaries of Lee county, the same was taken up, read a second time, and,

On motion of Mr. Patterson,

Ordered, to be postponed until Friday next.

Bill No. 78, H. R. file, entitled an act for the establishment of Courts of Probate, was next taken up, read a second time, and considered in committee of the whole, Mr. Coop in the chair. After some time the committee rose, and reported said bill with amendments. The House concurred in the report of the committee; and ordered that the bill be engrossed for a third reading.

On motion, the House adjourned until 2 o'clock, P M.

2 O'CLOCK, P. M.

Mr. Toole, from the committee on Enrolments, reported bill No. 59, H. R. file, entitled an act to provide for the partition of real property, as correctly engrossed.

Bill No. 26, Council file, entitled A bill to establish the boundaries of Louisa county, to locate the seat of justice of said county, and for other purposes, was taken up, read a second time and con-

sidered in committee of the whole, Mr. Frierson in the chair. After a short time the committee rose and reported the bill without amendment. The House concurred in the report of the committee; and pending the question "shall the bill be engrossed and read a third time?"

On motion of Mr. Grimes,

A call of the Honse was had, and the following gentlemen found to be absent: Messrs. Brierly, Brurchard, Hall, Roberts, Temple and Thornton.

The sergeant at arms being also absent, on motion of Mr. Summers, the Messenger was sent for the absent members.

On motion of Mr. Taylor,

Leave of absence was granted to the Sergeant at arms of this House until to morrow morning.

After a short time the messenger returned and reported the attendance of several absentees.

Mr. Thornton, then offered the following amendment:

Strike out section first in said bill and insert the following:

Sec. 1. That the boundaries of Louisa county shall be as follow to wit: beginning at the main channel of the Mississippi river, on the township line dividing township seventy one and seventy two north, thence west with said line to the line between the counties of Des Moines and Henry, thence north with said line to the line dividing township seventy three and seventy four, thence west on said line to the range line between five and six west, thence north with said line to the township line dividing townships seventy six and seventy seven north, thence east with said line to the line of Muscatine county, thence south with said county line to the line dividing townships seventy five and seventy six north, thence east with said line to the Mississippi river, thence down the main channel of said river to the place of beginning.

Pending the question on the adoption of the amendment, Mr. Nowlin called for the previous question.

The question being put "shall the main question be now put?" it was determined in the affirmative.

The question then being shall the bill be engrossed and read a third time? it was put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Cox, Frierson, Hastings, Patterson, Price, Summers, Swan, Taylor, Thornton, Toole and Wallace, Speaker —12.

Nays—Messrs. Bankson, Beeler, Blair, Coop, Delashmutt, Grimes, Nowlin, Parker, Porter, Roberts and Temple—11.

Mr. Swan, from the committee on Enrolments, reported the following acts as correctly enrolled.

An act to prevent the selling of spirituous liquors.

An act for the relief of securities of persons charged with criminal offences.

Also a memorial to Congress asking for an amendment of the organic law of the Territory of Iowa, as correctly engrossed.

The Speaker signed the foregoing acts, and the clerk was directed to present them to the President of the Council for his signature.

Bill No. 59, H. R. file, entitled a bill to provide for the partition of real property, was read a third time, passed, and the title agreed to.

On motion of Mr. Cox,

The House again went into a committee of the whole, Mr. Coop in the chair, having under consideration bill No. 58, entitled a bill to provide for the appointment of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings. After some time spent therein the committee rose, reported progress, and asked and obtained leave to sit again.

Mr Grimes, from the committee on the Judiciary to which was referred bill No. 7, Council file, entitled an act relating to the office of recorder of deeds, reported the same back to the House with amendments.

Memorial to Congress praying that body to amend the organic law of this Territory, was taken up and read a third time.

The question being then put, "shall the memorial pass?" it was determined in the affirmative.

The yeas and nays thereon being called for by Mr. Summers, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Coop, Cox, Delashmutt, Frierson, Grimes, Hastings, Nowlin, Patterson, Parker, Porter, Price, Roberts, Summers, Swan, Taylor, Temple, Toole and Wallace, Speaker—21.

Nays—Messrs. Blair and Thornton—2.

Mr. Price asked leave at a future day, to introduce a bill regulating mills and millers; leave was granted, and Messrs Price, Swan and Roberts were appointed a committee to prepare the same.

Mr. Hastings moved that the bill locating the seat of government of this territory be made the order of the day for to morrow. The House disagreed to the motion.

Mr. Porter moved that the vote of yesterday, by which a resolution was adopted paying the Hon. T. S Wilson, for his services in drafting laws and presenting them, for the consideration of this House be reconsidered; which motion was disagreed to.

The yeas and nays being called, were as follow:

Yeas—Messrs. Bailey, Coop, Patterson, Parker, Porter, Price and Taylor—7.

Nays—Messrs, Bankson, Beeler, Blair, Cox, Delashmutt, Frierson, Grimes, Hastings, Nowlin, Roberts, Summers, Swan, Temple, Thornton, Toole and Wallace, Speaker—16.

On motion, the House adjourned.

Saturday, December 29, 1838.

On motion of Mr. Summers,

Resolved, That the committee on elections be instructed to report a bill fixing the time of holding the annual elections in this Territory and defining the qualifications of voters.

Mr. Frierson, from the special committee appointed for that purpose, reported bill No. 97, entitled A bill to regulate blacks and mulattoes, and to punish the kidnappers of such persons.

Said bill was, on motion, read a first time by its title, and the rule in reference to printing the same, suspended.

Mr. Swan, from the committee on Enrolments, reported a memorial to Congress on the subject of a penitentiary to be erected in this territory as corectly enrolled. The Speaker then signed said memorial and the clerk was directed to present the same to the President of the Council for his signature.

On motion of Mr. Cox,

The House again resolved itself into a committee of the whole, for the further consideration of bill No. 58, entitled an act providing for the appointment of Justices of the Peace, defining their duties &c., Mr. Delashmutt in the chair. After much time occupied therein the committee rose and reported the bill with amendments; the report of the committee was received and the amendments adopted.

On motion of Mr. Bailey,

Said bill was further amended by striking out the 9th section, of the 3d article of the same.

The bill was then ordered to be engrossed and read a third time.

The following message from the Council was received, by their Secretary, Mr. Wallace:

Mr. Speaker,—

I am instructed to inform the House that the Council have passed bill No. 54, H. R. file, An act regulating weights and measures; and bill No. 65, H. R. file, An act to prevent disasters on steam boats, navigating the waters within the jurisdiction of this Territory, without amendment.

The Council have also passed bill No. 27, Council file, An act concerning apprentices and servants, in which the concurrence of the House is requested.

I am also instructed to inform the House that the Council insist upon their amendments to the 1st, and 17th sections bill No. 33, H. R. file; also the amendment to the form of the writ; and have receded from their amendment to the 16th section of said bill.

And then he withdrew.

Mr. Grimes, from the committee on the Judiciary, reported bill No. 98, entitled An act for assessing and collecting county revenue; which was read, and in accordance with a resolution of the House, committed to a committee of the whole, Mr. Hall in the chair. After some time the committee rose, reported that they had made progress in the consideration of the bill and asked and obtained leave to sit rgain.

The Speaker announced the following communication from his Excellency the Governor of the Territory:

EXECUTIVE DEPARTMENT, IOWA TERRITORY,
DEC. 29TH, 1839.

To the House of Representatives of the Legislative Assembly.

GENTLEMEN—There was this morning presented to me for my consideration a resolution in the following words:

Resolved by the Council and House of Representatives of the Territory of Iowa, That Wm. B. Conway, Esq., be, and he is hereby appointed "fiscal agent" of the Legislative Assembly, during its present session, and that all advances of money made by him shall be refunded to him out of such money as shall hereafter be appropriated by Congress. (Signed)

W. H. WALLACE, Speaker H. R.
J. B. BROWNE, Pres't. of Council.

There is no part of the resolution than can meet with my concurrence. Both the creation of the agent and the power attempted to be conferred by the resolution, I believe to be in contravention of the organic law.

The Secretary of the Territory is, by the organic law, created the disbursing agent of the appropriation made by Congress, to defray the expenses of the present legislative assembly, and this legislative assembly, in my opinion, has no power directly or indirectly, to control the application of money that may be appropriated by Congress to defray the expenses of the next legislative assembly.

Under this impression, I return the resolution with my entire dissent.

Very respectfully, your obedient servant,
ROBERT LUCAS.

On motion of Mr. Nowlin,

The foregoing message was referred to a select committee.

Messrs. Nowlin, Grimes, Swan, Taylor and Porter were thereupon appointed said committee; and then,

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Toole, from the committee on Enrolments, reported as correctly engrossed bill No. 71, H. R. file, entitled a bill for the support of illegitimate children.

Mr. Nowlin, from the same committee, reported that the following entitled acts had been this day presented to the Governor for his approbation, viz:

An act to locate and establish a territorial road from Black Hawk in Louisa county, via Mount Pleasant, to the southern bounday of Van Buren county.

An act to allow and regulate the action of right.

An act to establish a seminary of learning at Wapello, in Louisa county.

An act to provide for laying out and opening territorial roads.

An act to authorize the Legislative Assembly to punish for contempt and to privilege members from arrest.

Also a memorial to the Congress of the United States, for the relief of J. Smith, jr.

On motion of Mr. Bailey,

Resolved, That the resolution of November 26th ult. setting apart every Friday in each week to discuss the subject of county seats and county lines, be hereby rescinded.

Mr. Patterson moved that the vote of yesterday, by which bill No. 67, H. R. file, entitled a bill to establish the boundaries of Lee county, was laid on the table, be reconsidered.

Mr. Nowlin moved to lay the motion on the table; and pending the question on the motion of Mr. Nowlin, a call of the House was had, and the Messenger sent for absent members.

On motion of Mr. Grimes,

After a short period, several absentees having appeared, Mr. Hastings moved to amend the motion to lay on the table the motion of Mr. Patterson, by adding "until Monday morning next," which was agreed to.

The question being then put "shall the motion of Mr. Patterson be laid on the table until Monday morning next?" it was decided in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Hastings, Nowlin, Roberts, Summers, Swan, Temple, Toole and Wallace, Speaker—17.

Nays—Messrs. Brierly, Patterson, Parker, Porter, Price, Taylor and Thornton—7.

Bill No. 7, Council file, entiled a bill relating to the office of Recorder of Deeds, as amended by the committee on the Judiciary, was, on motion, considered in committee of the whole, Mr. Frierson in the chair. After some time the committee rose, and reported said bill with amendments in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

The House resolved itself into a committee of the whole, Mr. Hall in the chair. for the further consideration of Bill No. 98, H. R. file, entitled A bill for assessing and collecting county revenue. After some time the committee rose, reported progress, and asked leave to sit again. Leave was granted.

Bill No. 24, Council file, entitled a bill for the prevention of frauds, was read, and considered in committee of the whole, Mr. Grimes in the chair. After some time the committee rose and reported the same to the House with amendments. The report of the committee was received, and the amendments adopted.

The bill was then ordered to be engrossed and read a third time.

Bill No. 77, H. R. file, entitled an act to authorize Benjamin Nye to build a dam across Pine river, was read a second time and considered in committee of the whole, Mr. Nowlin in the chair. The committee rose after a short time, and reported the bill without amendment. The House concurred in the report of the committee, and ordered said bill to be recommitted to the select committee which reported it.

Bill No. 82, H. R. file, entitled an act to prevent tresspass on lands was read and considered in committee of the whole, Mr. Hastings in the chair. After a short time the committee rose and reported the same negatived.

Mr. Frierson moved to lay the enacting clause on the table, which was disagreed to.

Mr. Beeler then moved that the enacting clause be referred to a select committee; the motion was not agreed to.

On motion of Mr. Hastings,

The enacting clause of said bill was referred to the committee on Internal Improvements.

Memorial to Congress for the survey of a rail road route from Rockingham, having been read a second time, Mr. Summers moved that the House consider the same in committee of the whole, to which the House disagreed; and then,

On motion, adjourned.

Monday, December 31, 1838.

Mr. Temple from the committee on on elections, acording to instruction, reported bill No. 99, entitled A bill providing for and regulating general elections, which was, on motion, read a first time by its title, and the rule requiring the same to be printed suspended.

Mr. Price, from the committee on enrollments, reported as correctly engrossed, a memorial to Congress asking for an amendment of the Organic Law of the Territory; and bill No. 75, entitled An act concerning water crafts found adrift, &c.

Mr. Beeler, frm the joint committee on enrollments reported the following entitled acts to have been presented to the Governor for his approval on the 29th instant:

An act concerning divorces.

An act to authorize Aaron Usher and Thomas M. Groom, to keep a ferry.

An act to regulate interest on money and to prevent usury; and

An act to punish the venders of unwholesome liquors and provisions.

Mr. Porter, from the special committee appointed to prepare a memorial to Congress for the survey of Skunk river, reported the same, which was read a first time, and is as follows:

To the Senate and House of Representatives of the United States in Congress assembled.

The Legislative Assembly, the Council and House of Representatives of the Territory of Iowa, respectfully represent to your honorable body, That we are of opinion that Skunk river can with but little expense be rendered navigable, and that the navigation of said river, would be of incalculable advantage to that portion of the Territory through which said river passes; we therefore respectfully ask, that in order to ascertain whether or not said river can be made navigable, that an appropriation be made at the present session of Congress, for the survey of said river, and in duty bound your memorialists will ever pray.

Mr. Price, from the select committee appointed for that purpose, reported bill No. 100, entitled A bill regulating mills and millers.

Mr. Hastings, from the select committee appointed for that purpose, reported bill No. 101.

Mr. Beeler, from the committee on enrollments, reported as correctly engrossed bill No. 70, entitled A bill to incorporate the Bloomington and Cedar river Canal company.

Mr. Hastings asked and obtained leave to introduce A bill for the improvement of the breed of Horses. Messrs Hastings, Price and Coop, were thereupon appointed a committee to prepare the said bill.

Mr. Hall asked leave to introduce a bill to establish a seminary of learning in Van Buren county. Leave was granted and Messrs. Hall, Frierson and Swan, were appointed a committee to prepare the same.

Mr. Beeler asked and obtained leave to introduce A bill to provide for the collection of debts, for the sale of improvements on government lands; and

A bill to authorize an interchange of statute laws with the different states and territories of the United States. Messrs. Beeler, Parker and Patterson, were then appointed a committee to prepare said bills.

Mr. Temple asked leave at a future day to introduce A bill confirming grants of property made for the encouragement of education and for other purposes. Leave was granted, and Messrs. Temple, Cox and Bailey, were appointed a committee to prepare said bill.

Mr. Hastings asked and obtained leave to introduce A bill to provide for the admission of attorneys and counsellors at law. Messrs. Hastings, Grimes and Nowlin, were appointed the committee to prepare the same.

On motion of Mr. Temple,

Bill No. 99, entitled A bill providing for and regulating general elections, was read a second time and considered in committee of the whole, Mr. Patterson in the chair. After some time the committee rose, reported progress and asked leave to sit again. Leave was granted.

The Speaker announced the following communication from the Governor of the Territory.

EXECUTIVE OFFICE, IOWA TERRITORY,
December 31st, 1838.

To the House of Representatives of the Legislative Assembly.

GENTLEMEN—I herewith return the bill to divide the county of Henry and establish the county of Jefferson. My objections to the bill in its present form are, 1st, that it extends into the Indian country, 2d, that it divides surveyed townships, which I think ough in all cases to be avoided. I would therefore recommend a modification of the boundaries so as to bound it by township lines, and the Indian boundary line. With these modifications the bill will meet with my cordial approval.

Vvery respectfully, your obedient servant,

ROBERT LUCAS.

The communication was then referred to the committee that introduced the bill referred to.

Bill No. 27, Council file, entitled An act concerning apprentices and servants, was taken up and read a first time.

Bill No. 94, H. R. file, entitled A bill to locate the seat of government of the Territory of Iowa, was read a second time and considered in committee of the whole, Mr. Parker in the chair, with instructions to the clerk to spread the minutes of the proceedings of said committee upon the journal.

Some disagreement having taken place as to the terms of said bill as originally adopted, Mr. Temple moved that the committee rise; to which the House disagreed.

Mr. Porter then moved that the 2d section of the bill be stricken out.

Mr. Wallace moved to amend the motion of Mr. Porter by also striking out the first section of said bill, after the enacting clause; which amendment was accepted, and the motion as amended was agreed to.

Mr. Porter then moved that the following be inserted in lieu of said first and second sections, viz:

That the seat of government of said Territory of Iowa, be and the same is hereby fixed and declared to be at the city of Burlington, in Des Moines county in said Territory, for the space of three years from the passage of this act.

SEC. 2. That at the expiration of three years from the passage hereof, the seat of government of said Territory, shall be removed to and permanently fixed at Mount Pleasant, in the county of Henry, in said Territory.

Mr. Taylor then moved to strike out Burlington in Des Moines county, and insert Fort Madison in Lee county. Not agreed to.

Mr. Frierson moved to strike out Mount Pleasant in Henry county, and insert Bloomington. Lost.

Mr. Nowlin moved to strike out the words three years; to which the committee disagreed.

The question was then put, shall the first section as amended be adopted? and decided in the affirmative.

The question being then upon the adoption of the substitute for the second section,

Mr. Hastings moved to strike out Mount Pleasant in Henry county, and insert Wyoming in Muscatine county. Lost.

Mr. Nowlin moved to strike out Mount Pleasant, and insert Burlington. Lost.

Mr. Swan moved to stike out Mount Pleasant, and insert Davenport. Lost.

Mr. Cox moved to strke out Mount Pleasant, and insert Black Hawk. Lost.

Mr. Roberts moved to strike out Mount Pleasant, and insert Rochester in Cedar county. Lost.

Mr. Nowlin moved to strike out Mount Pleasant, and insert Bellvue. Lost.

Mr. Frierson moved to strike out Mount Pleasant, and insert Napoleon in Johnson county. Lost.

Mr. Swan moved to strike out Mount Pleasant, and insert Du Buque. Lost.

Mr. Swan moved to strike out Mount Pleasant, and insert Rockingham. Lost.

Mr. Roberts moved to strike out Mount Pleasant, and insert Westrort, Linn county. Lost.

Mr. Nowlin moved to strike out Mount Pleasant, and insert Keasauqua. Lost.

Mr. Cox moved that the committee rise. Lost.

Mr. Summers moved to strike out Mount Pleasant, and insert Parkhurst. Lost.

Mr. Nowlin moved to strike out Mount Pleasant and insert West Point. Lost.

Mr. Roberts moved to strike out Mount Pleasant, and insert Elizabeth in Cedar county. Lost.

Mr. Nowlin moved to strike out Mount Pleasant, and insert Peru. Lost.

Mr. Swan moved to strike out Mount Pleasant, and insert Upper Wapello. Lost.

Mr. Summers moved to stike out Mount Pleasant, and insert Elizabeth city. Lost.

Mr. Swan moved to strike out Mount Pleasant, and insert Lower Wapello. Lost.

Mr. Summers moved to strike out Mount Pleasant, and insert Buffalo. Lost.

Mr. Hastings moved to strike out Mount Pleasant, and insert Keokuk. Lost.

Mr. Summers moved to strike out Mount Pleasant, and insert Camanche. Lost.

Mr. Swan moved to strike out Mount Pleasant, and insert at any point that shall be designated by commissioners, appointed to locate the seat of government of Iowa. Lost.

Mr. Roberts moved that Mount Pleasant be stricken out, and Moscow inserted. Lost.

Mr. Nowlin moved that the words at Mount Pleasant, be stricken out, and the words, at a point to be agreed upon by three disinterested commissioners to be appointed by the Governor of the Territory inserted. Lost.

Mr. Nowlin moved that the committee rise. Lost.

Mr. Hastings moved that "Mount Pleasant" be strcken out and "Fredonia" inserted.

Mr. Nowlin moved to strike "Mount Pleasant," and insert New Mexico, in Du Buque county." Lost.

Mr. Nowlin moved that the committee rise. Lost.

Mr. Hastings moved to strike out "Mount Pleasant," and insert "Sippenamo in Johnson county." Lost.

Mr. Hastings moved that the committee rise. Lost.

The question was then put upon the adoption of the substitute for the second section offered by Mr. Porter, and decided in the affirmative.

Mr. Grimes moved to amend the bill by striking out the 3d, 4th, 5th and 6th sections of said bill and insert the following:

"SEC. 3. Be it enacted, That there shall be three commissioners elected by joint ballot of the Council and House of Representatives, whose duty it shall be to cause the necessary public buildings to be erected at the said town of Mount Pleasant for the accommodation

of the Legislative Assembly and other officers of the territorial government, without delay."

Mr. Taylor offered the the following substitute for said amendment:

"SEC. 3. That John Claypole of the county of Lee, M. D. Browning of the county of Des Moines, and B. F. Wallace of the county of Henry, be and they are hereby appointed commissioners, whose duty it shall be to lay out at least 320 acres of land immediately around the public square in said town of Mount Pleasant into lots, out lots, streets and alleys."

The amendment offered by Mr. Grimes, was adopted.

On motion of Mr. Porter,

The eighth section of the bill was also stricken out by the committee.

The committee then arose, reported the bill to the House, and asked its concurrence.

Mr. Nowlin moved that the House adjourn to 2 o'clock. The question being put, "will the House adjourn?" it was determined in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Frierson, Hastings, Nowlin, Patterson, Roberts, Summers, Swan, Taylor, Thornton and Toole.—13.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Temple and Wallace, Speaker—12.

2 O'CLOCK, P. M.

Mr. Porter moved that the report of the committee of the whole in relation to bill No. 94, H. R. file, entitled "A bill to locate the seat of government of the Territory of Iowa be concurred in; and pending the question of such concurrence,

Mr. Swan moved that the bill be recommitted. Lost.

Mr. Taylor then moved that "Burlington" be stricken from the first section of said bill and "Fort Madison" inserted in lieu thereof; which was rejected.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Cox, Nowlin, Patterson, Roberts, Taylor and Toole—7.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Frierson, Grimes, Hall, Hastings, Parker, Porter, Price, Summers, Swan, Temple, Thornton and Wallace, Speaker—18.

Mr. Coop called for the previous question. The question being then put, "shall the main question be now put?" it was determined in the negative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Beeler, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Temple and Wallace, Speaker—11.

Nays—Messrs. Bankson, Bailey, Blair, Cox, Frierson, Hastings, Nowlin, Patterson, Roberts, Summers, Swan, Taylor, Thornton and Toole—14.

Mr. Cox moved to amend the second section as follows: Strike out "Mount Pleasant" and insert, "Johnson, Linn and Cedar counties,

and that commissioners be appointed to locate the seat of government at the most eligible place in either of those counties."

The question of the adoption being put, it was determined in the negative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Summers, Swan, Taylor and Toole—11.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Delashmutt, Grimes Hall, Patterson, Parker, Porter, Price, Temple, Thornton and Wallace, Speaker—14.

Mr. Hastings moved to strike out "Burlington" and insert "Bloomington."

The question being put "shall the bill be thus amended?" it was determined in the negative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton and Toole—10.

Nays—Messrs. Bailey, Beeler, Blair, Coop, Delashmutt, Grimes, Hall, Patterson, Porter, Price, Summers, Temple and Wallace, Speaker—15.

Mr. Nowlin moved to amend the bill as follows:

Strike out all after the enacting clause, in the first section, and insert the following: "That the seat of government of the Territory of Iowa, be and the same is hereby located and established at the town of Burlington, in the county of Des Moines."

The question of the adoption of this amendment being put, it was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Thornton and Toole.—12.

Nays—Messrs. Brierly, Coop, Delashmutt, Grimes, Hall, Patterson, Parker, Porter, Price, Summers, Taylor, Temple and Wallace, Speaker—13.

Mr. Taylor moved that the 3d section of the bill to be stricken out and the following inserted.

Sec. 3. That———be and they are hereby appointed commissioners, whose duty it shall be to lay out at least 320 acres of land immediately around the public square in the said town of Mount Pleasant, into lots, out lots, streets and alleys; Provided such 320 acres of land shall not interfere with any pre-emption right now held. But such 320 acres shall be located on the nearest land to said public square, that is not held by pre-emption at this time.

The question upon the adoption of this substitute for said 3d section being put, it was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Frierson, Hastings, Nowlin, Roberts, Taylor, Thornton and Toole—7.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop, Cox, Delashmutt, Grimes, Hall, Patterson, Parker, Porter, Price, Summers, Swan, Temple and Wallace, Speaker—18.

Mr. Taylor moved that the House reconsider its vote in relation

to the amendment offered this afternoon by Mr. Nowlin, which was agreed to.

The question was then put upon the adoption of said amendment, and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Cox, Frierson, Hall, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton, and Toole.—14.

Nays—Messrs. Brierly, Coop, Delashmutt, Grimes, Patterson, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—11.

On motion of Mr. Nowlin,

The remainder of said bill was stricken out.

Mr. Taylor then moved to strike out the enacting clause of the bill, which was disagreed to.

The yeas and nays being called for, were as follow:

Yeas--Messrs. Coop, Hastings, Patterson, Parker, Porter, Price, Summers, Taylor, Toole and Wallace, Speaker.—10.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Cox, Delashmutt, Frierson, Grimes, Hall, Nowlin, Roberts, Swan, Temple and Thornton.—15.

Mr. Taylor then moved that said bill be committed to a select committee of one from each electoral district, which was agreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Coop, Cox, Frierson, Patterson, Parker, Price, Roberts, Summers, Swan, Taylor, Thornton, Toole and Wallace, Speaker.—14.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Delashmutt, Grimes, Hall, Hastings, Nowlin, Porter and Temple.—11.

Messrs. Bankson, Brierly, Parker, Porter, Grimes, Summers, Toole and Roberts, were thereupon appointed said committee.

On motion, the House adjourned.

Tuesday, January 1, 1839.

Mr. Grimes presented the account of James Cameron, sheriff of Des Moines county, for ordering elections. Referred to the committee on expenditures.

The following message from the Council was received by Mr. Wallace, their Secretary:

Mr. Speaker,

I am instructed to inform the House of Representatives that the Council have passed the following entitled acts:

No. 35, Council file, entitled An act to provide for changing the venue in civil and criminal cases.

No. 36, Council file, entitled An act to authorize the appointment of public administrators, &c.

No. 63, H. R. file, entitled An act to authorise Wm. Meek and sons to erect a dam across the Des Moines river, with amendments.

In all of which the concurrence of the House is requested.

The Council have also passed bills No. 59, H. R. file, entitled An act to provide for the partition of real property; and

No. 72, H. R. file, entitled A bill concerning grand and petit jurors, without amendment.

I am also directed to present for signature, bill, Council file, entitled An act to incorporate the city of Du Buque.

And then he withdrew.

The Speaker then signed the foregoing last named act.

Mr. Frierson offered the following preamble and resolutions which were adopted:

Whereas the country purchased of the Sac and Fox Indians in the month of October, 1837, is rapidly settling with a respectable and meritorious class of citizens, who are opening farms and making improvements of various kinds, which must necessarily be subject to be divided and otherwise injuriously affected by the lines of the public surveys, thereby occasioning much loss and ground of difficulties of a serious character, to the pioneers of a new country; therefore,

Be it resolved, by the Council and House of Representatives of the Territory of Iowa, that our Delegate in Congress be requested to solicit and use his best exertions, to obtain an appropriation for the survey of all the unsurveyed lands in the territory of Iowa, to which the Indian title has been extinguished.

Be it further resolved, that the Governor of the Territory be requested to forward three copies of these resolutions, one to our delegate in Congress, one to the Speaker of the House of Representatives, and one to the President of the United States.

Mr. Grimes offered the following:

Resolved, by the Council and House of Representatives of the Territory of Iowa, that the commiitee appointed under a joint resolution of both Houses, to repair to and investigate the affairs of the Miners' Bank of Du Buque be allowed the sum of one hundred and fifty dollars each for their services.

Mr. Bailey moved to amend the resolution by striking out the words 'and fifty.'

Mr. Taylor moved to lay the resolution on the table. Lost.

On motion of Mr. Grimes,

Ordered, That said resolution be referred to the committee on expenditures.

Mr. Temple, from the select committee appointed for that purpose, reported bill No. 102, entitled An act confirming grants of property made for the encouragement of education and other purposes.

Said bill was then read a first time, and the rule requiring bills to be printed previous to a second reading, suspended in reference to the same.

Mr. Price, from the committee on Enrolments, reported as correctly engrossed, a bill entitled An act for establishing courts of probate.

Mr. Price asked and obtained leave to introduce a bill to provide for the collection of demands growing out of contracts for the sale of improvements on public lands.

Messrs. Price, Temple and Cox were appointed a committee to prepare the same.

Mr. Brierly asked and obtained leave to bring in a bill to authorize John Gains, Otho Rynolds, and Mark Aldrich to keep a ferry across the Mississippi at the mouth of the Des Moines at the Round Mound.

Messrs. Brierly, Blair and Toole, were appointed a committee to prepare the same.

Mr. Hastings, from the select committtee to which was referred a bill authorising Benjamin Nye to erect a dam across Pine river, reported the same back to the House with an amendment.

Mr. Parker asked and obtained leave to bring in a bill to preserve good order in worshiping congregations and societies.

Messrs. Parker, Porter and Summers were appointed a committee to prepare said bill.

Mr. Nowlin, from the select committee appointed for that purpose, reported bill No. 103, to provide for the appointment of a territorial treasurer, and defining his duties; which was read a first time.

On motion of Mr. Hastings,

Ordered, that a committee of conference be appointed to act in conjunction with a like committee, in relation to a disagreement of the two houses, as to bill No. 23, Council file.

Messrs. Hastings, Roberts and Swan were appointed said committee.

Mr. Roberts asked and obtained leave to introduce a bill to authorise the arresting and securing of fugitives from justice.

Messrs. Roberts, Taylor and Hail were appointed a committee to prepare the bill.

Mr. Nowlin, from the committee on Enrolments, reported an act to authorise Ralph Letton to keep a ferry across the Mississippi river, at the town of Parkhurst. Said act was then signed by the Speaker, and the clerk directed to present it to the President of the Council for his signature.

The Speaker announced a communication from L. Judson, containing his account for furnishing maps, which was read and referred to the committee on expenditures.

Also a communication from the Hon. Charles Mason, enclosing a bill entitled an act in relation to proceedings in civil actions, containing remarks in relation thereto; which was read, and referred with the bill, to the committee on the Judiciary.

Bill No. 97, H. R. file, entitled an act to regulate blacks and mulattoes, and to punish kidnappers of such persons, was read and considered in the committee of the whole, Mr. Porter in the chair. After a short time the committee rose, and reported the bill without amendment. The House concurred.

On motion of Mr. Cox,

Ordered, that said biill be recommitted to the committee by which it was reported.

Mr. Bankson from the relect committee to which was yesterday referred bill No. 94, entitled a bill for the location of the seat of government of the territory of Iowa, reported said bill to the House

with amendments; which bill and amendments were read and ordered to be considered in committee of the whole, Mr. Roberts in the chair. After some time the committee rose, reported the same to the House in the shape in which they were reported by the select committee, and asked the concurrence of the House therein.

The question being then put, "will the House concur in the report of the committee?" it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—13.

Nays—Messrs. Bankson, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton and Toole—11.

Mr. Taylor moved to strike out the first and second sections of said bill, and insert the following:

That the seat of government is hereby established at the city of Burlington, in the county of Des Moines.

The motion was disagreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton and Toole—11.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—13.

Mr. Swan moved to amend the bill by striking out all after the 1st section. The House disagreed to the amendment.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton and Toole—11.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—13.

The question then recurred, "shall the bill be engrossed and read a third time?" the same was put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—13.

Nays—Messrs. Bankson, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton and Toole—11.

Bill No 27, Council file, entitled a bill concerning apprentices and servants, was read a second time, and considered in committee of the whole, Mr. Summers in the chair. The committee rose after a short time, and reported the bill without amendment. The House concurred in the report and ordered said bill to be engrossed for a third reading.

On motion of Mr. Swan,

Ordered, That the rules of the House be suspended, in order that a bill entitled, An act for the location of the seat of Government of the Territory of Iowa, may now be read a third time and put upon its passage:

Whereupon, said bill was read a third time, and the question "shall the bill pass?" being put, was decided in the affirmative.

The yeas and nays being called, were as follow:

Yeas—Messrs. Bailey, Beeler, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—13.

Nays—Messrs, Bankson, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton and Toole—11.

Mr. Nowlin moved to amend the title of the bill as follows:

"A bill to establish two seats of government and to squander the appropriation for erecting public buildings."

Mr. Grimes called for the previous question.

Mr. Taylor made a motion to adjourn, which was disagreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor, Thornton and Toole—10.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—14.

Mr. Grimes called for the previous question.

Mr. Taylor made a motion to adjourn, which was not agreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs Bankson, Cox, Frierson, Hastings, Nowlin, Roberts, Swan, Taylor. Thornton and Toole—10.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt Grimes, Hall, Parker, Porter, Price, Summers, Temple and Wallace, Speaker—14.

Mr. Grimes called for the previous question.

Mr. Taylor moved to adjourn, to which the House disagreed.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Cox, Hastings, Nowlin, Roberts, Swan, Taylor and Toole—8.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Temple, Thornton and Wallace, Speaker—15.

Mr. Grimes withdrew his call for the previous question.

The question then being put, "shall the title of the bill be amended according to the motion of Mr. Nowlin?" it was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Cox, Hastings, Nowlin, Roberts, Taylor and Toole—6.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Price, Summers, Swan, Temple, Thornton and Wallace, Speaker—17.

The title of said bill was then agreed to, and the same ordered to be sent to the Council for concurrence.

On motion of Mr. Porter,

The House adjourned until 2 o'clock, P M.

2 O'CLOCK, P. M.

On motion of Mr. Taylor,

Ordered, That in accordance with the motion of Mr. Patterson, of Friday last, laid on the table, and made the order for yesterday, by motion of Mr. Nowlin, the vote by which bill No. 67, H. R. file, entitled a bill to establish the boundaries of Lee county, was made the order of the day for Friday next, be reconsidered, so that said bill may be now acted upon.

The question then being upon the concurrence of the House in the report of the committee of the whole which had previously had said bill under consideration, the same was put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Blair, Brierly, Coop, Cox, Hastings, Nowlin, Parker, Price, Summers, Swan, Taylor, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Beeler, Delashmutt, Frierson, Grimes, Hall and Temple—6.

On motion of Mr. Taylor,

Ordered, That the 2d section of said bill be stricken out, and the following inserted in lieu thereof:

"Sec. 2. And be it further enacted, That it shall be lawful for the sheriff of Des Moines county to collect the tax due for the present year from all persons detached from the county of Des Moines and attached to the county of Lee, by the provisions of this act; and all laws coming within the purview and meaning of this law be and the same are hereby repealed."

The question then being "shall the bill be engrossed and read a third time?" it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Blair, Brierly, Coop, Cox, Hastings, Nowlin, Parker, Price, Summers, Swan, Taylor, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Beeler, Delashmutt, Frierson, Grimes, Hall, Roberts and Temple—7.

The bill was read a third time, and the question "shall the bill pass?" being put, was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Blair, Brierly, Coop, Cox, Hastings, Nowlin, Parker, Price, Summers, Swan, Taylor, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Beeler, Delashmutt, Frierson, Grimes, Hall, Roberts and Temple—7.

The title of the bill was then agreed to, and the clerk directed to present the same to the Council for their concurrence.

Mr. Nowlin from the committee on the Judiciary to which was was referred the communication of the Hon. Charles Mason, enclosing bill No. 104, entitled An act relative to proceedings in civil cases, reported the same without amendment.

The said bill was then read a first time by its title, and James G. Edwards ordered to print the same.

Mr. Nowlin asked to be discharged from the committee on expenditures to which was referred the resolution paying the expenses incurred by the joint committee on the part of the House, appointed to investigate the condition and affairs of the Miners' Bank of Du Buque.

The House granted the request and ordered that Mr. Bankson be placed upon said committee in lieu of Mr. Nowlin.

Memorial to Congress for the survey of a rail road route leading westward from the town of Rockingham, was read and considered in committee of the whole, Mr. Swan in the chair. After some time the committee rose and reported the memorial with amendments. The House concurred in the report, and ordered that the memorial be engrossed for a third reading.

On motion of Mr. Nowlin,

Ordered, that the rule of the House prescribing the order of its proceedings, be suspended so as to permit the petition of James Davis and others, praying for the passage of a law authorizing a district court to be holden in said county forthwith, for the trial of Joseph Page, an alleged vender of counterfeit money, to be presented.

The petition was accordingly presented, and referred to the committee on the Judiciary.

Bill No. 99, H. R. file, entitled an act providing for, and regulating general elections in this territory, was again considered in committee of the whole, Mr. Hall in the Chair. After some time the committee rose, and reported the bill with amendments. The report was received, and the amendments adopted. The bill was then ordered to be engrossed for a third reading.

On motion, the House adjourned.

Wednesday, January 2, 1839.

Mr. Roberts presented the petition of sundry inhabitants of Linn county, praying for the organization of said county.

On motion, Ordered that said petition be referred to the following select committee: Messrs. Roberts, Taylor, Nowlin, Summers and Brierly.

Mr. Frierson presented a remonstrance of citizens of Muscatine county, praying that no part of said county be attached to the county of Scott; which was referred to the committee on townships and county boundaries.

Mr. Hastings presented the petition of James Davis and other inhabitants of the county of Muscatine, praying for the passage of a law at the present session providing for the sale of lands belonging to said county.

Mr. Frierson presented a remonstrance of sundry other citizens of said county of Muscatine on the same subject. Which petition and remonstrance were referred to a select committee consisting of Messrs. Hastings, Parker, Frierson, Cox and Toole.

Mr. Hall presented a petition of William Duncan and others praying for the passage of a law authorizing said Wm. Duncan and his associates to construct a dam across the Des Moines river for hydraulic purposes, at the most suitable point on the rapids of said river.

Said petition was, on motion, referred to a select committee composed of Messrs. Hall, Bailey, Delashmutt, Price and Patterson.

On motion of Mr. Cox,

Resolved, That the committee on corporations be instructed to bring in A bill defining the duties of auctioneers; also, a bill for the appointment of inspectors in each county of this Territory.

Mr. Grimes, from the committee on the judiciary, to which was yesterday referred the petition of James Davis and others, reported bill No. 105, entitled An act authorizing a special term of the district court in Muscatine county. The bill was read a first time; when on motion, the rule requiring bills to be printed was suspended in reference to the same, and the bill read a second time and considered in committee of the whole, Mr. Taylor in the chair. After some time the committee rose and reported said bill without amendment. The House concurred, and ordered the 16th standing rule to be suspended so that said bill be read a third time now. The bill was then read a third time, passed, its title agreed to; and,

Ordered to be sent to the Council for concurrence.

Mr. Patterson from the committee on expenditures reported,

That said committee would recommend that the Judiciary committee report a bill authorizing the account of James Cameron of $100, for ordering a general and special election in the county of Des Moines, to be paid; also,

That the following resolution be adopted, viz: Resolved, By the Council and House of Representatives of the Territory of Iowa, that the committee appointed under a joint resolution of both Houses to repair to the Miners' Bank of Du Buque and investigate the affairs of the same, be allowed the sum of one hundred dollars each. The resolution was adopted, ordered to be sent to the Council for concurrence, and the judiciary committee instructed to report a bill providing for the payment of sheriffs generally for ordering elections.

Mr. Frierson, from the select committee to which had been twice recommitted bill No. 97, H. R. file, entitled A bill to regulate blacks and mulattoes &c., reported the same back to the House with amendments.

Mr. Grimes, from the committee on the Judiciary reported bill No. 106, entitled An act to incorporate the Burlington steam mill company, which was read a first time, and the rule requiring the same to be printed suspended.

Mr. Bailey, from the committee on schools to which was some time since referred bill No. 66, H. R. file, entitled An act to establish the several seminaries herein named, reported the same back to the House with amendments.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Summers.

Leave of absence was granted to Mr. Burchard, indefinitely, on accont of indisposition.

Bill No. 35, Council file, entitled An act to provide for changing the venue in civil and criminal proceedings, was taken up, and read a first time.

The concurrence of the House in the report of the committee of the whole, which had had under consideration bill No. 35, H. R. file, entitled A bill to authorize Wm. Hogan to keep a ferry across the Mississippi river at the town of Lyons, having been postponed until to day,

On motion of Mr. Summers,

Ordered, That said bill be taken up; and the question of the concurrence of the House in said report being put, was determined in the affirmative.

On motion of Mr. Grimes,

Ordered, That the rule of the House in reference to said bill be suspended, and the same be read a third time, and put upon its passage.

Mr. Summers moved for a call of the House, which was had, and the sergeant-at-arms despatched for absent members.

On motion of Mr. Grimes,

Ordered, That the further call be dispensed with.

The bill was then read a third time, and the question, "shall the bill pass?" being put, was determined in the negative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Brierly, Cox, Porter, Price, Summers and Wallace, Speaker—6.

Nays—Messrs. Bankson, Beeler, Blair, Frierson, Grimes, Hall, Hastings, Nowlin, Roberts, Swan, Taylor, Temple, Thornton and Tocle—14.

Bill No. 77, H. R. file, entitled A bill to authorize Benjamin Nye, to build a dam across Pine river, was read a second time and considered in committee of the whole, Mr. Temple in the chair. After a short time the committee rose, reported the same to the House without amendment. The House concurred in the report of the committee and ordered the bill to be engrossed for a third reading.

Mr. Price from the committee appointed to prepare a bill to provide for the collection of demands growing out of contracts for the sale of improvements on public lands, reported the same, No. 107.

Bill No. 79, H. R. file, entitled An act relative to wills and testaments, executors, and administrators, and the settlement of estates, was read a second time and considered in committee of the whole, Mr. Bankson in the chair. After a short time the committee rose, reported the bill without amendment, and asked and obtained the concurrence of the House in their report.

On motion of Mr. Nowlin,

Ordered, That the rules of the House be suspended in relation to said bill; it was then read a third time, passed and the title agreed to.

Ordered, That said bill be sent to the Council for concurrence.

Bill No. 102, H. R. file, entitled A bill confirming grants of property made for the encouragement of education, and for other purposes, was taken up, read a second time, and considered in committee of the whole, Mr. Bailey in the chair. After some time the committee rose, and reported the bill with amendments, in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

Memorial to Congress for the survey of Skunk river, was read and considered in committee of the whole, Mr. Beeler in the chair. The committee rose and reported the memorial to the House without amendment.

The report was received and the memorial ordered to be engrossed for a third reading.

Bill No 70, H. R. file, entitled A bill to incorporate the Bloomington and Cedar river canal company, was then taken up, read a third time, passed, and the title thereof agreed to.

Ordered, That said bill be sent to the Council for concurrence.

Bill No. 71, H. R. file, was also read a third time; and the question "shall the bill pass?" being put, it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Grimes, Hall, Hastings, Nowlin, Parker, Price, Summers, Temple, and Toole.—14.

Nays—Messrs. Bankson, Cox, Delashmutt, Frierson, Roberts, Swan, Thornton and Wallace, Speaker—8.

The title thereof was then agred to, and the House ordered that the bill be sent to the Council for concurrence.

Bill No. 75, H. R. file, entitled An act concerning water crafts found adrift, &c. was taken up, read a third time and passed with the title amended.

Ordered, That the same be sent to the Council for concurrence.

Bill No. 78, H. R. file, entitled An act for the establishment of courts of probate, was then read a third time.

Mr. Beeler offered an amendment which was refused, the House not consenting unanimously thereto.

Mr. Grimes moved that the bill be re-committed, to which the House disagreed.

Mr. Bailey also offered an amendment which was likewise refused. The bill then passed, the title was agreed to, and the clerk directed to present the same to the Council for its concurrence.

Bill No. 7, Council file, entitled An act relating to the office of Recorder of Deeds, was taken up, read a third time, passed, and the title agreed to.

Ordered, That the Council be informed.

Bill No. 24, Council file, entitled A bill for the prevention of frauds, was read a third time; and,

On motion of Mr. Grimes,

Ordered, to be committed to the committee on the judiciary.

Bill No. 27, Council file, was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed.

Bill No. 26, Council file, entitled An act to establish the boundaries of Louisa county and for other purposes, was read a third time.

Mr. Blair then moved that said bill lie on the table until the 4th of March next, which was disagreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Beeler, Blair, Coop, Delashmutt, Grimes, Hall, Nowlin, Parker, Summers, Temple and Wallace Speaker.—11.

Nays—Messrs. Bankson, Bailey, Brierly, Cox, Frierson, Hastings, Price, Roberts, Swan, Thornton and Toole.—11.

Mr. Grimes then moved that the bill be postponed indefinitely.

Mr. Cox moved to amend the motion of Mr. Grimes so that the bill lie on the table subject to the order of the House. Lost.

A call of the House was then had, and absent members sent for.

On motion of Mr. Hastings,

Ordered, That the further call of the House be dispensed with.

The question then recurring, "shall the bill be indefinitely postponed?" the same was put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Brierly, Coop, Delashmutt, Grimes, Hall, Nowlin, Roberts, Summers, Swan, Temple and Wallace, Speaker.—14.

Nays—Messrs. Bailey, Cox, Frierson, Hastings, Parker, Price, Thornton and Toole.—8.

And then, On motion, the House adjourned to 7 o'clock, P. M.

7 O'CLOCK, P. M.

Bill No. 98, H. R. file, entitled An act providing for the assessment and collection of county revenue, was taken up, read a second time and considered in committee of the whole, Mr. Hall in the chair. After some time the committee rose, reported the bill with amendments, in which the House concurred.

Mr. Grimes offered the following amendment to the bill: after the word "per annum" at the end of the first section, add the following:

"Provided always, that when any tavern keeper retails spirituous liquors, he shall pay in addition to his tavern license the sum above required to be paid by retailers of spirituous liquors."

The question being put upon the adoption of the amendment it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Brierly, Grimes, Nowlin, Price, Roberts, Swan, Taylor, Temple, Toole and Wallace, Speaker.—12.

Nays—Messrs. Bailey, Coop, Delashmutt, Frierson, Hall, Hastings, Parker, Porter, Summers and Thornton.—10.

Mr. Bailey then moved that the words "beer, ale and cider," be stricken from the first section of said bill and that said first section be further amended by striking out the words "one hundred dollars" and inserting in lieu thereof, the following: "twenty-five dollars, nor more than one hundred dollars, to be discretionary with the board of county commissioners."

Mr. Summers moved that the question of the adoption of the amendment be divided as follows:

First, upon striking out the words "beer, ale and cider;" next, upon striking out "one hundred dollars," and then upon filling the blank; agreed to.

Ordered, That the words "beer, ale and cider" be stricken out.

The question then recurring upon striking out the words "one hundred dollars," it was put, and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas--Messrs. Bailey, Brierly, Coop. Frierson, Hall, Hastings, Parker, Porter, Price, Thornton, Toole and Wallace, Speaker.--12.

Nays--Messrs. Bankson, Beeler, Delashmutt, Grimes, Nowlin, Roberts, Summers, Swan, Taylor and Temple.--10.

Mr. Grimes moved to amend the third division of the amendment, by inserting in lieu of the same, the words "one hundred and five dollars."

Mr. Swan then moved to amend said amendment to the amendment, by inserting in lieu thereof, the words "one hundred and fifty dollars."

And pending the question of the adoption of the amendment to the amendment to the amendment,

On motion of Mr. Grimes,

Ordered, That said bill lie on the table, subject to the order of the House.

Mr. Swan from the committee on enrollments, reported the following entitled acts to have been correctly enrolled, viz:

An act to prevent disasters on steam boats, &c.

An act regulating weights and measures.

An act regulating criminal proceedings; and,

An act relating to interest on notes, bonds, and other instruments in writing.

Mr. Nowlin, from the same committee reported the following to be correctly enrolled, viz:

An act to provide for the partition of real property; and,

An act concerning grand and petit jurors.

Said acts were then signed by the Speaker and the Clerk directed to present them to the President of the Council for his signature.

Bill No. 66, H. R. file, entitled An act to establish the several seminaries herein named, as amended by the committee on schools, was read and considered in committee of the whole, Mr. Brierly in the chair. After some time, the committee rose and reported the bill with amendments, in which the House concurred.

On motion of Mr. Bailey,

Ordered, That after the words, "style of" wherever they occur in the bill, the word "seminary" be stricken out, and the word "academy" inserted in lieu thereof.

The bill was then ordered to be engrossed for a third reading.

Mr. Grimes, from the committee on the judiciary, reported bill No. 107, entitled A bill to repeal the half breed law, which was read a first time, and on motion,

Ordered to lie on the table until Monday next.

Thursday, January 3, 1839.

Mr. Summers, presented the petition of H. E. W. East, praying to be divorced from his wife Sarah East. Referred to the committee on the judiciary.

Mr. Hastings presented the petition of several citizens of Muscatine county, praying that a law be passed authorizing the sale of lands now belonging to said county. Referred to the same committee to which was referred a similar petition on yesterday.

Mr. Beeler, from the committee on enrollments reported as correctly engrossed, a bill confirming grants of property made for the encouragement of education and for other purposes; and a memorial to Congress for an appropriation for the survey of Skunk river.

Mr. Price from the same committee reported a memorial to Congress on the subject of a rail road from Rockingham, as correctly engrossed.

Mr. Nowlin, from the same committee reported as correctly enrolled, an act to organize, discipline and govern the militia of this Territory.

On motion of Mr. Grimes,

Resolved, By the Council and House of Representatives, that the Secretary of the Territory, be instructed to procure all the memorials adopted, by this Legislative Assembly to be copied and copies of each forwarded to the President of the United States, Secretary of State and our delegate in Congress.

Mr. Beeler offered the following:

Resolved By the Council and House of Representatives of the Territory of Iowa, that deeming the subject of education one of the most important which can be presented to the people, or the Legislative Assembly of this Territory, as regards the judicious arrangement of a school system, upon which will depend the moral, intellectual, social, and political condition of our highly favored country, and believing that a system of common schools cannot be successfully acted upon without more accurate information than is now in the possession of the legislative department of our Territory, the following persons be, and they are, hereby respectfully requested to collect such information as to them may seem most practicable and expedient, to wit: The Governor and Secretary of the Territory, Charles Mason, Joseph Williams, T. S. Wilson, W. W. Chapman, and P. H. Engle, with the honorable J. B. Browne, President of the Council, and W. H. Wallace, Speaker of the House of Representatives.

Resolved, That the gentlemen aforesaid are hereby requested to address letters to the Governors of the several states, in which systems of education have been adopted by state authority, to the Presidents of Colleges throughout the United States, and to literary gentlemen and others conversant with the subject, for the purpose of obtaining exact information as to the best mode of tuition existing in the schools and institutions of learning in the Union, particularly in relation to the organization of such institutions, their cost, the amount and character of instruction, the relative advantages of different systems, and the amount and kind of legislative patronage

which has been extend to them, and of procuring authentic copies of statutes, charters, and other public documents, which relate to the subject.

On motion of Mr. Taylor,

Ordered, That the following names be added to the first resolution, viz: "S. C. Hastings, George H. Beeler and David Rorer."

On motion of Mr. Swan,

Ordered, That the name of "John King" be likewise inserted.

Mr. Grimes moved that all the names after that of the Speaker of the House be stricken out. Agreed to.

On motion of Mr. Taylor,

Ordered, That the said resolutions be referred to the committee on schools.

Mr. Hall, from the select committee appointed for that purpose, reported bill No. 108, An act to incorporate the Des Moines mill company and for other purposes. Read a first time.

Mr. Roberts, from a select committee, reported bill No. 109, entitled A bill to organize the county of Linn and locate the seat of justice thereof; which was read a first time.

Mr. Coop from the select committee to which had been referred an act to divide the county of Henry, and establish the county of Jefferson, together with the message of the Executive in relation thereto, reported said bill back to the House with amendments.

Mr. Brierly from the committee appointed for that purpose, reported bill No. 110, entitled A bill to authorize John Gaines, Otis Reynolds and Mark Aldrich, to keep a ferry at the mouth of Des Moines river. Read a first time.

Mr. Swan from the committee on corporations, to whom was referred the petition of Charles Swan, and other citizens of the town of Charlestown, in the county of Jackson, praying for a charter for a bank at said town made report,

That, it is inexpedient to grant said charter; and your committee would further report, That in the opinion of the committee a charter at this time with banking privileges would be not only inexpedient but impolitic and uncalled for by the citizens of the Territory of Iowa.

Mr. Hastings from the select committee, appointed for that purpose, reported bill No. 111, entitled, A bill for the improvement of the breed of horses. Said bill was read a first time by sections, the rule requiring the same to be printed suspended, and the bill read a second time by its title, and considered in committee of the whole, Mr. Coop in the chair. After some time the committee rose and reported the bill with amendments in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

The question pending at the last adjournment of the House being upon the amendment offered by Mr. Swan to an amendment offered by Mr. Grimes, to an amendment offered by Mr. Bailey, to bill No. 98, H. R. file, entitled An act for assessing and collecting county revenue, the same was put and determined in the negative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Cox, Frierson, Nowlin and Swan.—7.

Nays—Messrs. Bailey, Brierly, Coop, Delashmutt, Grimes, Hall, Hastings, Parker, Porter, Price, Roberts, Summers, Taylor, Temple, Thornton, Toole and Wallace, Speaker—17.

Mr. Grimes withdrew his amendment to the original amendment, when Mr. Taylor moved to amend the same by inserting "ninety-nine dollars" in lieu thereof.

The question being put, "shall the amendment offered by Mr. Taylor to the amendment be adopted?" it was determined in the negative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Cox, Frierson, Grimes, Nowlin, Roberts, Summers, Swan, Taylor and Temple.—12.

Nays—Messrs. Bailey, Brierly, Coop, Delashmutt, Hall, Hastings, Parker, Porter, Price, Thornton, Toole and Wallace, Speaker.—12.

The Secretary of the Council being introduced, returned bill No. 94, H. R. file, entitled A bill to locate the seat of government of the Territory of Iowa, with amendments made to the same, in which he asked the concurrence of the House, and then withdrew.

Sundry other propositions being made to fill the blank in said bill, No. 96, to neither of which could the House agree.

On motion of Mr. Temple,

Ordered, That said bill be recommitted.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Toole, from the committee on enrollments reported as correctly engrossed the following entitled bills:

A bill to authoize Benjamin Nye to erect a dam across Pine river;

A bill concerning costs and fees and;

Mr. Swan, from the committee on enrollments reported the following acts to have been this day presented to the Governor for his approval, viz:

An act to prevent the selling of ardent spirits to Indians.

An act for the relief of securities of persons charged with criminal offences; also,

A memorial to Congress for an amendment to the organic law.

On motion of Mr. Nowlin,

Ordered, That bill No. 94, H. R. file, entitled A bill to locate the seat of government of the Territory of Iowa, as amended by the Council be taken up and read. When,

On motion of Mr. Taylor,

Ordered, That said bill be further amended by inserting between the word "street" and the word "and" in the 6th line of the 5th section of the bill, the word "squares;" and that the 7th section of the same be also amended by adding the words "and for other purposes."

Mr. Swan, moved that the House now concur in all the other amendments made by the Council to said bill.

On motion, ordered, that a call of the House be had, and the sergeant-at-arms sent for absent members.

The absent members appearing, the question was put, will the House concur in the other amendments to said bill? and decided in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Cox, Frierson, Hastings, Nowlin, Roberts, Summers, Swan, Taylor, Thornton and Toole.—13.

Nays—Messrs. Bailey, Brierly, Coop, Delashmutt, Grimes, Hall, Patterson, Parker, Porter, Price, Temple and Wallace, Speaker—12.

Ordered, That the Council be informed of amendments made to same.

Bill No. 107, was then taken up, and read a first time by its title.

On motion of Mr. Nowlin,

Ordered, That bills reported and read a first time on to day, be printed by James G. Edwards.

Bill No. 35, Council file, entitled An act to provide for changing the venue in civil and criminal cases, was read a second time and considered in committee of the whole, Mr. Cox in the chair. After some time, the committee rose and reported the bill to the House without amendment. The House concurred in the report, and

Ordered, That the bill be engrossed for a third reading.

On motion, the House adjourned.

Friday, January 4, 1839.

Mr. Bailey, from the committee on schools, to which was yesterday referred resolutions on the subject of obtaining information in relation to a system of common schools, reported the same back to the House with amendments; which were read.

On motion, ordered, that said resolutions as amended be adopted.

Mr. Hastings, from the committee of conference appointed to act in conjunction with a similar committee on the part of the Council, in relation to a disagreement of the two Houses in regard to amendments made to bill No. 33, H. R. file, reported that the joint committee had agreed to adopt said amendments.

The report was received, and the amendment accordingly adopted.

Mr. Patterson from the committee on expenditures to which was referred the account of L. Judson, made report, and recommended the adoption of the following:

Resolved, That L. Judson, Esq. be allowed the sum of two hundred and seventy dollars, for sixty maps of the territory of Iowa furnished this House.

The report was received, and the resolution adopted.

Mr. Nowlin, from the committee on enrolments, reported An act to authorize Ralph Letton to establish and keep a ferry across the

Mississippi river at the town of Parkhurst;" "An act to incorporate the city of Du Buque;" and several joint resolutions, to have been yesterday presented to the governor for his approval.

Mr. Parker, from the select committee appointed for that purpose, reported bill No. 112, entitled 'A bill to preserve good order in all worshipping congregations and societies;' which was read a first time.

Bill No. 30, H. R. file, entitled a bill providing for the appointment of district prosecutors, was read a second time, and considered in committee of the whole, Mr. Delashmutt, in the chair. After some time the committee rose and reported the bill without amendment. The House concurred in the report of the committee, and

Ordered the bill to be engrossed and read a third time.

Bill No. 36, Council file, entitled A bill to authorize the appointment of public administrators, and defining their duties, was taken up, read and considered in committee of the whole, Mr. Frierson in the chair. After a short time the committee rose and reported the bill with an amendment, in which the House concurred, and

Ordered, That said bill be engrossed for a third reading.

The following message from the Council was received by their Secretary, Mr. Wallace:

Mr. Speaker,—

I am instructed to inform the House of Representatives, that the Council have concurred in the amendments made by the House to the amendments of the Council, to bill No. 94, H. R. file, entitled a bill to locate the seat of Government of the territory of Iowa.

I am also directed to present for your signature, bills, Council file,

An act to organize, discipline, and govern the militia of this territory; and

An act relative to promissory notes, bonds, due bills, and other instruments of writing.

I also herewith return sundry bills of the House, which have been signed by the President of the Council.

And then he withdrew.

On motion, bill No. 23, H. R. file, entitled "a bill to divide the county of Henry, and to establish the county of Jefferson," as amended by the select committee, who yesterday reported the same, was read and considered in committee of the whole, Mr. Grimes in the chair. The committee rose, after a short time, and reported said bill and amendments without amendment.

The question being put, "will the House concur in the report of the committee?" it was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop, Cox, Delashmutt, Frierson, Grimes, Hastings, Nowlin, Patterson, Parker, Price, Summers, Taylor, Temple and Thornton—19.

Nays—Messrs. Hall, Porter, Roberts and Toole—4.

Said bill was then ordered to be engrossed for a third reading.

Bill No. 97, H. R. file, entitled "a bill regulating blacks and mullattoes, and to punish the kidnappers of such persons," was read a second time and taken under consideration in committee of the whole, Mr. Hall in the chair. After some time spent therein, the

committee rose, and reported said bill with amendments, in which the House concurred.

The bill was then ordered to be engrossed for a third reading.

Mr. Frierson moved that bill No. 74, H. R. file, entitled "a bill providing for the organization of the county of Clinton," be taken from the table; to which the House disagreed.

The House then resolved into a committee of the whole, for the consideration of bill No. 104, H. R. file, entitled a bill regulating proceedings in civil cases, Mr. Hastings in the chair. After some time the committee rose, reported that it had made some progress, and asked leave to sit again. Leave was granted, and

On motion, the House adjourned to 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Speaker announced a communication from his Excellency the Governor of the Territory, which was read, and is as follows, to wit:

EXECUTIVE DEPARTMENT, IOWA TERRITORY,
January 4, 1839.

To the House of Representatives of the Legislative Assembly.

Gentlemen—There was presented to me for my consideration a resolution in the following words:

"Resolved, by the Council and House of Representatives of the Territory of Iowa, That when an act is presented to the Governor for his approval, he shall, within a reasonable time thereafter, make known to the House in which said act may have originated of his approval thereof; or, if not approved of, the act shall be returned, with his objections thereto.

(Signed) W. H. WALLACE, Speaker H. R.
J. B. BROWNE, Pres't. of Council."

I see no place in the organic law, that vests the Council and House of Representatives with the right to dictate to the Executive in the discharge of his official duties. I also, received another resolution in the following words:

"Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Postmaster, at Davenport, Scott county, be and he is hereby authorized to have the mail from Davenport to Du Buque conveyed in two horse post coaches, twice a week during the present session of this legislative assembly, and that the Post Master General of the United States be memorialized by the legislative assembly to allow and pay the extra expenses that may be incurred under this resolution.

(Signed) W. H. WALLACE, Speaker H. R.
J. B. BROWNE, Pres't. of Council."

In this resolution the Council and House of Representatives, have, in my opinion, assumed powers that can only be exercised by the Congress of the United States, and the Post Master General under the laws of the United States.

Both resolutions are herewith returned without my approval.

Respectfully, your ob't servant,

ROBERT LUCAS.

On motion of Mr. Grimes,

Ordered, That a standing committee on Vetoes be appointed.

Whereupon, the chair appointed Messrs. Grimes, Taylor, Swan, Bailey and Summers said committee.

On motion of Mr. Hastings,

Ordered that the foregoing communication from the Executive be referred to the committee on vetoes.

Bill No. 104, H. R. file, entitled a bill regulating proceedings in civil cases, was again considered in committee of the whole, Mr. Hastings in the chair. The committee rose, after some time, reported progress, and asked and obtained leave to sit again.

Bill No. 106, H. R. file, entitled a bill to incorporate the Burlington steam mill company, was read a second time and considered in committee of the whole, Mr. Patterson in the chair. The committee rose after a short time and reported the bill without amendment. The House concurred in the report, and ordered that the bill be engrossed for a third reading.

Mr. Nowlin, from the committee on enrolments, reported

"An act to locate the seat of government of the territory of Iowa," as correctly enrolled. Said act was then signed by the Speaker and the clerk directed to present the same to the President of the Council for his signature.

Memorials to Congress for the survey of Skunk river, and of a rail road route from Rockingham, were then severally read a third time and passed.

Bills, H. R. file, entitled as follows, viz:

No. 77, a bill to authorize Benjamin Nye to build a dam across Pine river;

No. 83, A bill concerning costs and fees; and

No. 102, A bill confirming grants of property made for the encouragement of education and for other purposes, were then severally read a third time, passed, and the titles agreed to.

Ordered, That they be sent to the Council for concurrence.

Bill No. 35, Council file, entitled, an act to provide for changing the venue in civil and criminal cases, was also read a third time, passed, and the title agreed to.

Ordered, that the council be informed.

The amendments made by the Council to bill No. 63, H. R. file, entitled an act to authorize Wm. Meek and Sons to erect a dam across the Des Moines river, were then read and concurred in.

Mr. Grimes offered the following:

Resolved, That the Secretary of the Territory of Iowa be authorised to contract with Leander Judson, for the delivery of a sufficient number of his maps of the entire territories of Wisconsin and Iowa, to be distributed between the different offices and officers of said territory; and that he be instructed to advance one half of the amount to said Judson, to enable him to proceed immediately to Cincinnati to have them printed, put up, and delivered, as soon as practicable.

On motion of Mr. Cox,
Ordered, that said resolution be laid on the table.
On motion, the House adjourned.

Saturday, January 5, 1839.

Mr. Roberts presented a statement of the proceedings of a meeting of citizens of Jones county, on the subject of the organization of said county and the mode of locating the seat of justice thereof; which was, on motion, referred to a select committee. Messrs. Roberts, Parker, Thornton, Taylor and Hastings, were appointed said committee.

On motion of Mr. Roberts,

Resolved, That the committee on roads and highways, be instructed to enquire into the expediency of establishing a territorial road from Rochester in Cedar county to the county seat of Linn county.

On motion of Mr. Bankson,

Resolved, That a select committee of one from each electoral district be appointed, and that said committee be instructed to enquire into the expediency of apportioning the representation of this Territory in the Legislative Assembly, among the several counties therein, and that said committee have leave to report by bill or otherwise.

The chair thereupon appointed Messrs. Swan, Roberts, Summers, Thornton, Grimes, Porter, Price and Hall, said committee.

Mr. Bailey asked leave of absence for Mr. Price, until Monday next; leave was granted.

Mr. Swan from the committee on corporations to which had been referred the petition of sundry citizens of Jackson county, praying for a charter for a ferry at Charleston, reported bill No. 114, entitled A bill to authorize James Leonard, Oliver A. Crary, William H. Brown and Charles Swan, to establish and keep a ferry across the Mississippi river at the town of Charleston.

Said bill was read a first time.

Mr. Roberts from the committee appointed for that purpose, reported bill No. 115 entitled A bill authorizing the arrest and securing of fugitives from justice. Read a first time.

Mr. Taylor from the committee on claims, reported bill No. 116, entitled An act for the benefit of the county of Des Moines. Read a first time.

On motion of Mr. Hall,

Ordered, That James G. Edwards be employed to print the above mentioned bills.

The following message from the Council, was received by their Secretary, Mr. Wallace:

Mr. Speaker,—

I am instructed to inform the House of Representatives that the Council have passed bills of the following titles:

No. 28, An act concerning the size of counties.

No. 37, An act concerning insane persons.

No. 39, An act for the incorporation of public libraries.

The Council have also passed bill No. 70, H. R. file, An act to incorporate the Bloomington and Cedar river canal company, with sundry amendments.

In all of which the concurrence of the House is requested.

The Council have also concurred in amendments made by the House to bill No. 7, Council file, An act relative to the recorder of deeds.

They have also concurred in resolutions of the House on the subject of the survey of unsurveyed lands; and for allowing pay to the joint committee to examine the Miners' Bank of Du Buque. And then he withdrew.

The House in committee of the whole, Mr. Hastings in the chair, resumed the consideration of bill No. 104, entitled An act in relation to proceedings in civil actions. After much time spent therein, the committee rose and reported the bill with amendments.

Mr. Nowlin moved that the bill be laid on the table, which was disagreed to.

The question was then put, "will the House concur in the report of the committee?" and determined in the affirmative.

Mr. Bailey moved that the bill be committed to the judiciary committee; not agreed to.

Mr. Nowlin moved that the bill be further amended as follows:

After the word "crime" in the 111th section, add the words "and who does not believe in a future punishment;" and the question of the adoption of the same being put, was determined in the negative.

The yeas and nays being called, were as follow:

Yeas—Messrs. Nowlin, and Patterson.—2.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Hastings, Parker, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker.—23.

The bill was then ordered to be engrossed for a third reading.

On motion of Mr. Toole,

Ordered, That bill No. 45, H. R. file, entitled A bill to establish the boundaries of Louisa county, to locate the seat of justice of said county, and for other purposes, be taken from the table and read a second time. The House then resolved itself into a committee of the whole, Mr. Nowlin in the chair, for the consideration of the same. After a short time, the committee rose and reported the bill with an amendment in which the House concurred, and ordered, that the bill be engrossed and read a third time.

Mr. Hall asked and obtained leave at a future day to introduce A bill to establish a territorial road from Du Buque to Keasauqua in Van Buren county. Messrs. Hall, Swan and Coop, were appointed a committee to prepare the same.

Mr. Toole, from the committee on enrollments reported A bill providing for the appointment of district prosecutors, &c., and A bill establishing the county of Jefferson, as correctly engrossed.

Mr. Nowlin from the joint committee on enrollments reported the following entitled acts to have been yesterday presented to the Governor for his approval, viz:

An act regulating criminal proceedings.
An act concerning grand and petit jurors.
An act regulating weights and measures.
An act to provide for the partition of real property.
An act to prevent diasters on steam boats navigating the waters within the jurisdiction of this Territory.
An act to locate and establish the seat of government of the Territory of Iowa and for other purposes.
An act relative to promissory notes, bonds, bills and other instruments of writing; and,
An act to organize, discipline, and govern the militia of this Territory.

On motion, bill No. 113 H. R. file, entitled A bill to provide for the collection of demands growing out of contracts for sales of improvements on public lands, was taken up, read a second time, and considered in committee of the whole, Mr. Patterson in the chair. The committee rose after a short time, and reported the bill with amendments. The House concurred in the report of the committee and,

Ordered, That the bill be engrossed for a third reading.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Toole asked leave to introduce A bill to provide for the regulation of turnpike companies, and a bill to incorporate the Burlington and Iowa river turnpike company. Leave was granted; and Messrs. Toole, Brierly and Parker, were appointed a committee to prepare said bills.

Mr. Beeler asked and obtained leave to introduce a bill concerning bills of exchange. Messrs. Beeler, Hall and Patterson, were thereupon appointed a committee to prepare the same.

Mr. Bankson from the select committee to which was referred bill No. 69, H. R. file, entitled An act regulating the publication and distribution of the laws and journals of the Legislative Assemby of the Territory of Iowa, reported the same back to the House with amendments. The report was received, and the bill and amendments were on motion considered in committee of the whole, Mr. Parker in the chair.

Mr. Wallace, the Secretary of the Council, was introduced and delivered the following message, to wit:

Mr. Speaker,—

I am directed to inform the House of Representatives, that the Council have passed bills entitled as follow, viz:

No. 40, An act to provide for the appointment of notaries public, and to prescribe their duties.

No. 41, An act regulating practice in the district courts of the Territory of Iowa.

No. 42, An act to legalize the acts of county commissioners &c.

And No. 43, An act to authorize Robert Wilson, his heirs or assigns to erect a dam across Skunk river.

In all of which the concurrence of the House is requested. And then withdrew.

The committee resumed its session and after a short time rose and reported said bill with amendments. The House concurred in the report of the committee, and ordered the bill to be engrossed and read a third time.

On motion of Mr. Summers,

Ordered, That bill No. 92, H. R. file, entitled An act to provide for the location of certain territorial roads, be taken up and read a second time.

Mr. Roberts moved that the bill be laid on the table, and made the order of the day for Monday next. Not agreed to.

The House then on motion, resolved itself into a committee of the whole, for the consideration of the same, Mr. Porter in the chair. The committee rose, reported the bill with amendments, and asked the concurrence of the House.

The House concurred in the report of the committee.

On motion of Mr. Toole,

Ordered, That the following be added to the bill as the last section thereof:

"That should any of the commissioners named in the different sections of this act, die, refuse to serve, or remove out of their respective counties, the county commissioners of the county where such vacancy shall happen, shall fill such vacancy as often as they may occur."

Mr. Taylor moved that the word "three" in the 13th section be stricken out, and the word "two" inserted in lieu thereof; which was agreed to.

The bill was then ordered to be engrossed for a third reading.

The amendments made by the Council to bill H. R. file, entitled An act to incorporate the Bloomington and Cedar river canal company, were severally read and concurred in.

The Speaker announced the following message from his Excellency the Governor of the Territory.

EXECUTIVE DEPARTMENT, IOWA TERRITORY,
JAN. 5TH, 1839.

To the House of Representatives of the Legislative Assembly.

Gentlemen—There has been presented to me for my consideration, a resolution in the following words:

Resolved, By the Council and House of Representatives of the Territory of Iowa, that his Excellency Governor Lucas, is hereby respectfully requested to inform each House of the Legislative Assembly, of all acts by him approved during the present session, and that he is further requested hereafter to inform the Council or House in which a bill originated (as the case may be) of his approval, immeditaely after he has approved of the same.

(Signed) W. H. WALLACE, Speaker H. R.
J. B. BROWNE, Pres't. of Council."

It would at all times do me a pleasure to comply with any respectful request of the Council and House of Representatives, could it be done with some propriety and conscience; but having neither secretary, clerk, messenger, assistant or other attendant, in public employ, at the Executive office, I have to depend upon the volunta-

ry aid of a few private friends, for clerical and such other assistance as is needed in the discharge of indispensible duties.

This being the case, I must respectfully decline a compliance with your respectful request, and most respectfully invite your attention to my communication of the 19th December last. By that communication you will be enabled to perceive that all bills, resolutions, and memorials, that are approved by me, are immediately deposited with the Secretary of the Territory, whose duty it is made by the organic law to record and preserve the same.

If the information required should be deemed of great importance to the Council and House of Representatives, by a call on the Secretary, it can doubtless be obtained. I have, as yet, seen no good reason to change the course of executive proceeding, as pointed out in my communication of the 19th ult, to the Council, relative to bills, resolutions, and memorials, forwarded for my consideration. And until a law shall be passed regulating the intercourse between the Executive and Legislative departments of the government, embracing the principles alluded to in said communication, I shall adhere to the course there pointed out.

The resolution is herewith returned without my signature.

Respectfully, yours.

ROBERT LUCAS.

On motion of Mr. Hastings,

Ordered, That the foregoing communication be referred to the committee on vetoes.

On motion, the House adjourned.

Monday, January 7, 1839.

Mr. Taylor presented the petition of sundry inhabitants of Lee county praying that the seat of justice of said county be removed to a point as near as may be to the geographical centre thereof; and made a motion that said petition be referred to a select committee composed of the delegation from Lee county; which motion was agreed to.

Mr. Cox offered the following resolution:

Resolved, That the committee on territorial affairs be instructed to bring in a memorial asking Congress for a donation of four sections of unappropriated land, for the purpose of establishing the seat of government on for the territory of Iowa.

Resolved, That after the 16th instant, no new business of any description be introduced into this House.

Resolved, That the committee on territorial affairs be instructed to bring in a memorial asking Congress for an appropriation to be applied by the Surveyor General of Wisconsin and Iowa territories for surveying the unsurveyed land lying on the western boundary of Iowa Territory.

The first resolution was adopted.

Mr. Taylor moved that the second resolution be laid on the table. The motion was lost.

Mr. Taylor then made a motion that said resolution be amended by striking out "16th," and inserting "20th;" which motion was not agreed to.

The resolution was then adopted.

The question was then put upon the adoption of the third resolution, and determined in the affirmative.

Mr. Porter asked and obtained leave to introduce a bill authorizing Hiram C. Smith and Co. to build a dam across Skunk river.—Messrs. Porter, Patterson and Bailey were then appointed a committee to prepare the bill.

Mr. Nowlin offered the following preamble nnd resolution, which were adopted, viz:

Whereas the Governor of Iowa has often refused and wholly neglected to inform either branch of this legislative assembly of such acts as have met with his Executive sanction: Therefore.

Resolved by the Council and House of Representatives of the Territory of Iowa, That Wm. B. Conway, Secretary of the Territory, is hereby respectfully requested to inform each House of the Legislative Assembly of all acts, which have been transmitted to his office during the present session of the legislative assembly, and which have received, Executive sanction.

Mr. Grimes, from the committee on Vetoes, made report, which is as follows:

The committee to whom was referred three of the Executive vetoes, sent to this House, now beg leave to report:

No one can deny, or even for a moment doubt the great importance of the subjects submitted to the consideration of your committee. Several bills and joint resolutions of considerable importance, as was conceived by the Legislative Assembly, after having passed both Houses, have been returned to this House without the approbation of the Governor or with his positive "veto." Some bills have been approved of by him in part,—to some he has attached exceptions, explanations and contingencies.

Your committee have seen fit to examine not only the grounds upon which the various "Executive vetoes" have been exercised, but also the right of the Governor of this Territory to exercise the veto power upon any occasion.

Admitting then for the present, the authority of the Governor to veto, why has he exercised that power? is the question that will arise, and it is a question of considerable magnitude.

The first "vetoed resolution" submitted to this committee was in the following words:

"Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Postmaster at Davenport, Scott county, be and he is hereby authorized to have the mail from Davenport to Du Buque conveyed in two horse post coaches, twice a week during the present session of this legislative assembly, and that the Post Master General of the United States be memorialized by the legislative assembly to allow and pay the extra expenses that may be incurred under this resolution."

This resolution was unanimously adopted by the Legislative Assembly, upon the suggestion of the Northern members, that they were unable to receive petitions or hear from their constituents, or their constituents to hear from them. It was a matter of notoriety, which must have been known, as well by the Executive of this Territory, as by the members of this Assembly, that the mail from Davenport to Du Buque. was irregular,—that not a fourth part of the mail could be carried in the bags at one time—that in requesting the Post Master General to defray the additional expense, this Legislature had the example of the Wisconsin Assembly—and that that request was considered reasonable and complied with very readily by the Department at Washington.

The resolution was nothing more nor less, than a call upon the Post Master General to establish, for the present winter at least, a sufficient mail route between Davenport and Du Buque. If power was assumed in that resolution which could only be exercised by the Congress of the United States, the "veto" was perfectly proper; (if it could be exercised at all) but your committee are not of that opinion. The Legislative Assembly did not stipulate with the Post Master at Davenport, that he should be paid for his extra trouble, by the United States or by the Territory. This Assembly informed him that should the mail be carried in conformity to that resolution Congress should be memorialized upon the subject; but it was still left discretionary with him.

The next 'veto message' and 'resolution' submitted to the consideration of your committee was in the following words:

"Resolved, by the Council and House of Representatives of the Territory of Iowa, That when an act is presented to the Governor for his approval, he shall, within a reasonable time thereafter, make known to the House in which said act may have originated of his approval thereof; or, if not approved of, the act shall be returned, with his objections thereto."

This resolution, your committee conceive, was couched in very proper and respectful words, and altogether necessary to regulate the intercourse between the Executive and Legislative Departments. Every person at all acquainted with legislative proceedings is aware that bills are always returned to the House in which they originated, and by that House deposited in the office of the Secretary of State.

No bills had been returned by the Executive officer to either house, except those that were returned 'vetoed,' and hence it was considered necessary to adopt the foregoing resolution. It was impossible for either House to know what bills had received the executive sanction and become laws—or what bills might be retained among the unfinished business of the session. It is with much regret that your committee has read this most extraordinarily laconic veto. It is as follows:

"I see no place in the organic law, that vests the Council and House of Representatives with the right to dictate to the Executive in the discharge of his official duties."

Your committee would not willingly encroach upon any of the rights of the Executive officer or indulge themselves in any impro-

per expressions concerning his opinions. But they must say in all candor and fairness, that they do not conceive the Governor has treated this Assembly with the dignity and fairness due to it or due to himself as the Executive head of the Territory. Your committee does not believe that this Assembly attempted or wished to dictate to the Governor. By the resolution he is himself judge of what is a reasonable time, and it was altogether left with him whether that time should be ten days or ten months.

The next veto message is as follows:

EXECUTIVE DEPARTMENT, IOWA TERRITORY,
January 5, 1839.

To the House of Representatives of the Legislative Assembly.

Gentlemen—There has been presented to me for my consideration, a resolution in the following words:

Resolved, By the Council and House of Representatives of the Territory of Iowa, that his Excellency Governor Lucas, is hereby respectfully requested to inform each House of the Legislative Assembly, of all acts by him approved during the present session, and that he is further requested hereafter to inform the Council or House in which a bill originated (as the case may be) of his approval, immediately after he has approved of the same.

(Signed) W. H. WALLACE, Speaker H. R.
J. B. BROWNE, Pres't. of Council."

It would at all times do me a pleasure to comply with any respectful request of the Council and House of Representatives, could it be done with propriety and conveience; but having neither secretary, clerk, messenger, assistant or other attendant, in public employ, at the Executive office, I have to depend upon the voluntary aid of a few private friends, for clerical and such other assistance as is needed in the discharge of indispensible duties.

This being the case, I must respectfully decline a compliance with your respectful request, and most respectfully invite your attention to my communication of the 19th December last. By that communication you will be enabled to perceive that all bills, resolutions, and memorials, that are approved by me, are immediately deposited with the Secretary of the Territory, whose duty it is made by the organic law to record and preserve the same.

If the information required should be deemed of great importance to the Council and House of Representatives, by a call on the Secretary, it can doubtless be obtained. I have, as yet, seen no good reason to change the course of execu ive proceeding, as pointed out in my communication of the 19th ult, to the Council, relative to bills, resolutions, and memorials, forwarded for my consideration. And until a law shall be passed regulating the intercourse between the Executive and Legislative departments of the government, embracing the principles alluded to in said communication, I shall adhere to the course there pointed out.

The resolution is herewith returned without my signature.

Respectfully, yours.
ROBERT LUCAS.

Your committee is disposed to treat the Executive with all forbearance and courtesy, although the foregoing RESPECTFUL message would admit of a severe reply. Whatever may have been the intention of the Governor, in amusing this House with "plays and puns" upon the word respectful, we care not. Your committee will not so far forget their characters and dignity as to do the like, or to treat him disrespectfully or discourteously. It neither comports with the dignity of the station in which we have been placed by our constituents, nor with our own characters.

Your committee conceives that this message needs no explanation. It is well known that the bill spoken of "regulating the intercourse between the Executive and Legislative departments," was passed through both Houses and vetoed by the Governor. It is further well known that he has never called upon this Assembly for a messenger or attendant, but that one is always ready to bring veto messages at his bidding. Your committee having examined the grounds upon which three of the Governor's vetos are based, will now proceed to the other part of the subject; we have attempted to ascertain where the Governor derives the power of unconditionally vetoing bills,—but in vain. We find no such authority delegated in the Organic Law, and we believe no such power can be obtained by implication. It is a power of too much importance to the people and too liable to abuse to be executed but by positive grant. It is a power now obsolete, even in the monarchical government of Great Britain. Notwithstanding the peremptory manner in which it can be exercised in that Government, yet it has not been used since the reign of William III, in 1620, and then that sovereign was obliged to sanction the same bill at the commencement of the next Parliament which he had before disapproved of.

The second section of the organic law, in the opinion of your committee, makes it imperative and obligatory upon the Governor to approve all laws passed by the Legislative Assembly. The only duty of the Executive is to advise, appoint and place his sign manual to bills and resolutions when presentedto him, and then see that those laws are executed. The phraseology of the organic law is peculiar. It is not left discretionary with him. "He shall approve," &c.

If the organic law had expressly declared that all bills should be approved before they become laws, then the veto power might be contended for with great plausibility. But by the expression of the organic law (Sec. 2.) bills become laws, upon being adopted by both Houses of the Legislative Assembly, and the Governor shall sign them, though he may refuse as the Executive to execute their behests. The Congress of the United States has a restraining and annulling power over the acts of this legislature and it certainly could not have been intended that there should be more than one "vetoing" power suspended over our heads.

No rule is better established than that the rights of individuals or communities cannot be destroyed, abridged, or infringed upon, by implication or intendment. And if this was not the case, yet your committee most confidently believe that the Congress of the United States never intended veto power to be exercised by the Governor

of the Territory of Iowa. We cannot believe that Congress intended or wished, that the opinions of one man should overbalance the unanimous opinions of thirty nine. As representatives of the people, we conceive that we should be recreant to their rights and true interests, if we should acquiesce in the "veto power" as used by the Executive, when there was the least doubt in our minds whether that DESPOTIC privilege properly belonged to his office or not. We believe such an interpretation cannot consistently be given of the Organic Law and that such an interpretation is contrary to the spirit of republican institutions,—degrading to the Legislative Assembly—and subversive of independent legislation.

We believe the people should be heard through those who represent them and are responsible to them. That their wishes should be regarded, and not the wishes of the Federal Government or a federal officer. We believe the principle claimed by the Governor is a most dangerous and pernicious principle, and as the representatives of freemen we cannot acquiesce in it. All of which is respectfully submitted.

JAS. W. GRIMES, Chairman.
C. SWAN,
LAUREL SUMMERS,
HAWKINS TAYLOR.

The report was read, and the question of the concurrence of the House in the same being taken, was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Delashmutt, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker.—16.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Frierson and Patterson.—6.

Mr. Nowlin then moved that James G. Edwards be employed to print 1000 copies of the said report. The motion was agreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Delashmutt, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Frierson and Patterson—6.

Mr. Toole, from the committee on Enrolments, reported the following entitled bills to have been correctly engrossed, viz:

A bill establishing the boundaries of Louisa county.

A bill regulating blacks and mulattoes, and to punish the kidnappers of such persons.

A bill regulating general and special elections.

And a bill providing for the appointment of Justices of the Peace.

Mr. Swan made report in the following words:

The joint committee on enrolments have examined

An act allowing and regulating writs of attachment.

An act to authorize Wm. Meek and sons to erect a dam across the Des Moines river.

An act concerning apprentices and servants; and having compared the same with the engrossed bills, find them to be correctly enrolled.

The two first named acts were then signed by the Speaker, and the clerk ordered to present them to the President of the Council for his signature.

Mr. Beeler, from the committee appointed for that purpose, reported bills, No. 117 and 118, entitled an act to authorize an interchange of statute laws of the territory of Iowa, with the several states and territories of the United States, and an act concerning bills of exchange;" which bills were read a first time.

Mr. Toole, from the select committee, reported

Bill No. 119, entitled a bill to provide for the regulation of turnpike companies Said bill was read a first time.

Mr. Hall from the select committee, reported bill No. 120, entitled an act to establish a territorial road from Du Buque to Keasauque in Van Buren county; which was read a first time.

Bills of the Council, No. 28, 37, 39, 40, 41, 42 and 43, were severally read a first time.

Bill No. 89, H. R. file, entitled an act to allow and regulate the action of waste, was read a second time and considered in committee of the whole, Mr. Roberts in the chair. The committee rose and reported the bill without amendment. The House concurred in the report, and pending the question of the engrossment of the bill, Mr. Cox made a motion to strike out all after the enacting clause of the same. The motion was lost, and the bill ordered to be engrossed and read a third time.

On motion of Mr. Bankson,

Resolved, That no person shall be allowed to smoke a pipe or cigar in this hall, during the sittings of the House of Representatives.

The House then resolved itself into a committee of the whole, Mr. Summers in the chair, for the consideration of bill No. 96, H. R. file, entitled an act to authorize Henry Eno & Co. to erect a dam across the Des Moines river. The committee after a short time rose, and reported the bill with amendments, in which the House concurred, and ordered that the bill be engrossed for a third reading.

Bill No. 108, H. R. file, entitled an act to incorporate the Des Moines Mill company and for other purposes, was also read and considered in committee of the whole, Mr. Swan in the chair. The committee, after a short period, rose, and by their chairman reported the bill to the House with amendments; in which the House concurred, and ordered that the bill be engrossed and read a third time.

Bill No. 109, H. R. file, was likewise read and considered. After a short time the committee rose, and by their chairman, Mr. Taylor, reported the bill to the House with amendments, which were concurred in. The rules of the House were then temporarily suspended, by motion of Mr. Roberts, and the bill read a third time, passed, and the title agreed to.

Ordered that the bill be sent to the Council for concurrence.

Bill No. 110, H. R. file, entitled a bill to authorize John Gaines, Otis Reynolds, &c. to keep a ferry across the Mississippi river opposite Round Mound, at the upper mouth of the Des Moines river, was also read and considered in committee of the whole, Mr. Temple in the chair. The committee after some time rose, and reported the bill with amendments, in which the House concurred, and ordered that the bill be further amended by having the third section thereof stricken out, be engrossed. and read a third time.

Bill No. 116, H. R. file, entitled a bill for the benefit of Des Moines county, was then read and considered in committee of the whole, Mr. Toole in the chair. After some time the committee rose and reported the bill without amendment. The House concurred; and pending the question of the engrossment of the bill,

On motion, the House adjourned to 2 o'clock, P. M.

2 O'CLOCK, P. M.

The question pending at the adjournment in relation to a bill for the benefit of Des Moines county, being "shall the bill be engrossed, and read a third time?"

On motion of Mr. Frierson,

Ordered that a call of the House be had.

Mr. Patterson then obtained leave of absence until next week, for Mr. Taylor.

Several members being absent, as well as the sergeant at arms,

On motion of Mr. Cox,

The messenger was sent for the sergeant at arms.

On motion of Mr. Nowlin,

The assistant messenger was despactched to procure the attendance of absent members.

After a short period, Mr. Grimes moved that the call of the House be dispensed with; which motion was agreed to.

Mr. Hastings then made a motion to amend the 6th section of the bill by striking out "one hundred and one," and inserting "sixty;" which was disagreed to.

The question pending was then put, and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Cox, Delashmutt, Frierson, Grimes, Hall, Nowlin, Summers, Swan, Temple and Wallace, Speaker—13.

Nays—Messrs. Bailey, Brierly, Coop, Hastings, Patterson, Parker, Porter, Price, Roberts, Thornton anc Toole—11.

The following message from the Council was received, by their Secretary, Mr. Wallace:

Mr. Speaker—

I am directed to inform the House, that the Council have passed bill No. 36, H. R. file, entitled an act fixing the terms of the supreme and district courts of the territory of Iowa, and for other purposes, with amendments.

I am also directed to inform the House that the Council have adopted a preamble and resolution upon the subject of a salary for the

reporter of the Supreme Court. In which amendments and preamble and resolution, the concurrence of the House is requested.

I also herewith return to the House, an act to authorize William Meek and sons to erect a dam across the Des Moines river; also an act allowing and regulating writs of attachment, the same having been signed by the President of the Council.

I also herewith present for your signature, an act concerning apprentices and servants. And then he withdrew.

Bill No. 112, H. R. file, entitled a bill to preserve good order in all worshipping congregations and societies. was then taken up, read and considered in committee of the whole, Mr. Bankson in the chair. The committee rose, and reported the bill with amendments, in which the House concurred, and

Ordered that the bill be referred to the select committee by which it was reported.

Bill No. 93, H. R. file, entitled a bill to define the boundaries of the counties of Scott and Clinton, was taken up and read a second time.

A motion was then made, that the House resolve itself into a committee of the whole on the same, which was not agreed to.

Bill No. 114, H. R. file, entitled a bill to authorise James Leonard &c. to keep a ferry opposite the town of Charleston, was read a second time, and considered in committee of the whole, Mr. Bailey in the chair. After a short time, the committee rose, and reported the bill with amendments, in which the House concurred, and

Ordered, That the bill be engrossed for a third reading.

Bill No. 115, H. R. file, entitled a bill to provide for arresting and securing of fugitives from justice, was also read and considered in committee of the whole, Mr. Beeler in the chair. The committee rose, reported the bill to the House without amendment, and asked its concurrence. The House concurred, and the question being "shall the bill be engrossed and read a third time?" it was determined in the negative.

Bill No. 23, H. R. file, entitled a bill to divide the county of Henry, was read a third time, and on motion of Mr. Hall, laid on the table.

Mr. Grimes obtained leave to present a petition of inhabitants of Lee county, praying that if the county seat of said county is to be relocated, it may only be done by the voice of the people; and moved the reference of said petition to the committee to which was referred petitions on the same subject this morning. When, on motion,

Ordered, That Messrs. Grimes and Bailey be added to said committee.

Bill No. 36, Council file, entitled a bill to authorise the appointment of public administrators and prescribing their duties, was then read a third time, passed, and the title agreed to.

Ordered, That the Council be informed.

Bills of the House of Representatives, No. 45, a bill to establish the boundaries of Louisa county, and to locate the seat of justice of the said county, and for other purposes.

No. 80, a bill to provide for the appointment of district prosecutors and defining their duties.

No. 97, a bill to regulate blacks and mulattoes, and to punish the kidnappers of such persons.

No. 99, a bill providing for and regulating general elections, were then severally read a third time, passed, and the titles thereof agreed to.

No 58, a bill to provide for the appointment of Justices of the Peace and to prescribe their powers and duties, was read a third time and passed.

The yeas and nays being called, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Brierly, Cox, Delashmutt, Frierson, Grimes, Hall, Hastings, Nowlin, Patterson, Porter, Price, Summers, Swan, Temple, Thornton, Toole and Wallace, Speaker—20.

Nays—Mr. Roberts—1.

The title of the bill was then agreed to.

Ordered, that said bills be sent to the Council for concurrence.

Bill No. 84, H. R. file, entitled a bill in relation to bonds and other securities, was read and considered in committee of the whole, Mr. Brierly in the chair. The committee rose and reported the bill without amendment.

The question then being "will the House concur in the report of the committee?" Mr. Grimes made a motion, that the same be indefinitely postponed; which motion was agreed to.

Bill No. 87, H. R. file, entitled a bill concerning the revival of statutes, was taken up, read a second time, and

On motion of Mr. Cox,

Laid on the table until the 20th instant.

Bill No. 90, H. R, file, entitled a bill provtding for the burial of dead bodies found on board of vessels, was read and considered in committee of the whole, Mr. Cox in the chair. The committee rose and reported the bill with an amendment, in which the House concurred, and ordered that the bill be engrossed for a third reading.

Mr. Grimes, from the committee on the Judiciary, to which was referred No. 98, a bill to assess and collect a county revenue, reported the same back to the House with amendments. The bill and amendments were then considered in committee of the whole, Mr. Delashmutt in the chair. The committee rose and reported the bill as amended without amendment.

The House concurred in the report of the committee, and

On motion of Mr. Summers,

Ordered, That the bill be amended so as to make the poll tax to be collected one dollar instead of seventy five cents.

The bill was then ordered to be engrossed.

Mr. Price asked and obtained leave to introduce a bill regulating the issuing of writs of ne exeat and injunctions.

Messrs. Price, Roberts and Hastings were appointed a committee to prepare the bill.

Mr. Hastings from the select committee to which had been referred bill No. 64, H. R. file, entitled a bill to prescribe the mode of proving in courts of this Territory, judgments rendered by justices

of the peace in the several states, reported the same back to the House without amendment.

Mr. Bailey moved that the vote by which bill No. 98 was ordered to be engrossed be reconsidered; to which the House agreed; and

On motion of Mr. Cox,

Ordered, That the following be added to the 2d section as an addition proviso thereto, viz:

Provided, that it shall be left discretionary with the county commissioners of every county whether such poll tax shall be levied and collected or not.

The bill was then ordered to be engrossed and read a third time.

Mr. Swan, offered the following:

Resolved, That the committee on territorial affairs be instructed to enquire into the expediency of memorializing Congress to so far amend the organic law of this territory, that members of the Council and House of Representatives shall be entitled to more than three dollars per day for their attendance in any future Legislative Assembly of the Territory of Iowa.

The resolution was rejected.

On motion, the House adjourned.

Tuesday, January 8, 1839.

Mr. Cox presented the petition of sundry inhabitants of Jackson county, praying that the Legislative Assembly memorialize Congress for a delay of further sales of public lands in this Territory, and moved the reference of said petition to the committee on territorial affairs, which motion was agreed to.

Mr. Beeler, from the committee on enrollments, reported A bill to provide for the collection of demands growing out of contracts for sales of improvements on public lands, as having been correctly engrossed.

Mr. Price, from the same committee, reported as correctly engrossed, A bill for the improvement of the breed of horses.

Mr. Roberts from the committee appointed for that purpose, reported bill No. 121, entitled A bill to organize the county of Jones and establish the seat of justice thereof. The bill was read a first time.

Mr. Toole, from the select committee appointed to prepare bill No. 122, entitled A bill to incorporate the Burlington and Iowa river turnpike company, reported the same. The bill was read a fist time.

Mr. Price, from the committee appointed to prepare bill No. 123, entitled A bill regulating the issuing of writs of ne exeat and injunction, reported the same. The bill was read a first time.

On motion of Mr. Swan,

Ordered, That James G. Edwards be employed to print the foregoing bills; also, those read a first time yesterday.

Preamble and resolution from the Council on the subject of a salary for reporter of the supreme court, were then read and concurred in.

On motion of Mr. Temple,

Ordered, That the vote of yesterday, taken on the question of the adoption of a resolution offered by Mr. Swan in relation to the per diem pay of the Legislative Assembly, be reconsidered.

The question was then again put, and the resolution adopted.

The yeas and nays being called for, were as follow:

Yeas--Messrs. Bankson, Bailey, Brierly, Coop, Cox, Delashmutt, Grimes, Hall, Nowlin, Patterson, Porter, Roberts, Summers, Swan, Temple, Thornton, Toole and Wallace, Speaker.—18.

Nays—Messrs. Beeler, Blair, Frierson, Parker and Price.—5.

Bill No. 28, Council file, entitled A bill concerning the size of counties, and providing a way in which county lines may be altered, was read a second time, and,

On motion of Mr. Cox,

Laid on the table and made the order of the day for the 22d January inst.

Bill No. 37, Council file, entitled An act concerning insane persons, was read a second time and considered in committee of the whole Mr. Frierson in the chair. The committee after a short time, rose and reported the bill without amendment. The report was received, and the bill ordered to be engrossed for a third reading.

Bill No. 93, H. R. file, entitled "A bill to define the boundaries of the counties of Scott and Clinton," was,

On motion of Mr. Summers,

Ordered to be considered in committee of the whole, Mr. Grimes in the chair. After some time, the committee rose, and reported the bill without amendment. Pending the question of concurring in the report of the committee, a call of the House was had and an absent member sent for.

The absentee appearing, after some time, the question, "will the House concur in the report of the committee?" was put, and determined in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Brierly, Coop, Cox, Delashmutt, Grimes, Hall, Nowlin, Patterson, Parker, Porter, Price, Summers, Swan, Temple and Wallace, Speaker—18.

Nays—Messrs. Blair, Frierson, Hastings, Roberts, Thornton and Toole.—6.

Mr. Swan then offered the following as an addition to the 2d section of the bill, viz:

"Townships eighty-seven, in ranges three and four east, including the fractional townships of range five, are hereby detached from Jackson county, and attached to the county of Du Buque." Adopted.

Mr. Frierson offered the following amendment to the 3d section of the bill, to be inserted after the word "meridian" in the 4th line, viz:

"To the line of Muscatine county; thence east, on the boundary line of said county, to the line dividing ranges one and two east; thence south, on said range line, to the Mississippi river."

And the question of the adoption of the amendment being put, was determined in the negative.

The yeas and nays being called for, were as follow:

Yeas--Messrs. Bankson, Bailey, Beeler, Blair, Delashmutt, Frierson, Grimes, Hastings, Roberts, Thornton and Toole.--11.

Nays--Messrs. Brierly, Coop, Cox, Hall, Nowlin, Patterson, Parker, Porter, Price, Summers, Swan, Temple and Wallace, Speaker.--13.

Mr. Hastings then made a motion to lay the bill on the table until Monday next; which motion was disagreed to.

The yeas and nays being called for were as follow:

Yeas--Messrs. Bailey, Beeler, Blair, Delashmutt, Frierson, Grimes, Hastings, Roberts, Thornton and Toole--10.

Nays--Messrs. Bankson, Brierly, Coop, Cox, Hall, Nowlin, Patterson, Parker, Porter, Price, Summers, Swan, Temple and Wallace, Speaker--15.

The bill was then ordered to be engrossed for a third rerding.

Mr. Swan, from the joint committee on enrollments, made the following report:

The joint committee appointed for that purpose, presented to the Governor for his signature, on yesterday, the following acts, viz:

An act to authorize William Meek & sons, to erect a dam across the Des Moines river, and

An act to allow and regulate writs of attachment.

Mr. Wallace, the Secretary of the Council, was introduced and delivered the following message:

Mr. Speaker,--

The Council have passed bill No. 67, H. R. file, entitled An act to establish the boundaries of Lee county, with an amendment, in which amendment the concurrence of the House is requested, and then he withdrew.

The House adjourned.

Wednesday, January 9, 1839.

Mr. Frierson offered the following:

Resolved, That the Hon. Joseph Williams be allowed three dollars per day, as a compensation for his services in drafting bills for this House, from the time he was first employed, to the 25th December ult. The resolution was adopted.

On motion of Mr. Grimes,

Ordered, That the Hon. Charles Mason be allowed three dollars per day, for services in drafting bills for the Legislative Assembly, from the time he was first employed, to the first day of January inst.

Mr. Porter from the committee appointed to prepare bill No. 124,

entitled An act to authorize Hiram C. Smith to erect a dam across Skunk river, reported the same. The bill was read a first time.

Mr. Parker from the select committee to which was referred a bill entitled An act to preserve good order in all worshipping congregations and societies, &c. reported the same back to the House with amendments.

Mr. Toole from the committee on enrollments, reported bill No. 126, H. R. file, entitled An act to establish the several seminaries herein named, as having been correctly engrossed.

Bill No. 39, Council file, entitled An act for the incorporation of public libraries was read a second time and considered in committee of the whole, Mr. Hall in the chair. The committee rose after a short time, and reported the bill without amendment. The House concurred in the report of the committee.

The question was then put, "shall the bill be engrossed and read a third time?" and determined in the affirmative.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Delashmutt, Frierson, Grimes, Hall, Hastings, Patterson, Porter, Price, Roberts, Summers, Taylor, Temple, Thornton and Toole.—19.

Nays—Messrs. Cox, Nowlin, Parker and Wallace, Speaker—4.

Bill No. 40, Council file, entitled An act to provide for the appointment of notaries public and to prescribe their duties, was read and considered in committee of the whole, Mr. Hastings in the chair. After a short time, the committee rose, and obtained leave to sit again.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Bill No. 41, Council file, entitled An act regulating practice in the district courts of the Territory, was read a second time, and,

On motion of Mr. Grimes,

Laid on the table.

Bill No. 42, Council file, entitled An act to legalize the acts of county commissioners, was read and considered in committee of the whole, Mr. Nowlin in the chair. The committee, after some time, rose and reported the bill without amendment. The report was concurred in, and the question put, "shall the bill be engrossed and read a third time?" and determined in the negative.

Bill No. 43, Council file, entitled An act to authorize Robert Wilson, his heirs or assigns to erect a dam across Skunk river, was also read, and

Ordered, That the House resolve itself into a committee of the whole, Mr. Patterson in the chair. After a short time, the committee rose and reported the bill without amendment. The House concurred in the report of the committee, and

Ordered, That said bill be engrossed for a third reading.

Bill No. 64, H. R. file, entitled A bill to prescribe the mode of proving in courts of this Territory judgments rendered by justices of the peace in the several states, was read a second time and considered in committee of the whole, Mr. Parker in the chair. After a short time, the committee rose, reported the bill without amend-

ment. The report was concurred in and the bill ordered to be engrossed, and read a third time.

Bills, H. R. file, entitled as follows:

No. 76, A bill to incorporate the town of Bloomington.

No. 88, A bill concerning notaries public.

No. 91, A bill to prevent imposition by way of lottery.

No. 103, A bill to provide for the appointment of a territorial treasurer, and defining his duties.

No. 117, A bill to authorize an interchange of statutes.

No. 118, A bill concerning bills of exchange.

No. 119, A bill to provide for the regulation of turnpike companies were then severally read a second time, and considered in committee of the whole, Mr. Porter in the chair. After some time, the committee rose, and by their chairman obtained leave to sit again for the further consideration of bill No. 88, reported bills No. 76, 91 and 117 without amendment, bills No. 103, 118 and 119, with amendments to the House and asked its concurrence. The House concurred in the report, and

Ordered, That bills No 76, 91, 103, 117, 118 and 119, be engrossed for a third reading.

On motion of Mr. Coop,

Bill No. 23, H. R. file, entitled A bill to divide the county of Henry, and establish the county of Jefferson, was taken up and read a third time.

Mr. Porter asked the unanimous consent of the House to amend the bill; which was refused.

Mr. Grimes then made a motion that the bill be laid on the table; which was agreed to.

Bill No. 67, entitled An act to establish the boundaries of Lee county, was taken up, by motion of Mr. Patterson, and the amendment made to the same, by the Council concurred in.

Bill No. 37, Council file, entitled "A bill concerning insane persons," was read a third time, passed, and the title agreed to.

Ordered, That the Council be informed.

On motion of Mr. Taylor,

Bill No. 23, was taken from the table, and the question "shall the bill pass?" put and decided in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Brierly, Coop, Frierson, Hall, Nowlin, Patterson, Parker, Price, Roberts, Summers, Taylor, Temple and Thornton.—16.

Nays—Messrs. Porter, Tocle and Wallace, Speaker—3.

The title of the bill was then agreed to, and the clerk directed to present the same to the Council for concurrence.

Mr. Nowlin, from the committee on enrollments, reported as correctly enrolled, An act to incorporate the Bloomington and Cedar river canal company. Which act was then signed by the Speaker, and the clerk directed to present it to the President of the Council for his signature.

Bills, H. R. file, No. 111 and 113, entitled An act for the improvement of the breed of horses, and

An act to provide for the collection of demands growing out of contracts for sales of improvements on public lands, were read a third time, passed, titles agreed to, and

Ordered to be sent to the Council for concurrence.

The Speaker announced a communication from two of the Judges of the Supreme Court, enclosing a bill, No. 125, relative to proceedings in chancery; which bill was read a first time, and James G. Edwards employed to print the same.

The House then adjourned.

Thursday, January 10, 1839.

Mr. Frierson presented the petition of inhabitants of Muscatine county, praying for an enlargement of the boundaries of said county. Said petition was, on motion, referred to the committee on townships and county boundaries.

Mr. Bankson presented the petition of Eliphalet Price, praying that the Legislative Assembly memorialize Congress to grant him the right of pre-emption to the northeast quarter of section sixteen, in range two west, and township ninety-one north. Which petition was referred to the committee on territorial affairs.

Mr. Beeler from the committee on enrollments, reported the following entitled bills as correctly engrossed, viz:

An act to incorporote the Des Moines mill company, and for other purposes.

An act to define the boundaries of Clinton and Scott.

An act to prescribe the mode of proving, in courts of this Territory, judgments rendered by justices of the peace in the several states.

Mr. Swan, from the comittee on enrollments, made report in the following words:

The committee on enrollments have examined An act establishing certain territorial roads, and find it correctly engrossed.

The House in committee of the whole, Mr. Hastings the chair, resumed the consideration of bill No. 40, Council file, entitled An act to provide for the appointment of notaries public, and to prescribe their duties. The committee, after a short time, rose, and by their chairman reported the bill with an amendment, in which the House concurred. The first section of the bill was then amended,

On motion of Mr. Bailey,

By striking out "four" before "years," and inserting "two." The bill was then ordered to be engrossed and read a third time.

Mr. Taylor, from the committee appointed to prepare bill No. 126, entitled An act for the removal and re-location of the county seat of Lee county, reported the same. The bill was read a first time, and on motion, James G. Edwards, was emploped to print the same.

Mr. Hastings, from select committee, reported bill No. 127, entitled An act to provide for the admission of attorneys and counsellors at law. Read a first time.

On motion of Mr. Grimes,

The vote taken yesterday on engrosssing bill No. 42, Council file, entitled An act to legalze the acts of county commissioners, was reconsidered, and the bill, by motion of Mr. Nowlin, laid on the table.

Mr. Hastings obtained leave to present the petition of James Davis, sheriff of Muscatine county, praying that his account for ordering elections in said county, be audited and paid. The petition was referred to the committee on expenditures.

Bill No. 101, entitled A bill concerning amendments and jeofails, was read a second time and considered, for a short time in committee of the whole, Mr. Price in the chair. The committee then rose and obtained leave to sit again.

The following message from the Council was received by their Secretary, Mr. Wallace:

Mr Speaker,—

I am directed to inform the House of Representatives, that the Council have passed the following entitled acts, viz:

An act to regulate the mode of petitioning the legislature in certain cases.

An act to establish the boundary lines of Washington county, and for other purposes.

An act to incorporate the Iowa Mutual Fire Insurance company.

An act to incorporate the Plymouth Mill and Manufacturing company.

In all of which the concurrence of the House is requested.

The Council have also passed bill No. 45, H. R. file, entitled An act to establish the boundaries of Louisa county, and for other purposes, without amendment.

I also herewith return two resolutions of the House, the same being signed by the President of the Council. The Secretary then withdrew.

Mr. Summers obtained leave to introduce, at a future day, A bill to regulate the practice of physicians. Messrs. Summers, Hall and Thornton, were appointed the committee to prepare said bill.

Mr. Parker likewise obtained leave to introduce A bill regulating inclosures, and

A bill providing for the summary relief of securities in certain cases. Messrs. Parker, Brierly and Blair, were appointed the committee to prepare the same.

Mr. Brierly also obtained leave to bring in A bill concerning vagrants, and

A bill to authorize F. P. Blevings to keep a ferry across the Mississippi river at the town of Apevepetuk. Messrs. Brierly, Cox, and Coop, were appointed the committee to prepare said bills.

Bill No. 41, Council file, entitled, A bill regulating practice in the District Courts of this Territory was then taken from the table by motion of Mr. Nowlin, and considered in committee of the whole, Mr. Roberts in the chair. The committee after a short time, rose and obtained leave to sit again.

Bill No. 112, R. R. file, entitled A bill to preserve good order in all worshipping congregations and societies in this Territory, was taken up, read a second time and considered in committee of the

whole, Mr. Summers in the chair. After some time the committee rose and reported the bill with amendments in which the House concurred and ordered the same to be engrossed for a third reading.

Mr. Grimes from the committee on the judiciary, who had been instructed to bring in a bill No. 123, to provide for the compensation of sheriffs of the different counties of this Territory, for ordering elections, obtaied leave then to report the same. The bill was then read a first time, and the rule requiring the same to be printed suspended.

On motion, said bill was read a second time and ordered to be considered in committee of the whole, Mr. Taylor in the chair. The committee rose after a short time and reported the bill with amendments in which the House concurred, and

Ordered, That the 16th rule of the House be suspended. The bill was then read a third time, and on motion, laid on the table.

The House resolved itself into a committee of the whole, Mr. Temple in the chair, for the consideration of bill No. 120, entitled A bill to locate a territorial road from Du Buque to Keasauqua in Van Buren county.

The committee rose after much time spent therein, and reported the bill with amendments in which the House concurred, and

Ordered, That the same be committed to the committee by which it was reported.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Bill No. 121, H. R. file, entitled A bill to organize the county of Jones, and to locate the seat of justice thereof, was read a second time, and considered in committee of the whole, Mr. Bankson in the chair. The committee rose and reported the bill with amendments, in which the House concurred, and ordered the bill to be engrossed for a third reading.

Bill No. 95, entitled A bill for the appointment and duties of sheriffs, was read and considered in committee of the whole, Mr. Bailey in the chair. The committee rose and obtained leave to sit again.

Mr. Cox moved that the House adjourn. The motion was disagreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Cox, Porter, Roberts and Thornton.—4.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Nowlin, Patterson, Parker, Price, Summers, Swan, Taylor and Toole.—15.

A call of the House was then had, and the sergeant-at-arms sent for absent members.

After a short time the further calll of the House was suspended by motion of Mr. Nowlin, and the committee of the whole resumed the consideration of the above mentioned bill No. 95; the committee rose and reported the same with amendments in which the House concurred and ordered that the 16th standing rule be suspended in reference thereto. Said bill was then read a third time, passed, title agreed to, and

Ordered to be sent to the Council for concurrence.

Mr. Swan from the committee on enrollments, made report as follows:

The committee on enrollments have compared An act to establish the boundaries of Lee county, with the engrossed bill and find it correctly enrolled; also have examined bill No. 106, H. R. file, and find it correctly engrossed. Said act was duly signed by the Speaker, and

Ordered, That the clerk present it to the President of the Council for his signature.

The following message from the Council, was received by their Secretary, Mr. Wallace:

Mr. Speaker,—

I am instructed to inform the House of Representatives, that the Council have passed bill No. 46, An act to authorize David W. Kilbourn to keep a ferry across the Mississippi river at the town of Montrose. In which the concurrence of the House is requested.

The Council have also passed bill No. 77, H. R. file, An act to authorize Benjamin Nye to build a dam across Pine river, without amendment, and

No 83, H. R. file, An act concerning costs and fees, with amendments. In which amendments the concurrence of the House is requested.

I herewith return An act to incorporate the Bloomington and Cedar river Canal company, the same being signed by the President of the Council.

I also present for your signature a preamble and resolution relative to a salary for the reporter of the supreme court.

Bill No. 122, entitled A bill to incorporate the Burlington and Iowa river turnpike company, was read a second time and considered in committee of the whole, Mr. Beeler in the chair. After a short time the committee rose and reported the bill without amendment. The House concurred in the report of the committee.

Mr. Beeler made a motion to amend the bill by inserting the following in the blank of the first section to wit:

"Wm. B. Remey, Charles J. Starr, John S. David, Richard F. Barrett and Leander J. Lockwood, of Des Moines county," Which motion was agreed to.

The bill was then ordered to be engrossed and read a third time.

Bill No. 123, H. R. file, entitled A bill regulating writs of ne exeat and injunctions, was taken up, read a second time, and on motion, laid on the table.

Bill No. 128, entitled An act to provide for the compensation of sheriffs in the different counties in this Territory for ordering elections, was amended as follows, by the unanimous consent of the House, viz:

Add the following: "To J. B. Griffith, sheriff of Clayton county, fifty dollars: to Samuel Trowbridge, sheriff of Johnson county, twenty-five dollars."

The question of the passage of the same was put, and determined in the affirmative.

Bill No. 66, H. R. file, entitled An act to establish the several

seminaries herein named, was read a third time, passed and title thereof agreed to.

Ordered, That said bills be sent to the Council for concurrence.

Bill No. 39, Council fille, entitled A bill for the incorporation of public libraries, was also read a third time, passed, and title agreed to.

Ordered, That the Council be informed.

On motion, the House adjourned to 7 o'clock, P. M.

7 O'CLOCK, P. M.

The House met pursuant to adjournment.

The hall not being sufficiently lighted, Mr. Grimes made a motion that the door-keeper be sent for a box of candles, which motion was disagreed to.

Mr. Cox moved that the House adjourn, to which the House agreed.

Mr. Taylor having called for the yeas and nays, they were as follow:

Yeas—Messrs. Bankson. Coop, Cox, Hall, Nowlin, Porter, Roberts, Thornton, Toole and Wallace, Speaker—10.

Nays—Messrs. Bailey, Beeler, Brieriy, Delashmutt, Grimes, Patterson, Price, Summers and Taylor—9.

On motion, the House adjourned.

Friday, Januay 11, 1839

Mr. Brierly, from the committee appointed for that purpose, reported bills No. 129, 130 and 131, entitled A bill to authorize Francis P. Bleving & Co. to keep a ferry across the Mississippi river.

A bill providing for the assessment of taxes on the Half Breed lands in Lee county, and

A bill concerning vagrants.

Said bills were read a first time, and ordered to be printed by J. G. Edwards.

Mr. Parker, from a select committee, reported bill No. 132, entitled An act regulating enclosures.

The bill was read a first time, and James G. Edwards employed to print it.

Mr. Hall, from the committee to which had been recommitted A bill to locate a territorial road from Du Buque to Keasauqua in Van Buren county, reported the same back to the House with amendments.

Mr. Swan, from the committee appointed to prepare A bill No. 133, to district the Territory of Iowa into electoral districts, and apportion the members of the House of Representatives in the same, reported said bill, which was then read a first time, and the rule requiring it to be printed, suspended.

Mr. Nowlin, from the joint committee on enrollments, reported the following to be correctly enrolled, viz:

An act to authorize Benjamin Nye to erect a dam across Pine river

An act to establish the boundaries of Louisa county, and to locate the seat of justice of said county.

The said acts were then signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Toole, from the committee on enrollments, reported the following to have been correctly engrossed, viz:

A bill to allow and regulate the action of waste.

A bill to provide for the burial of dead bodies found on board of vessels.

A bill authorizing Henry Eno & Co. to erect a dam across the Des Moines river.

A bill authorizing John Gaines, Otis Reynolds, &c. to keep a ferry across the Mississippi river opposite the Round Mound, at the upper mouth of the Des Moines river.

A bill authorizing James Leonard, Oliver A. Craig, &c. to keep a ferry opposite the town of Charleston.

A bill authorizing an interchange of statutes; and

A bill regulating proceedings in civil actions.

Mr. Brierly obtained leave to introduce two memorials to Congress on the subject of the erection of bridges. Messrs. Brierly, Porter and Parker, were appointed the committee to prepare said memorials.

Mr. Price also obtained leave to introduce A bill proving for the relief of the sheriff of Lee county. Messrs. Price, Taylor and Hall were appointed the committee to prepare the bill.

Mr. Wallace, the Secretary of the Council, was introduced and delivered the following message:

Mr. Speaker,—

I am directed to inform the House of Representatives that the Council have concurred in the resolution of the House requesting the Hon. Wm. B. Conway, to inform the Legislative Assembly of of all acts, &c. which had been filed in his office and sanctioned by the Executive.

Bills of the Council No. 30, 32, 34, 44 and 46, were then severally read a first time.

Bill No. 125, entitled A bill relative to proceedings in chancery, was read a second time, and considered in committee of the whole, Mr. Brierly in the chair. After a short time, the committee by their chairman reported the bill to the House without amendment. The report was concurred in. The 16th rule being then suspended, by motion, the bill was read a third time, passed, and title agreed to.

Ordered, That said bill be sent to the Council for concurrence.

Bill of the Council No. 41, entitled A bill regulating practice in the districts courts of this Territory, was again considered in committee of the whole, Mr. Roberts in the chair. The committee after a short time rose, and reported the bill without amendment. The report was concurred in, and the question, "shall the bill be engrossed and read a third time?" put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Cox, Hall, Nowlin, Patterson, Parker, Porter, Price, Roberts, Summers, Swan, Taylor, Temple, Toole and Wallace, Speaker—17.

Nays—Messrs. Blair, Brierly, Coop, Delashmutt, Frierson, Grimes, Hastings and Thornton—8.

A communication from the Hon. Charles Mason, enclosing A bill, No. 134, entitled An act regulating the action of replevin, was announced by the Speaker. Said bill and communication were read and referred to the committee on the Judiciary.

A communication from James G. Edwards was read, and with his account for printing, referred to the committee on expenditures.

Bill No. 126, entitled A bill for the removal and re-location of the seat of justice of Lee county, was read a second time.

Mr. Grimes then made a motion that the bill be laid on the table until Monday next; which motion was not agreed to.

The House resolved itself into a committee of the whole, Mr. Coop in the chair, for the consideration of said bill. The committee after some time, rose and reported the bill with amendments. The question "will the House concur in the report of the committee?" was then put, and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Blair, Coop, Cox, Delashmutt, Frierson, Hastings, Nowlin, Patterson, Parker, Porter, Price, Roberts, Summers, Swan, Taylor, Thornton, Toole and Wallace, Speaker—20.

Nays—Meesrs. Beeler, Grimes, Hall and Temple—4.

Mr. Beeler moved further to amend said bill as follows:

At the end the 2d section add the following: "And should the commissioners be of opinion that the seat of justice should be and continue at Fort Madison, they shall so report." The amendment was rejected.

The 6th and 7th lines of the first section, reading thus: "Having particular reference to the geographical centre of the county, and healthfulness and convenience of the location;" the same were then amended,

On motion of Mr. Beeler,

By inserting between the words "centre" and "of," the words "and welfare."

Mr. Beeler made a motion that the 6th section of the bill be stricken out, and the following inserted in lieu thereof:

Sec. 6. That until the public buildings are completed and ready for holding courts therein, the districts and other courts of said county, shall continue to be held at the town of Fort Madison. Which motion was disagreed to.

The bill was then ordered to be engrossed for a third reading.

Bills H. R. file, No. 64, entitled A bill to prescribe the mode of proving in courts of this Territory, judgments rendered by justices of the peace in the several states; and No. 92, entitled A bill establishing territorial roads; were then read a third time, passed, and titles agreed to.

Ordered, That said bills be sent to the Council for concurrence.

Bill No. 93, entitled A bill to define the boundaries of Scott and Clinton counties, was taken up and read a third time. Pending the question, "shall the bill pass?" a call of the House was had by motion

of Mr. Frierson, and the Sergeant-at-arms sent for an absent member. The absentee not appearing,

On motion, the House adjourned to 2 o'clock, P. M.

2 O'CLOCK, P. M.

The question remaining undecided at the last adjournment being, "shall bill No. 93, H. R. file, pass?" the same was put, and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Brierly, Coop, Cox, Hall, Nowlin, Patterson, Parker, Price, Summers, Swan and Wallace, Speaker—12.

Nays—Messrs. Bailey, Beeler, Blair, Frierson, Grimes, Hastings, Roberts, Taylor, Thornton and Toole—10.

Mr. Grimes, made a motion to lay the title of said bill on the table, which the chair decided to be out of order.

The title thereof was then agreed to, as amended by motion of Mr. Swan, and ordered to be sent to the Council for concurrence.

Bills of the House of Representatives as follows were then severally read a third time, passed, and titles agreed to, viz:

No. 89, An act to allow and regulate the action of waste.

No. 90, An act to provide for the burial of dead bodies found on board of vessels.

No. 96, An act to authorize Henry Eno & Co. to erect a dam across the Des Moines river.

No. 106, An act to incorporate the Burlington steam mill company.

No. 108, An act to incorporate the Des Moines mill company, and for other purposes.

No. 110, An act to authorize John Gaines, Otis Reynolds & Co. to keep a ferry across the Mississippi river opposite the Round Mound, at the upper mouth of the Des Moines river.

No. 117, An act to authorize an interchange of statute laws of the Territory of Iowa, with the several states and territories of the United States.

Ordered, That said bills be sent to the Council for concurrence.

Bill No. 104, entitled An act regulating proceedings in civil cases, was also read a third time, and on motion, laid on the table.

Mr. Delashmutt obtained leave to introduce at a future day, A bill to lay out and district the county of Des Moines, for the purpose of electing county commissioners. Messrs. Delashmutt, Blair and Beeler, were appointed a committee to prepare the same.

Bill No. 100, entitled An act regulating mills and millers, was taken up, read a second time, and considered in committee of the whole, Mr. Cox in the chair. After some time the committee rose, and by their chairman reported the bill with amendments, which were concurred in.

Mr. Nowlin made a motion that the 10th and 11th sections of the bill be stricken out, which was lost.

Mr. Coop moved that the 11th section after the word "part," be stricken out. Not agreed to.

Mr. Nowlin then made a motion that the words "now in operation or" be stricken from the first line of the 10th section; which motion was also disagreed to.

The bill was then ordered to be engrossed and read a third time.

Mr. Delashmutt obtained leave of absence for Mr. Temple until Monday next.

Bill No. 120, entitled A bill to establish a territorial road from Du Buque to Keasauqua in Van Buren county, with amendments made by the committee to which it was yesterday referred, was considered in committee of the whole, Mr. Delashmutt in the chair. The committee rose, after a short time, and reported the bill to the House with an amendment, which was concurred in.

Ordered, That said bill be engrossed for a third reading.

Bills, H. R. file, No. 69, An act regulating the publication and distribution of the laws and journals of the Territory of Iowa, and

No. 114, An act to authorize Oliver A. Creary, Wm. H. Brown and Charles Swan, to keep a ferry &c. were then severally read a third time, passed, and titles agreed to.

Ordered, That the same be sent to the Council for concurrence.

Bill No. 36, H. R. file, entitled An act fixing the time for holding the supreme and district courts and for other purposes, as amended by the Council, was taken up, and on motion,

Ordered to be referred to the committee on the Judiciary.

Bill No. 44, Council file, entitled An act to incorporate the Plymouth Mill and Manufacturing Company, was read a second time, and considered in committee of the whole, Mr. Frierson in the chair. After a short time, the committee by their chairman reported the bill without amendment. The House concurred in the report of the committee, and the 16th and 18th rules being suspended in reference to said bill, the same was read a third time, passed, and title agreed to.

Ordered, That the Council be made acquainted therewith.

Bill No. 129, entitled An act to authorize Francis P. Blevings to keep a ferry across the Mississippi river at the town of Awhipetuk, was read a second time and considered in committee of the whole, Mr. Grimes in the chair. After some time, the committee reported the bill with amendments, in which the House concurred.

Mr. Taylor then made a motion, that the rules be suspended, and the bill read a third time and put upon its passage, which motion was not agreed to.

Mr. Porter moved that the following be added to the second section of the bill at the end thereof, viz:

"Provided, That the said Francis P. Blevings shall at the expiration of five years procure a good and sufficient steam or horse ferry boat, otherwise this act to be null and void."

The motion was agreed to.

On motion of Mr. Porter,

The rules of the House were temporarily suspended, and the bill read a third time, passed, and title as amended agreed to.

Ordered, That said bill be sent to the Council for concurrence.

Mr. Swan from the committee on enrollments, reported bills No. 91, 103 and 122, as correctly engrossed.

Bill No. 133, entitled A bill to district the Territory of Iowa into electoral districts, and apportion the members of the House of Representatives in the same, was read a second time and considered in committee of the whole, Mr. Hall in the chair. The committee after some time, by their chairman, reported the bill with amendments, which were concurred in.

The 16th and 18th rules were then suspended in reference to to the same, and the bill read a third time, passed, title agreed to, and ordered to be sent to the Council for concurrence.

Mr. Hastings offered the following:

Resolved, That the honorable Charles Mason, be requested to furnish bills for the action of this House, until the 20th day of January inst. Rejected.

Mr. Nowlin offered the following:

Whereas, the present session of the Legislative Assembly is drawing near the close, and that it is improper that many new bills should be introduced during the remainder of the session, therefore,

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the resolution requesting the Judges of the supreme court to draft and present bills to the Legislative Assembly, be and the same is hereby rescinded; which were adopted.

On motion of Mr. Grimes,

Ordered, That the Secretary of the Territory, be instructed to pay the Hon. Charles Mason three dollars per day from the first day of January, 1839, to the present time.

Mr. Porter asked leave to introduce A bill establishing a seminary at Mount Pleasant, which was granted. Messrs. Porter, Coop and Bailey, were appointed a committee to prepare the bill.

Mr. Beeler offered the following:

Whereas, The present session of the Legislative Assembly will expire in a few days, and there is still remaining a great number of bills in both branches of this assembly to receive the action of both Houses, and a great number of those bills being of a local nature, and standing in the way of the action of the Legislative Assembly, on bills of a general nature, which are essentially necessary to pass into laws; therefore,

Resolved, By the House of Representatives, That the Speaker of the House shall appoint a committee, whose duty it shall be to select from the different bills in progress, such as they may deem most important for the general good, and people of the territory; which bills, when so selected, shall be entitled to a preference in the action of the Legislative Assembly.

Which were, on motion of Mr. Porter, laid on the table.

The House adjourned to six and a half o'clock, P. M.

6½ O'CLOCK, P. M.

Bill No. 83, entitled An act concerning costs and fees, as amended by the Council was read, and the amendments having reference to the mileage and per centage allowed to sheriffs for collecting, to constables for mileage, to witnesses and petit jurors for attendance

in court, were severally disagreed to: the remainder of the amendments made by Council to said bill, were concurred in.

Ordered, That the clerk acquaint the Council therewith.

Bill No. 124, entitled An act to authorize Hiram C. Smith & Co. to erect a dam across Skunk river, was read a second time and considered in committee of the whole, Mr. Hastings in the chair. The committee after a short time reported the bill by their chairman with an amendment, which was concurred in. The 16th and 18th rules were suspended by motion of Mr. Porter, and the bill read a third time, passed, title agreed to, and

Ordered to be sent to the Council for concurrence.

The Secretary of the Council, Mr. Wallace, being introduced, delivered the following message:

Mr. Speaker,—

I am instructed to inform the House of Representatives, that the Council have passed the following entitled acts, viz:

An act concerning the construction of statutes; also

The following acts of the House with amendments:

An act to provide for the appointment of sheriffs, &c.

An act to provide for the appointment of justices of the peace, &c.

In all of which the concurrence of the House is requested.

I also herewith return the following bills which have been signed by the President of the Council.

An act to establish the boundaries of Lee county:

An act to establish the boundaries of Louisa county, and to locate the seat of justice of said county.

An act to authorize Benjamin Nye to build a dam across Pine river; also

A joint resolution requesting W. B. Conway, Esq. to inform the Assembly of all acts thereof, which have received the approval of the Executive.

The Council have also passed bill No. 105, H. R. file, An act authorizing a special term of the district courts in Muscatine county, with an amendment, in which the concurrence of the House is requested. And then he withdrew.

Bills No. 131, entitled An act concerning vagrants; and

No. 132, An act regulating enclosures, were read a second time and considered in committee of the whole, Mr. Patterson in the chair. The committee by their chairman, reported said bills with amendments, in which the House concurred, and

Ordered the same to be engrossed and read a third time.

The amendments of the Council made to bill No. 105, were read and concurred in.

Bill No. 101, entitled An act concerning amendments and jeofails, was, on motion, again considered in committee of the whole, Mr. Price in the chair. The committee after a short time, by their chairman, reported the bill with an amendment, which was concured in.

Ordered, That said bill be engrossed and read a third time.

Bill No. 127, entitled An act to provide for the admission of attorneys and counsellors at law, was read a second time and considered in committee of the whole, Mr. Parker in the chair. The commit-

tee rose and by their chairman reported the bill with amendments, in which the House concurred, and ordered that the same be engrossed for a third reading.

Bill No. 30, Council file, entitled An act to regulate the mode of petitioning the Legislature in certain cases, was read and considered in committee of the whole, Mr. Porter in the chair. The committee rose, reported the bill without amendment and asked the concurrence of the House. The House concurred and ordered the bill to a third reading.

Bill No. 32, Council file, was likewise read and considered, Mr. Roberts in the chair, who, after a short time obtained leave for the committee to sit again.

The House then adjourned.

Saturday, January 12, 1839.

On motion of Mr. Frierson,

Resolved, That a committee of one from each electoral district be appointed to inquire into the expediency of establishing a penitentiary in this territory, and that they have leave to report by bill or otherwise on Monday next.

Messrs. Frierson, Bailey, Delashmutt, Cox, Summers, Roberts, Taylor and Porter were appointed said committee.

Mr. Beeler, from the joint committee on enrolments, reported the following acts to have been this day presented to the Governor for his approval, viz:

An act to incorporate the Bloomington and Cedar river canal company.

An act to establish the boundaries of Louisa county, to locate the seat of justice of said county, and for other purposes.

An act to authorise Benjamin Nye to build a dam across Pine river; and

An act to to establish the boundaries of Lee county.

Also a joint resolution allowing pay to the committee who investigated the affairs of the Miners' Bank of Du Buque, and a preamble and resolution asking Congress for an appropriation for the survey of all unsurveyed lands in the territory of Iowa, to which the Indian title has been extinguished.

Mr. Grimes from the committee on the judiciary, to which had been referred the communication received yesterday from the Hon. Charles Mason, reported biil No. 134, entitled an act regulating the action of replevin, which bill was read a first time, and

On motion of Mr. Bankson,

Ordered to be printed by J. G. Edwards.

Mr. Price from a select committee, reported bill No. 135, 'A bill providing for the relief the sheriff of Lee county.'

The bill was read a first time, and the rule requiring bills to be

Mr. Nowlin from the committee on expenditures, to which had been referred the account of James G. Edwards for printing, made report that the committee would recommend the adoption of the following:

Resolved, That James G. Edwards be allowed the sum of one hundred and thirteen dollars and ninety two cents, the amount of his account for occasional printing by order of this House.

The resolution was adopted.

Mr. Nowlin from the committee on territorial affairs, to which was referred the petition of Eliphalet Price, reported a memorial to the Congress of the Unitted States, in relation to settlements on school lands. The memorial was read a first and second time; and is as follows:

To the Honorable, the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the Legislative Asyembly of the Territory of Iowa, would most respectfully represent to your honorable body that in the settlement of that portion of this territory within the Du Buque land district, many of our fellow citizens previous to the survey of the country, unfortunately and innocently settled upon the sixteenth section,—land reserved by the general government for school purposes, and that in many instances, large and valuable improvements have been made thereon: and that without the interposition of our parent government, this portion of our settlers will be reduced to poverty.

Your memorialists would suggest to your honorable body, that a large portion of the country referred to, was settled at the instance and by the invitation of agents of the general government, consequently they cannot be considered intruders upon the public domain. Your memorialists would therefore respectfully ask your honorable body to interpose in behalf of this portion of our fellow citizens by passing a law, giving to them the right of pre-emption to the quarter section upon which they are settled, including their improvements, and that the same quantity be located upon unoccupied lands for school purposes. Your memorialists are clearly of opinion that a measure of this character will not lessen the school fund, as other lands equally valuable, (without improvements) can be elsewhere located in lieu of the same, and that it will be doing a great justice to those who have unfortunately expended much labor and means in the improvement of portions of the sixteenth section. And, as in duty bound, your memorialists will ever pray, &c.

The following message from the Council was received, by their Secretary, Mr. Wallace:

Mr. Speaker—

I am directed to inform the House of Representatives, that the Council have passed an act defining crimes and punishments, in which the concurrence of the House of Representatives is requested.

I also herewith return an act authorizing a special term of the district court, in Muscatine county, the same being signed by the President of the Council.

Mr. Toole from the committee on enrolments, reported bills No. 112, 116, 118, 119, 121, and 126, as correctly engrossed.

On motion of Mr. Summers,

The above named bill No. 135 was considered in committee of the whole, Mr. Porter in the chair. Memorial to Congress in relation to the 16th section of public lands was, by motion of Mr. Taylor, considered by the same committee. After some time, the committee, by their chairman, reported the bill with amendments, which were concurred in, and the memorial with amendments, to which the House disagreed.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Cox, Frierson, Grimes, Hall, Nowlin, Patterson, Roberts, Summers, Taylor and Toole--11.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Hastings, Parker, Porter, Price, Thornton and Wallace, Speaker—12

Mr. Taylor called for the previous question.

The question was then put, "shall the main question be now put?" and determined in the affirmative; when Mr Roberts made a motion that the House adjourn, which motion was disagreed to.

The yeas and nays being called for, were as follow:

Yeas—Mr. Roberts—1.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Hastings, Nowlin, Patterson, Parker, Porter, Price, Summers, Taylor, Thornton, Toole and Wallace, Speaker--22.

The main question, "shall the memorial be engrossed and read a third time?" was then put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Brierly, Coop, Cox, Frierson, Grimes, Hall, Nowlin, Patterson, Porter, Price, Summers, Taylor, Thornton and Wallace, Speaker.--15.

Nays—Messrs. Bailey, Beeler, Blair, Delashmutt, Hastings, Parker, Roberts and Toole--8.

Ordered, That said bill No. 135, be also engrossed for a third reading.

Bill No. 47, Council file, entitled An act concerning the construction of statutes, &c. was read a first time and the rule requiring the same to be printed, suspended.

On motion, the House resolved itself into a committee of the whole, Mr. Roberts in the chair, for the consideration of the bill. The committee rose, after a short time, and by their chairman reported said bill without amendment.

The House concurred in the report of the committee. Mr. Cox then made a motion that the bill be laid on the table, which was lost.

On motion of Mr. Beeler,

The 16th and 18th rules were suspended in relation to said bill and the same read a third time, passed, and the title agreed to.

Ordered, That the clerk acquaint the Council therewith.

Bill No. 34, Council file, entitled an act to incorporate the Iowa Mutual Fire Insurance company, was read a second time, and on mo-

tion considered in committee of the whole, Mr. Summers in the chair. After some time the committee rose, reported progress, and obtained leave to sit again.

Mr. Beeler from the committee on enrolments reported that a joint resolution requiring the Secretary of the Territory, to inform the Legislative Assembly in relation to acts deposited in his office with the approval of the Governor, had been this day presented to said Secretary.

On motion, the House adjourned.

Monday, January 14, 1839.

Mr. Cox presented the account of Andrew F. Russel, for furnishing twenty six maps of the territory, and on motion the said account was referred to the committee on expenditures.

Mr. Beeler from the joint committee on enrolments, reported "An act to authorise a special term of the district court, in Muscatine county," to have been presented to the Governor for his approval on the 12th inst.

Mr. Grimes from the committee on the judiciary to which had been referred a bill fixing the time for holding the Supreme and District Courts and for other purposes, reported the same back to the House with amendments.

Mr. Swan from the committee on enrolments, reported as correctly engrossed, bills No. 76, 100 and 120.

Mr. Frierson from the committee appointed to inquire into the expediency of establishing a penitentiary within this Territory, made report accompanied by bill No. 136, entitled, A bill to provide for the erection of a penitentiary.

Said bill was read a first time.

Mr. Beeler asked and obtained leave to introduce bill No. 137, entitled an act for the appointment of constables and defining their duties.

On motion said bill was read a first time and the rule requiring it to be printed suspended.

Mr. Delashmutt from the committee appointed for that purpose, reported bill 138, entitled an act to district the county of Des Moines, for the election of county commissioners.

Read a first time.

On motion of Mr. Taylor,

Ordered, that James G. Edwards be employed to print bills ordered to be printed on to day.

Mr. Nowlin from the committee on territorial affairs, to which had been referred the petition of sundry citizens of Jackson county, praying that the Legislative Assembly memorialize the President of the United States to withhold the sale of public lands in this territory, reported a memorial for that purpose, which memorial was read a first time, and is as follows:

To his Excellency MARTIN VAN BUREN, President of the United States.

Your memorialists, the Council and House of Representatives of the territory of Iowa, would most respectfully represent the propriety of withholding the sale of public lands.

Many of the worthy and respectable citizens of Iowa have emigrated to this country within the last two years, and have taken up claims and made valuable improvements thereon. They have labored under many disadvantages and privations in order to secure to themselves and families a comfortable home.

They have spent their all, in thus emigrating and laboring to provide a support for themselves and families, thinking that the same course would be taken as was heretofore pursued by the general government, and that the lands would not be brought into market until they could have at least two or three years to enable themselves to purchase their farms.

Your memorialists would farther state that if the lands are brought into market the ensuing season, many of our citizens will be compelled either to surrender their homes or borrow money from the speculator at fifty, and perhaps a hundred per cent.

Your memorialists would earnestly recommend that you withhold the further sale of public domain for at least one year from November next, during which time our worthy citizens may reap the benefit of at least one crop from their farms.

All of which is respectfully submitted, &c.

The House then, on motion, resolved itself into a committee of the whole, Mr. Summers in the chair, on the amendments made by the committee on the judiciary, to a bill fixing the terms of the Supreme and District courts of the territory, &c.

The committee, by their chairman, made report thereon, which was received, and said amendments adopted.

The amendments made by the Council to No. 58, a bill to provide for the appointment of Justices of the Peace, to define their duties and regulate their proceedings, were severally read and concurred in.

Ordered, That the Council be informed.

Bill No. 130, entitled an act to provide for the collection of taxes off the half breed lands in Lee county, was read a second time and considered in committee of the whole, Mr. Taylor in the chair.—The committee rose after a short time, and by their chairman reported the bill with amendments, in which the House concurred, and

On motion of Mr. Taylor,

Ordered, That that the 16th and 18th rules be suspended in relation to said bill.

The bill was then read a third time, passed, and the title agreed to.

Ordered that the same be sent to the Council for concurrence.

Bill No. 134, entitled an act regulating the action of replevin, was taken up, read a second time, and considered in committee of the whole, Mr. Temple in the chair. The committee after a short time,

by their chairman, reported said bill without amendment. The House concurred in the report, and

On motion of Mr. Cox,

Ordered, that the 14th section be stricken out, and the bill ordered to be engrossed for a third reading.

Mr. Hastings offered the following:

Resolved, that James G. Edwards be employed to print five hundred copies of the act concerning justices of the peace, in pamphlet form, to prepare an index to the same, and deposite the same with the Secretary of the Territory. And the said Secretary is hereby authorized to pay the said Edwards the sum of two hundred dollars, on the deposit of the copies in his office. And the Secretary is hereby required to distribute the copies among the several counties of this Territory, immediately after they are received, one to each judicial officer in every county.

The resolution was laid on the table.

Bill No. 46, Council file, entitled an act to authorize David W. Kilbourn to keep a ferry across the Mississippi river at the town of Montrose, was read a second time and considered in committee of the whole, Mr. Toole in the chair. After a short time the committee, by their chairman, reported the bill without amendment. The House concurred in the report, and ordered the bill to a third reading.

Bills, Council file, No. 30, entitled an act to regulate the mode of petitioning the legislature in certain cases, and No. 41, entitled an act regulating practice in the district courts of the Territory of Iowa, were read a third time, passed, and titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

Bill No. 116, entitled an act for the benefit of Des Moines county, was read a third time, and the question, "shall the bill pass?" put and determined in the affirmative.

The yeas and nays being called for and were as follow:

Yeas—Messrs. Bankson, Beeler Blair, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Summers, Swan, Taylor, Temple, Thornton and Wallace, Speaker—15.

Nays—Messrs. Bailey, Brierly Patterson, Parker, Porter, Price, Roberts and Toole—8.

Bills of the House of Representatives, entitled as follow:

No. 76, An act to incorporate the town of Bloomington.

No. 91, An act to prevent imposition by way of lottery in this territory.

No. 100, An act regulating mills and millers.

No. 103, An act to provide for the appointment of a Territorial Treasurer and defining his duties.

No. 112, An act to preserve good order in all worshipping congregations and societies in this territory.

No. 118, An act concerning bills of exchange.

No. 119, An act to provide for the regulation of turnpike companies.

No. 120, An act to locate a territorial road from the town of Du-Buque to Keasauqua, in Van Buren county.

No. 121. An act to organize the county of Jones, and establish the seat of Justice thereof.

No. 122, An act to incorporate the Burlington and Iowa river turnpike company;

Were severally read a third time, passed and the titles agreed to.

Bill No 126, entitled "an act for the relocation of the county seat of Lee county," was also read a third time.

Mr. Taylor obtained the unanimous consent of the House to offer the following as an additional section to the bill:

"Sec. 7. That upon the presentation of the certificate of service, signed by the aforesaid commissioners, it shall be the duty of the treasurer of Lee county to audit and pay the respective sums allowed by the provisions of this act, out of any money in the treasury not otherwise appropriated." Adopted.

The question was then put, "Shall the bill pass?" and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Blair, Brierly, Coop, Cox, Delashmutt, Frierson, Hastings Nowlin, Patterson, Parker, Porter, Price, Roberts, Summers, Swan, Taylor, Thornton, Tocle and Wallace, Speaker—21.

Nays—Messrs. Beeler, Grimes, Hall, and Temple—4.

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

Ordered, That said bills be sent to the Council for concurrence.

On motion of Mr. Taylor,

Bill No. 29, Council file, entitled an act concerning crimes and punishments, was taken up and read a second time. The House then resolved itself into a committee of the whole on the same, Mr. Taylor in the chair. After some time the committee rose, and by their chairman obtained leave to sit again.

Mr. Hall asked leave at a future day to introduce a bill providing for the recording of town plats, and a bill to incorporate the Keasauqua Lyceum.

Leave was granted, Messrs. Hall, Cox and Swan, were appointed a committee to prepare the bills, and then

On motion of Mr. Cox,

Wm. H. Turner was employed to assist in enrolling and engrossing bills.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Swan, from the committee on enrolments, reported as correctly engrossed, bills No 96, 101, 131, and 135. Also a memorial to Congress on the subject of settlements upon school lands.

Mr. Beeler obtained leave at a future day, to introduce a bill to incorporate the Burlington and Des Moines river canal company.

Messrs. Beeler, Hall and Parker, were appointed a committee to prepare the bill.

Mr. Hasting, from select committee, reported bill No. 139, entitled an act to provide for the sale of the land on which the seat of

justice of Muscatine county is located; which bill was read a first time.

Bill No. 95, entitled an act for the appointment and duties of sheriffs as amended by the Council, was taken up, read, the amendment to the 9th section concurred in, and that made to the 14th section disagreed to.

Ordered, That the Council be informed.

Mr. Taylor, by leave, introduced a memorial to Congres, praying for the passage of an act, granting school lands to the board of commissioners of Lee county, for the purposes of education in the half breed tract; which memorial was read a first and second time, and on motion, considered in committee of the whole, Mr. Brierly in the chair. The committee after some time, reported the memorial with amendments, in which the House concurred, and ordered that the same be engrossed for a third reading. The said memorial is as follows:

To the Senate and House of Representatives of the United States of America, in Congress assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, that by a treaty between the United States and the Sac and Fox tribes of Indians ratified en the fourth day of August, 1834, a large and valuable tract of land lying between the Des Moines and Mississippi rivers and lying in the county of Lee, in this Territory, was reserved for the half breeds of the said Sac and Fox tribes of Indians; which tract of land (containing one hundred and nineteen thousand acres) was confirmed to the use and benefit of the said half breeds, by an act of Congress, approved the 30th day of June, 1834, by which treaty and act the county of Lee has lost a large and the most valuable portion of the school land.

We, therefore, pray your honorable body to pass an act granting the board of county commissioners, for the county of Lee, the privilege of locating six and a quarter sections of land in any part of this Territory, to be used for the purposes of education in the said half breed tract of land: *Provided* said land shall not be located on any person's improvement. All of which is most respectfully submitted, &c.

Mr. Wallace, the Secretary of the Council, was introduced and delivered the following message:

Mr. Speaker,—

I am instructed to inform the House of Representatives, that the Council have passed the following entitled acts of the House without amendment, viz:

No. 102, An act confirming grants of property made for the encouragement of education and for other purposes.

No. 109, An act to organize the county of Linn, and to establish the seat of justice thereof.

No. 108, An act to incorporate the Des Moines Mill company, and for other purposes.

Also, the following entitled acts of the House with amendments:

No. 80, An act to provide for the appointment of district prosecutors and defining their duties.

No. 96, An act to authorize Henry Eno & Co. to erect a dam across the Des Moines river.

No. 78, An act for establishing Courts of Probate.

In all of which the concurrence of the House is requested.

The Council have concurred in the memorial to Congress on the subject of a survey of Skunk river.

Also a resolution instructing the Secretary of the Territory to procure copies of all memorials adopted by the Legislative Assembly, to be forwarded to the President of the United States, &c.

I also herewith present for your signature, An act to provide for changing the venue in civil and criminal cases. And then he withdrew.

The said last named act was then signed by the Speaker.

The amendments made by the Council to bill No. 78, a bill to establish Courts of Probate, were read and concurred in.

The amendments made by the Council to bill No. 80, entitled a bill providing for the appointment of District prosecutors, were read and concurred in.

The yeas and nays being called for were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop. Delashmutt, Frierson, Hastings, Patterson, Parker, Price, Summers, Thornton and Toole—15.

Nays—Messrs. Cox, Grimes, Hall, Nowlin, Porter, Roberts, Swan, Taylor and Wallace, Speaker—9.

The amendments of the Council to bill No 96, entitled a bill to authorise Henry Eno & Co. to erect a dam across the Des Moines river, were also read and concurred in.

Bills of the House of Representatives, No 88, entitled An act to collect and assess a county revenue.

No. 101, An act concerning amendments and jeofails.

No. 131, an act concerning vagrants.

No 135, an act providing for the relief of the sheriffs of Lee and Scott counties; were severally read a third time, passed, and the titles agreed to.

Also a memorial on the subject of settlement on school lands.

Ordered, That said bills and memorials be sent to the Council for concurrence.

Bill No. 34, Council file, entitled an act to incorporate the Mutual Fire Insurance company, was again considered in committee of the whole, Mr. Summers in the chair. After some time the committee rose, and reported the bill with amendments, in which the house refused to concur, and ordered said bill to a third reading.

Mr. Nowlin, from the committee on territorial affairs, which had been instructed to inquire into the expediency of memorializing Congress to increase the per diem pay of members of tne Legislative Assembly, made report accompanied by the following:

Resolved, by the Council and House of Representatives of the territory of Iowa, That the Hon. Wm. W. Chapman, our delegate in Congress, be instructed to use his influence in having the organic law amended so as to raise the per diem of members of the Legislative Assembly.

The report was received, and the resolution adopted.

Bill No. 29, Council file, entitled an act defining crimes and punishments, was again considered in committee of the whole, Mr. Bankson in the chair. After a short time the committee rose, reported farther progress and obtained leave to sit again.

The House adjourned.

Tuesday, January 15, 1839.

Mr. Wallace, the Secretary of the Council, being introduced, delivered the following message:

Mr. Speaker,—

I am directed to inform the House that the Council have passed the following entitled acts, with amendments, viz:

No. 23, H. R. file, An act to divide the county of Henry, and establish the county of Jefferson.

No. 144, An act for the improvement of the breed of horses.

In which the concurrence of the House is requested.

The Council have also passed the following without amendment.

No. 64, H. R. file, An act to prescribe the mode of proving in courts of this Territory, judgments rendered by justices of the peace in the several states.

No. 113, An act to provide for the collection of demands growing out of contracts, for sales of improvements on public lands.

The Council have also concurred in amendments made by the House, to amendments of the Council, to bill No. 36, H. R. file, An act fixing the terms of the supreme and district courts, &c. And then withdrew.

Mr. Grimes from the committee on the judiciary, to which had been referred the petition of H. E. W. East, praying for a divorce from his wife, Sarah East, made an unfavorable report thereon.

Mr. Patterson, from the committee to which had been referred the account of A. F. Russell, for furnishing the House with map's reported the following resolution.

Resolved, That the Secretary of the Territory pay Andrew F. Russel the sum of one hundred and thirty dollars, which shall be in full for constructing twenty-six maps of this Territory for the House of Representatives.

Mr. Cox made a motion to amend the resolution by striking out "one hundred and thirty," and inserting in lieu thereof "one hundred and eighty-two;" which motion was agreed to, and the resolution as amended adopted.

Mr. Hall, from the select committee reported bills No. 140, entitled An act to incorporate the Keasauqua Lyceum, and

No. 141, An act to provide for the recording of town plats; which bills were read a first time.

Mr. Parker obtained leave to introduce No. 142, entitled A bill supplementary to an act for the location of the seat of government, which bill was read a first time, when Mr. Grimes made a motion to lay the same on the table; which motion was disagreed to.

The yeas and nays being called, were as follow:

Yeas—Messrs. Cox, Delashmutt, Grimes, Hall, Porter, Summers, and Wallace, Speaker—7.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Brierly, Coop, Frierson, Hastings, Nowlin, Patterson, Price, Roberts, Swan, Taylor, Thornton and Toole—16.

The Speaker announced a communication from the Hon. Wm. B. Conway, Secretary of the Territory, which was read and is as follows:

SECRETARY'S OFFICE,
TERRITORY OF IOWA, JAN. 14, 1839.

To the Honorable the Speaker of the House of Representatives.

SIR:—The receipt of a joint resolution adopted by the Honorable the Legislative Assemby, and transmitted to this Department on the 12th inst., is hereby respectfully acknowledged.

The resolution now referred to, is accompanied by a preamble, which sets forth that the Governor of this Territory "has often refused, and wholly neglected to inform either branch of the Legislative Assembly, of such acts as have met with his Executive sanction; and, therefore, the Secretary is requested to furnish the information thus withheld from the Representatives of the people of Iowa.

With this request, so reasonable in itself, and so necessary to a proper understanding of the progress already made in our Territorial legislation, and the further prosecution of the public business, the Secretary is entirely disposed to comply. And therefore a list of all the acts, resolutions and memorials which have been forwarded from the Executive to this Department, is herewith transmitted to the House of Representatives; accompanied by a respectful request, that a copy of the same be made out by order of the House, for the use of the Council; or if it appear on the printed journal, the same object may be attained without the trouble of taking a transcript. The press of business will justify this suggestion.

By the terms of the resolution now before him, the Secretary is requested to specify all acts of the present session of the Legislative Assembly, "which have received the Executive sanction." It is peculiarly unpleasant for the Secretary to be obliged to say, that this requirement involves a principle, which, in the present instance, must be viewed through the medium of learned obscurity. Whether the acts named on the list now submitted and numbered 41, 42, 43, 44 and 45, have received the "Executive sanction," is a question calculated to engender a multitude of doubts. All these acts relate to ferries across the Mississippi river and embrace all the acts on that subject, now in the office, with the solitary exception of an act granting ferry privileges across the same river, to his Honor Judge Williams and Charles Alexander Warfield, at the town of Bloomington, in the county of Muscatine; which said act last mentioned, has received an unconditional approval from his Excellency the Governor. In assenting to the five acts enumerated before the exception just noticed, a reference is made thereon, in the hand writing of the Governor, to the future judicial construction of their provisions involving subjects already protected by the laws of Congress, as well

as the laws of the Territory of Iowa. For the information of the Honorable the Legislative Assembly, the Secretary will quote the form most generally adopted by his Excellency, Governor Lucas, in assenting to these acts.

On the Act authorizing Ralph Letton to establish and keep a ferry across the Mississippi river at the town of Parkhurst, the following endorsement in the hand waiting of the Governor, precedes the approval, to wit:

"N. B. *As far as this Act may be construed to interfere with the "property of the United States, or individual rights, it will be consid-"ered void—in other respects valid.* With this note of explanation, "I yield to it my assent. Approved January 4th, 1839.

(Signed,) ROBERT LUCAS."

The notes endorsed on all these acts, are substantially the same; stating, that "as far as they may be construed" to do so and so, the Governor considers they "will be void," and "in other respects," he considers they will be "valid;" except the Act for establishing a ferry across the Mississippi river at Du Buque which merely comprehends a wider range of nullifying subjects.

Whether these acts can be properly embraced by the requirement of your resolution, as acts which have received the "Executive sanction," is a question with which the Secretary has no right, and therefore, no disposition to interfere; but inasmuch as they have been sent to this office, as acts which have received the final action of the Executive Department, the Secretary conceives it to be a duty to give them a place in the list of acts herewith transmitted; accompanied by a repetition of the high consideration, with which he has the honor to remain,

Your obedient servant,

WM. B. CONWAY,

Secretary of the Territory of Iowa.

List of acts which have been approved by His Excellency Robert Lucas, Governor of Iowa, and now on file in the office of the Secretary of the Territory.

1. An act relative to Mechanics' liens and for other purposes. H. R. Approved December 17th, 1838.

2. An act to locate and establish a territorial road from Keokuk, on the Mississippi river, to Iowa city, on the Des Moines river. H. R. Approved, December 14, 1838.

3. An act to provide for the incorporation of agricultural societies. Council. Approved, December 19, 1838.

4. An act to repeal an act of the Legislative Assembly of the Territory of Wisconsin, of January 19th, 1838. H. R. Approved, December 14, 1838.

5. An act to organize, discipline and govern the militia of this Territory. Council. Approved, January 4, 1839.

6. An act regulating weights and measures. H. R. Approved, January 4, 1839.

7. An act concerning grand and petit jurors. H. R. Approved, January 4, 1839.

8. An act to provide for the partition of real property. H. R. Approved, January 4, 1839.

9. An act regulating criminal proceedings. H. R. Approved, January 4, 1839.

10. An act relative to promissory notes, bonds and other instruments of writing. H. R. Approved, January 4, 1839.

11. An act to allow and regulate the action of right. H. R. Approved, December 29, 1838.

12. An act to prevent the selling of spirituous liquors to Indians. H. R. Approved, January 3, 1839.

13. An act to establish a seminary of learning at Wapello, in Louisa county. Council. Approved, December 29, 1838.

14. An act for the relief of securities of persons charged with criminal offences. H. R. Approved, January 3, 1839.

15. An act to establish the boundaries of Louisa county, and to locate the seat of justice of the said county, and for other purposes. H. R. Approved, Janary 12, 1839.

16. An act to locate a territorial road from Fort Madison, &c. Council. Approved, December 19, 1838.

17. An act to provide for the laying out and opening territorial roads. Council. Approved, December 29, 1838.

18. An act to prevent disasters on steam boats navigating the waters within the jurisdiction of this Territory. H. R. Approved, January 4, 1839.

19. An act to provide for the establishment of common schools. H. R. Approved, January 1, 1839.

20. An act to provide for the collection of demands against boats and vessels. H. R. Approved, December 20, 1838.

21. An act regulating the mode of taking depositions, and to provide for the perpetuation of testimony. Council. Approved, December 19, 1838.

22. An act organizing a board of county commissioners in each county of the Territory of Iowa. H. R. Approved, December 14, 1838.

23. An act to regulate ferries. H. R. Approved, December 20, 1838.

24. An act allowing and regulating writs of attachment. H. R. Approved, January 7, 1839.

25. An act to prevent and punish gambling. H. R. Approved, December 25, 1838.

26. An act to regulate interest on money, and to prevent nsury. H. R. Approved, December 29, 1838.

27. An act to locate and establish a territorial road from Black Hawk, in Louisa county, via Mount Pleasant, to the southern boundary of Van Buren county, &c. Council. Approved, December 31, 1838.

28. An act concerning divorces. H. R. Approved, December 29, 1838.

29. An act to fix the time of the first session of the supreme court of the Territory of Iowa, and for other purposes. H. R. Approved, November 28, 1838.

30. An act relative to pleas in abatement and the abatement of suits by the death of parties. H. R. Approved, December 5, 1838.

31. An act defining the duties of county surveyors. H. R. Approved, December 25, 1838.

32. An act to punish the venders of unwholesome liquors and provisions. H. R. Approved, December 29, 1838.

33. An act relating to informations in the nature of quo warranto, and regulating the mode of proceedings thereon. H. R. Approved, December 20, 1838.

34. An act concerning debtors and their securities. H. R. Approved, December 21, 1838.

35. An act to make good and valid in law the acts of Robert G. Roberts, done and performed by him as a justice of the peace in and for the original county of Du Buque, in the Territory of Wisconsin, now the Territory of Iowa. H. R. Approved, December 14, 1838.

36. An act authorizing a special term of the district court in Muscatine county. H. R. Approved, January, 12, 1839.

37. An act to incorporate the Bloomington and Cedar river canal company. H. R. Approved, January 12, 1839.

38. An act to authorize William Meek & sons to erect a dam across the Des Moines river. H. R. Approved, January 7, 1839.

39. An act to authorize Benjamin Nye to build a dam across Pine river. H. R. Approved, January 12, 1839.

40. An act to authorize Joseph Williams and Charles Alexander Warfield to keep a ferry. H. R. Approved, December 14, 1838.

41. An act to authorize Timothy Fanning to establish and keep a ferry across the Mississippi, at the town of Du Buque. Council. Approved, with notes and explanations, December 14, 1838.

42. An act to authorize Ralph Letton to establish and keep a ferry across the Mississippi river at the town of Parkhurst. H. R. Approved, with notes and explanations, January 4, 1839.

43. An act to authorize J. S. Kirkpatrick to establish and keep a ferry across the Mississippi river at the town of Bellview. H. R. Approved with notes and explanations, December 17, 1838.

44. An act to authorize John H. Sullivan and Adrian H. Davenport to establish and keep a ferry acrosss the Mississippi river at the town of Rockingham. H. R. Approved, with notes and explanations, December 17, 1838.

45. An act to authorize Aaron Usher and Thomas M. Groom to establish a ferry across the Mississippi river. H. R. Approved, with notes and explanations, December 29, 1838.

LIST OF JOINT RESOLUTIONS.

1. A resolution that the committee appointed under a joint resolution of both Houses to repair to the Miners' Bank of Du Buque and investigate the affairs, &c. of the same be allowed the sum of one hundred dollars each. Approved January 12, 1839.

2. A resolution that our delegate in Congress be requested to solicit and obtain an appropriation for the survey of all unsurveyed lands in the Territory to which the Indian title has been extinguished and that the Governor be requested to forward copies thereof to the Delegate, Speaker H. R. and President United States. Approved January 12, 1839.

3. A resolution empowering and authorizing the Secretay of the Territory to employ William Wagner to engrave a seal for the supreme court of the Territory; also, a seal for the United States district court in each county when organized, &c. and a seal for county commissioners court in each county and a seal for the probate courts in each county. Approved January 4, 1839.

4. A resolution that Clarke & McKenny publish the proceedings of H. R and that Russell & Reeves print the laws passed at the present session, and enter into bonds with the Secretary of the Territory in the sum of $5000, to deliver &c. Approved November 27, 1838.

5. A resolution concerning the form of the enacting clause of all laws passed by the Legislative Assembly of Iowa. Approved January 4, 1839.

6. A resolution approving of the seal of Territory. Approved January 4, 1839.

7. A resolution that Russell & Reeves furnish 2000 copies of the laws for the use of the Territory, and prefix to each copy the constitution of the United States,—the Declaration of Independence, the organic law of the Territory of Iowa, and the ordinance of 1787 respecting the north west territory. Approved January 4, 1839.

8. A resolution requesting the judges of the supreme court to furnish certain bills to form a code of laws and regulate practice &c. Approved January 4, 1839.

9. A resolution that the thanks of the Assembly of Iowa be presented through the Secretary of the Territory to Dr. O. Fairchild of Cincinnati, Ohio, for presents of maps to the library of the Territory. Approved January 4, 1839.

10. A resolution requesting the Secretary of the Territory to inform each House of the Legislative Assembly of all acts in his office which have received the Executive sanction, &c.

11. A resolutian that a committee of both Houses of Legislative Assembly repair to examime into the condition of the Miners' Bank of Du Buque. Approved November 29, 1838.

LIST OF MEMORIALS.

1. A memorial praying Congress to appropriate seventy-two sections of the public lands in the Territory for the erection of a Penitentiary. Approved January 4, 1839.

2. A memorial praying Congress to grant to miners in this Territory a pre-emption right to ten acres of land upon which they may have discovered minerals since 1833, &c. Approved December 14, 1838.

A memorial that Congress provide for the defence of the inhabitants of the Territory three brass six pound cannon, one thousand Hall's carbines, with two thousand rifle pistols, &c. and one thousand short swords, and also a depot of arms and ammunition at some suitable place within the Territory, &c. Approved December 5, 1838.

A memorial that Congress make an appropriation of eight thousand dollars to reimburse Jeremiah Smith jr., for losses sustained by him in the distruction by fire of the buildings occupied by the

Legislative Assembly of Wisconsin in the winter of 1837, &c. Approved December 31, 1838.

On motion of Mr. Porter,

The amendments made by the Council to bill No. 23, H. R. file, entitled An act to divide the county of Henry and establish the county of Jefferson, were considered and concurred in.

Mr. Swan offered the following:

Whereas, a respectful request of this House was made to the Governor of this Territory for the information which has this day been communicated by the Honorable the Secretary; and whereas, Governor Lucas refused to give the same, but vetoed the resolution calling on his department, and leaving no way whereby such information could be received by this House excepting in the manner as above stated, and a resolution having passed the Council and House of Representatives for that purpose: Therefore,

Resolved, That Hon. William B. Conway, Secretary of the Territory, is entited to the thanks of this House for the prompt and satisfactory manner in which he has answered the respectful request made in said resolution.

Which was adopted unanimously.

Mr. Bankson offered the following:

Whereas, it is now officially known to the Legislative Assembly, that Governor Lucas has been writing notes and explanations on sundry laws adopted by both Houses of the Legislature of Iowa in the usual forms of legislation:

And whereas, as the said notes and explanations relate to the judicial construction of said laws, they must be regarded as an unwarrantable encroachment on the rights of the judicial department of the government of this Territory as well as a direct insult and rude invasion of the rights of the legislature. If Governor Lucas has a right to endorse his own notions on one act of the legislature, he has clearly the right to do so on any act; and if on any act, he has by the same rule and on the same principle, a right to endorse his own notions on every act of the legislature. And if Governor Lucas has a right to anticipate the judicial construction of one law, why not by notes and explanations, provide for the construction of all laws, proclaiming in what respects they shall be void, and in what respects they shall be valid, and if Governor Lucas has a right to make short notes and explanations in the manuscript laws of this Territory, he has the same right to make long notes and explanations; and if he has a right to embrace one class of subjects in his charitable provisions for the judicial construction of laws, he has the same right to embrace any and every subject: Therefore,

Resolved, That Robert Lucas is "unfit to be the ruler of a free people," and that a select committee be appointed to prepare and report a memorial to the President of the United States, setting forth the leading facts upon which the Legislative Assembly found and establish their objections to the continuance of Robert Lucas as Governor of this Territory, and praying in strong terms for his immediate removal.

The question on the adoption of the preamble and resolution, being put, was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Cox, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Toole and Wallace, Speaker—12.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Frierson, Patterson, Parker and Price—10.

Messrs. Bankson, Hall, Summers, Taylor and Nowlin, were then appointed a committee to prepare said memorial.

Bill No. 136, entitled An act for the appointment of constables and defining their duties, was read a second time, and considered in committee of the whole, Mr. Bailey in the chair. The committee after a short time, by their chairman reported the bill without amendment. The report was concurred in, and the bill ordered to be engrossed for a third reading.

Bill No. 137, entitled A bill to provide for the the erection of a Penitentiary and establishing and regulating, prison discipline for the same, was read a second time and considered in committee of the whole, Mr. Beeler in the chair. The committee after some time reported progress and obtained leave to sit again.

Mr. Nowlin made a motion that the rule to print be suspended in reference to bill No. 142, entitled A bill supplementary to an act, for the location of the seat of government of Iowa.

Mr. Grimes, called for the yeas and nays on the motion, when the mover withdrew the same.

Bills No. 34, Council file, An act to incorporate the Iowa Mutual Fire Insurance Company.

No. 46, An act to authorize David W. Kilbourne to keep a ferry at the town of Montrose, were severally read a third time, passed, and titles ageed to.

Ordered, That the Council be informed.

Mr. Swan from the committee on enrollments, reported bill No. 127, and a memorial to Congress, for the benefit of the half breed tract, as correctly engrossed.

On motion of Mr. Hall,

James G. Edwards, was employed to print the bills read a first time to-day.

Bill No. 138, entitled A bill to district the county of Des Moines, for the election of county commissioners, was read a second time, and considered in committee of the whole, Mr. Coop in the chair. After some time the committee rose and reported the bill with amendments, in which the House concurred.

On motion of Mr. Grimes,

Ordered, That said bill be referred to the committee on townships and county boundaries.

The House then adjourned, until to 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Beeler, from the committee on enrollments, reported, as correctly enrolled, the following entitled acts:

An act confirming grants of property made for the encouragement of education, and for other purposes.

An act to organize the county of Linn, and to establish the seat of justice thereof.

An act to incorporate the Des Moines mill company, and for other purposes.

An act to provide for the appointment of district prosecutors, and defining their duties.

An act to provide for the collection of demands growing out of contracts for sales of improvements on public lands; and

An act to prescribe the mode of proving in courts of this Territory judgments rendered by justices of the peace in the several states.

The said acts were then duly signed by the Speaker, and the clerk directed to present them for the signature of the President of the Council.

Bill No. 139, entitled An act to provide for the sale of the land on which the seat of justice for the county of Muscatine is located, was read a second time, and considered in committee of the whole, Mr. Cox in the chair. After a short time, by their chairman, the committee reported the bill to the House with amendments; which were concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Beeler obtained leave to introduce No. 143, entitled A bill to provide for the compensation of judges of probate.

Said bill was read a first time.

On motion of Mr. Taylor,

Bill No. 137, entitled A bill to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same, was again considered in committee of the whole, Mr. Beeler in the chair. After some time the committee rose, and, by their chairman reported the bill with amendments, which were, by motion of Mr. Nowlin, separately concurred in.

The yeas and nays being called for. by Mr. Grimes, upon the concurrence of the House in the filling of the first blank of the third section with the words "Mount Plasant," were as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Grimes, Hall, Parker, Porter, Summers, Taylor, Temple and Wallace, Speaker—14.

Nays—Messrs. Bankson, Cox, Frierson, Hastings, Nowlin, Patterson, Price, Roberts, Swan, Thornton and Toole.—11.

On motion of Mr. Porter,

The second blank in the 3d line of the 3d section, was filled with the word "Henry," the first blank in the 4th line with the words "Mount Pleasant," and the remaining blanks in said 3d section with the words "Henry."

The bill was then ordered to be engrossed for a third reading.

Bill No. 142, entitled A bill supplementary to an act to locate the seat of government for Iowa, and for other purposes, was read a second time and considered in committee of the whole, Mr. Delashmutt in the chair. After a short time, the committee, by their chairman, reported the bill without amendment.

The following message from the Council was received by Mr. Wallace, their Secretary:

Mr. Speaker,—

The Council have passed No. 48, An act to establish the boundary

lines of the counties of Clayton, Fayette, Du Buque, Delaware and Buchanan.

Also bills of the House as follows:

No. 97, An act to regulate blacks and mulattoes, &c.

No. 125, An act relative to proceedings in chancery, with amendments. In all of which the concurrence of the House is requested.

The Council have also passed No. 75, H. R. file, An act concerning water crafts found adrift, and estray animals; and

No. 89, An act to allow and regulate the action of waste; without amendment.

The Council have receded from their amendments to the 14th section of bill No. 95, An act to provide for the appointment, and defining the duties of sheriffs.

I also herewith return the following acts and resolution, the same having been signed by the President of the Council, viz:

An act to prescribe the mode of proving in courts of this Territory, &c.

An act to incorporate the Des Moines mill company and for other purposes.

An act to provide for the collection of demands growing out of con tracts, &c.

An act confirming grants of property made for the encouragement of education, &c.

An act to provide for the appointment of district prosecutors, and defining their duties.

An act to organize the county of Linn, and to locate the seat of justice thereof.

Resolution on the subject of forwading and copying of memorials by the Secretary of the Territory.

The Secretary then withdrew, and the House, after having amended the said bill, No. 142, by motion of Mr. Cox, by inserting in the second line of the first section thereof, the words "to be called Iowa city;" between the words "two" and "on" concurred in the report of the committee.

The question was then put, "shall the bill be engrossed and read a third time?" and was determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas--Messrs. Bailey, Beeler, Blair, Brierly, Coop, Frierson, Hastings, Nowlin, Patterson, Parker, Price, Roberts, Swan, Taylor, Thornton and Toole.—16.

Nays--Messrs. Bankson, Cox, Delashmutt, Grimes, Hall, Porter, Summers, Temple and Wallace, Speaker—9.

Bill No. 127, entitled A bill to provide for the admission of attorneys and counsellors at law; and

Memorial to Congress, asking for a donation of land for educational purposes, in the half breed tract, were read a third time and passed, and title agreed to.

Ordered, That said bill and memorial be sent to the Council for concurrence.

The amendments of the Council to bills H. R. file, No. 97, 111 and 125, were read and severally concurred in.

Ordered, That the clerk acquaint the Council therewith.

Mr. Swan offered the following:

Resolved, By the Council and House of Representatives, that the Honorable the Council be invited to meet this House to-morrow at 11 o'clock, A. M. for the purpose of going into joint ballot, for the election of commissioners to locate the seat of government of Iowa.

Mr. Hastings offered an amendment to the resolution as follows: Strike out "to-morrow," and insert in lieu thereof "on Monday next:" Which amendment was agreed to, and the resolution adopted.

Mr. Beeler asked leave to introduce a bill to improve the police of the city of Burlington.

Leave was thereupon granted, and Messrs. Beeler, Patterson and Coop, were appointed a committee to prepare said bill.

Bill No. 48, Council file, "An act to establish the boundary lines of the counties of Clayton, Fayette, Du Buque, Delaware and Buchanan," was read a first time. The rule requiring the bill to be printed, was then, on motion, suspended, and the same read a second time and considered in committee of the whole, Mr. Frierson in the chair. The committee, after some time, rose, and by their chairman reported the bill without amendment, when,

On motion of Mr. Cox,

The bill was laid on the table.

Bill No. 32 Council file, entitled "An act to establish the boundary lines of Washington county, and for other purposes," was considered in committee of the whole, Mr. Grimes in the chair. After some time, the chairman obtained leave to sit again for the further consideration of said bill.

Bill No. 29, Council file, entitled "An act defining crimes and punishments," was read read a second time, and considered in committee of the whole, Mr. Bankson in the chair. After some time, the committee rose, and by their chairman reported the bill with amendments. The House concurred in the report of the committee.

Mr. Cox obtained leave to introduce a bill, on to-morrow, to establish a territorial road from Davenport to Du Buque. Messrs. Cox, Swan and Roberts, were appointed a committee to prepare and report the same.

Mr. Porter obtained leave at a future day, to introduce A bill to provide for the sale of lands belonging to Henry county, for the purpose of erecting public buildings, &c. Messrs. Porter, Coop and Bailey were appointed a committee to prepare the bill.

Mr. Beeler, from the comittee on enrollments reported that they did, on this day, present to the Secretary of the Territory, a joint resolution requesting him to forward to Washington city the memorials adopted by the Legislative Assembly.

The H[illegible]

Wednesday, January 16, 1839.

Mr. Roberts presented the petition of the board of commissioners of Cedar county, praying for the passage of a law at the present session of the Legislative Assembly, empowering the sheriff of said county to collect the tax levied for the year 1838.

Said petition was, on motion, referred to a select committee, consisting of Messrs. Roberts, Swan, Hastings, Porter and Nowlin.

Mr. Bailey presented the petition of inhabitants of Van Buren county, praying that the seat of justice of said county be located permanently by commissioners appointed for that purpose.

Mr. Hall presented a remonstrance of sundry citizens of the same county, praying the Legislative Assembly not to create a commotion in said county on the subject of the county seat thereof.

Which petition and remonstrance were, on motion, referred to the following select committee, viz:

Messrs. Bailey, Hall, Parker, Grimes and Summers.

Mr. Frierson, from the committee on townships and county boundaries, to which had been referred a bill to district the county of Des Moines for the election of county commissioners, reported a substitute therefor, No. 138, entitled a bill to district the several counties of this territory for the election of county commissioners; which was read a first time.

Mr. Roberts, from the select committee to which had been referred the petition of the county commissioners of Cedar county, reported bill No. 144, entitled an act for the relief of the sheriff of Cedar county; which bill was read a first time.

Mr. Porter, from select committee, reported bill No. 145, entitled an act to provide for the sale of the land located upon by the county commissioners of Henry county, &c.; which bill was read a first time.

Mr. Beeler from the joint committee on enrolments reported the following entitled acts, to have been yesterday presented to the Governor for his approval, viz:

An act confirming grants of property made for the encouragement of education and for other purposes.

An act to provide for the collection of demands growing out of contracts for sale of improvements on public lands.

An act to prescribe the mode of proving in courts of this Territory judgments rendered by justices of the peace in the several States.

An act to incorporate the Des Moines Mill Company and for other purposes.

An act to provide for the appointment of district prosecutors and defining their duties.

And an act to organize the county of Linn and to establish the seat of justice thereof.

Mr. Beeler, from the select committee appointed yesterday for that purpose, reported bill No. 146, entitled an act to improve the police of the city of Burlington. Read a first time.

Bill No. 140, entitled an act to incorporate the Keasauqua Lyceum, was read a second time and considered in committee of the

whole, Mr. Hastings in the chair. After a short time the committee rose, and by their chairman, reported the bill to the House without amendment; which was concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Wallace, the Secretary of the Council, was introduced and delivered the following message:

Mr. Speaker,—

I am directed to inform the House of Representatives that the Council have passed bills H. R.' file, of the following titles with amendments:

No. 66, an act to establish several seminaries of learning.

No. 110, an act to authorize John Gaines and others to keep a ferry, &c.

No. 114, an act to authorise James Leonard and others to establish and keep a ferry at the town of Charleston.

No. 128, an act to provide for the compensation of sheriffs therein named; and

No. 129, An act to authorize F. P. Blevings to establish and keep a ferry across the Mississippi river at the town of Nashville.

In all of which the concurrence of the House is requested. Also,

No. 106, an act to incorporate the Burlington Steam Mill company without amendment.

And then he withdrew.

Bill No. 141, entitled an act providing for the recording of town plats, was read a second time and considered in committee of the whole, Mr. Nowlin in the chair. The committee, by their chairman, reported the bill with amendments, in which the House concurred, and ordered that said bill be engrossed for a third reading.

Bill No. 143, entitled an act to provide for the compensation of judges of probate," was read a second time. On motion, the 16th and 18th rules of the House were suspended, in relation to said bill and the same read a third time, passed, and the title agreed to.

Ordered, That said bill be sent to the Council for concurrence.

Mr. Beeler, from the committee on enrolments, reported bills of the following titles, as correctly engrossed, viz:

No. 132, an act regulating enclosures.

No. 134, an act regulating the action of replevin.

No. 137, an act for the appointment of constables and defining their duties; and

No. 142, an act supplementary to an act to locate the seat of goverment for Iowa, and for other purposes.

Bill No. 138, entitled a bill to district the several counties in this Territory, for the election of county commissioners, (substitute) was read a second time and considered in committee of the whole, Mr. Hall in the chair. The committee, by their chairman, reported the bill with amendments, which were concurred in.

Mr. Temple then made a motion that the word "county," in the 3d section, be stricken out, and word "district" inserted; which motion was lost.

On motion of Mr. Grimes,

The 16th and 18th rules, in reference to said bill, were suspended, and the same read a third time, passed, title agreed to, and

Ordered to be sent to the Council for concurrence.

Bill, Council file, No. 29, entitled an act defining crimes and punishments, was read a third time, and passed.

Bills, H. R. file, No. 66, 110, 114, 128 and 129, as amended by the Council, were read and concurred in.

Ordered, That the Council be informed.

Bills, H. R. file, No. 132, An act regulating enclosures.

No. 134, An act regulating the action of replevin.

No. 137, an act for the appointment of constables and defining their duties, were severally read a third time, passed, and titles agreed to.

Ordered, that said bills be sent to the Council for concurrence.

Bill No. 142, entitled an act supplementary to an act to locate the seat of government for Iowa, and other purposes, being ready for a third reading, Mr. Nowlin made a motion that the bill lie on the table, to which motion Mr. Cox offered an amendment accepted by Mr. Nowlin, that the bill lie on the table until Thursday next.

The question was then put, "shall the bill lie on the table according to the amended motion of Mr. Nowlin?" and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Coop, Cox, Delashmutt, Grimes, Hall, Nowlin, Porter, Summers, Taylor, Temple and Wallace, Speaker—14.

Nays—Messrs. Bailey, Brierly, Frierson, Hastings, Patterson, Parker, Price, Roberts, Thornton and Toole—10.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Beeler, from select committee, reported bill No. 147, entitled an act to incorporate the Burlington and Des Moines transportation company, which bill was read a first time and ordered to be printed by James G. Edwards.

Mr. Cox from like committee, reported bill No. 148, entitled an act to establish a territorial road from Davenport to Du Buque, as surveyed and laid out by John Foley and others.

On motion of Mr. Nowlin,

Bill No. 48, Council file, entitled an act to establish the boundary lines of the counties of Clayton, Fayette, Du Buque, Delaware and Buchanan, was taken from the table, when Mr. Taylor made a motion that the same be again laid on the table, which last motion Mr. Bankson moved to amend, so that the bill lie on the table, and be made the order of the day for Friday next, which amendment was accepted by Mr. Taylor, whose motion was then adopted.

On motion of Mr. Nowlin,

Bill No. 42, Council file, entitled an act to legalize the acts of county commissioners, read a second time and considered in committee of the whole, Mr. Patterson in the chair. After a short time the chairman of the committee reported the bill with an amendment, in which the House concurred, and ordered the same to a third reading.

On motion of Mr. Toole,

Bill No. 32, Council file, entitled an act to establish the boundaries of Washington county and for other purposes, was again considered in committee of the whole, Mr. Grimes in the chair. The chairman of the committee, after some time, reported the bill without amendment. The report of the committee was concurred in, and the question put "shall the bill be engrossed and read a third time?" and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Brierly, Cox, Grimes, Nowlin, Patterson, Parker, Porter, Price, Taylor, Thornton and Tocle—14.

Nays—Messrs. Bankson, Coop, Delashmutt, Frierson, Hall, Hastings, Roberts, Summers, Swan, Temple and Wallace, Speaker—11.

Mr. Toole made a motion that the 16th and 18th rules be suspended in relation to said bill; which motion was not sustained.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Brierly, Cox, Grimes, Nowlin, Patterson, Parker, Porter, Price, Taylor, Thornton and Toole.—14.

Nays—Messrs. Blair, Coop, Delashmutt, Frierson, Hall, Hastings, Roberts, Summers, Swan, Temple and Wallace, Speaker.—11.

Mr. Nowlin, from the committee on enrolments, reported the following entitled acts as correctly enrolled; viz:

An act for establishing courts of probate.

An act to authorize Henry Eno and Co. to erect a dam across the Des Moines river: and

An act for the improvement of the breed of horses.

Said acts were duly signed by the Speaker and ordered to be sent to the President of the Council for signature.

On motion of Mr. Hastings,

The House then adjourned.

Thursday, January 17, 1839.

Mr. Swan offered the following:

Whereas, it is important that this House should be in possession of all the facts in relation to the disbursement of the public funds of this Territory, and whereas, difficulties have arisen respecting the same, therefore,

Resolved, By the House of Representatives that Hon. Wm. B. Conway, Secretary of the Territory, be respectfully requested to communicate to this House, any information or communications which he may have on the subject, that may not be considered of a confidential character. Which were adopted.

Mr. Summers from the committee on roads and highways, to which was referred a resolution instructing them to inquire into the

expediency of establishing a territorial road from Rochester, in Cedar county, to the county seat of Linn county, made report that the committee had had the subject under consideration, and believe it to be inexpedient and impracticable to locate said road.

The report was concurred in, and the committee discharged from any further consideration of the subject. Mr. Swan from the committee on enrollments, reported bills, Nos. 137 and 139, as correctly engrossed.

Mr. Nowlin offered the following:

Resolved, By the Council and House of Representatives of the Territory of Iowa, That the Hon. William W. Chapman, our delegate to Congress, be instructed to ask a donation of at least four sections of land, on which to locate the seat of government of the Territory of Iowa, to be selected by the commissioners appointed by the Legislative Assembly of Iowa, to locate the seat of Government of said Territory.

The resolution was adopted.

The assistant Secretary of the Council, Mr. Loop, being introduced, delivered the following message:

Mr. Speaker,—

I am directed to inform the House of Representatives, that the Council have passed the following bills of the House, with amendments.

No 86, An act fixing the time and place for the annual meeting of the Legislative Assembly.

No. 76, An act to incorporate the town of Bloomington.

No. 137, An act for the election of constables, and defining their duties.

No. 134, An act regulating the action of replevin.

No. 124, An act to authorize Hiram C. Smith and Cordell to erect a dam across Skunk river.

The Council have also passed bill No. 50, Council file, An act in relation to bonds and other securities.

In all of which the concurrence of the House is requested.

The Council have also passsed the following bills of the House without amendment:

No. 133, An act to district the Territory of Iowa into electoral districts and apportion the members of the House of Representatives in the same.

No. 142, An act to provide for the compensation of judges of probate.

The Council have concurred in preamble and resolution of the House, in relation to the drafting and presentation of bills to the Legislative Assembly, by the judges of the supreme court.

The Council insist upon their amendments to No. 83 H. R. file, in relation to sheriffs' mileage, constables' mileage, and witnessess' fees; per diem pay of petit jurors; and have receded from their amendment in relation to the sheriffs' per centage; and have appointed Messrs. Hempstead, Clarke and Hepner, a committse of conference in relation to said disagreeing vote.

The Council have concurred in amendments made by the House to bill No. 29, Council file, viz: The first amendment to the 19th sec-

tion, and the amendment to the 29th section; and have disagreed to the second amendment to the 19th section, and the amendment made to the 43d section: and have appointed Messrs. Parker, Whittlesey and Clarke, a committee of conference in relation thereto.

I also herewith return "An act for the improvement of the breed of horses."

"An act to authorize Henry Eno and others to erect a dam across the Des Moines river;" and

"An act for the establishing courts of probate;" the same being signed by the President of the Council.

And then he withdrew.

Mr. Bailey, from the select committee to which had been referred a petition and remonstrance on the subject of the seat of justice of Van Buren county, reported bill No. 149, entitled "An act providing for the re-location of the county seat of Van Buren county." Read a first time.

On motion of Mr. Swan,

Ordered, That a committee of conference be appointed to act in conjunction with the one appointed by the Council in relation to the disagreeing vote of the two Houses on amendments to bill No 83, entitled "An act concerning costs and fees." Messrs. Swan, Cox and Coop, were appointed said committee.

On motion of Mr. Hastings,

Ordered, That a like committee be appointed to confer with the one from the Council, in relation to bill No. 29, Council file, entitled "An act concerning crimes and punishments." Messrs. Hastings, Nowlin, Thornton and Temple, were appointed said committee.

Bill No. 144, entitled "An act for the relief of the sheriff of Cedar county," was read a second time, and considered in committee of the whole, Mr. Parker in the chair. The committee, by their chairman, reported the bill without amendment. The House concurred in the report; and

On motion of Mr. Roberts,

Ordered, That the 16th and 18th rules be, for the time being, suspended.

Said bill was then read a third time, passed, and title agreed to, and

Ordered to be sent to the Council for concurrence.

Bill No. 146, entitled "An act to improve the police of the city of Burlington," was read a second time and considered in committee of the whole, Mr. Porter in the chair. The committee, by their chairman, reported the bill with an amendment, in which the House concurred, and

Ordered, That the bill be engrossed for a third reading.

Bill No. 147, entitled "A bill to incorporate the Burlington and Des Moines Transportation Company," was also read a second time, and considered in committee of the whole, Mr. Roberts in the chair. The committee, by their chairman, reported the bill with amendments which were read and concurred in.

Mr. Grimes made a motion, that the rules be suspended, the bill read a third time, and put upon its passage.

Mr. Nowlin proposed an amendment to the bill.

The chair having decided that the motion of Mr. Grimes should have precedence, the question on the same was put and negatived.

The yeas and nays being called, were as follow:

Yeas—Messrs. Beeler, Delashmutt, Grimes, Hall, Patterson, Porter, Summers, Temple, Toole and Wallace, Speaker—10.

Nays—Messrs. Bailey, Brierly, Coop, Cox, Frierson, Hastings, Nowlin, Parker, Price, Roberts, Swan, Taylor and Thornton—13.

Mr. Nowlin then offered the following amendment:

As an additional clause to the 18th section, insert as follows:

"Nor to loan any money except gold and silver."

Mr. Temple made a motion to amend the amendment, by adding to the same the following: "Or the notes of specie paying banks;" which was agreed to.

The question on the adoption of the amendment as amended, was put, and determined in the affirmative.

Mr. Frierson made a motion to amend the 4th line of the 19th section, by striking out after the word "not," the word "less," and inserting in lieu thereof the word "more." Agreed to.

Mr. Nowlin moved that the following be inserted as the 24th section of the bill:

"That the foregoing act shall in all respects be construed benignly and favorably as other bank charters." Not agreed to.

Mr. Roberts moved to amend the 5th line of the 18th section, by striking out "twelve," and inserting "ten" instead thereof. Lost.

On motion, the House adjourned to 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Grimes made a motion that the 16th and 18th standing rules of the House be suspended, in relation to bill No. 147, entitled An act to incorporate the Burlington and Des Moines Transportation company; which motion was agreed to.

Said bill was then read a third time, and Mr. Bankson, on account of absence this morning, excused from voting on the passage of the same.

The question was then put, "shall the bill pass?" and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Beeler, Blair, Delashmutt, Frierson, Grimes, Hall, Hastings, Porter, Roberts, Summers, Taylor, Temple, Thornton, Toole and Wallace, Speaker—15.

Nays—Messrs. Bailey, Brierly, Coop, Cox, Nowlin and Swan—6.

The title of the bill was then agred to.

Ordered, That it be sent to the Council for concurrence.

The Speaker announced a message from his Excellency the Governor of the Territory; which was read, and is as follows:

EXECUTIVE DEPARTMENT, IOWA TERRITORY,
January 17, 1839.

To the Honorable House of Representatives of the Legislative Assembly:

GENTLEMEN—I have examined the bill submitted for my consideration, entitled "An act to establish the seat of government of the

Territory of Iowa, and for other purposes," and concur in its general provisions, particularly those parts that establish the seat of government in the central county of Johnson and provide for the meeting of the Legislative Assembly at Burlington, until public buildings are erected at the seat of government for their accommodation; but I find the bill defective in its details.

It authorizes the commissioners therein provided for, to enter upon the United States land that is yet unsurveyed; to lay out 640 acres in town lots, streets and alleys; to agree upon a plan for the public buildings; to issue proposals; and immediately thereafter to contract for erecting said buildings without delay; but contains no provisions to obtain the consent of Congress to locate the seat of government on their lands, or to obtain a grant or title from the government, to the land upon which the seat of government may be located.

There is no provision in the bill for the sale or disposition of the lots in the town directed to be laid out at the seat of government, or to dispose of, in any way, the avails of said town; notwithstanding the commissioners are directed to proceed to erect public buildings.

The bill declares that the Governor of the Territory shall officiate as Treasurer, and imposes on him duties, totally incompatible with the duties of the Executive of the Territory.

It provides for the appointment of commissioners by joint ballot of the Council and House of Representatives, which is a mode of appointment entirely unprovided for by the organic law.

With the foregoing exceptions, I approve of the bill, and am willing that this communication may be considered as notice of such approval.

I shall, however, retain the bill in my possession for the present, and should the Legislative Assembly, during its present session, pass an explanatory supplement, remedying the defects above alluded to, the whole subject will meet with my unqualified approval.

Respectfully, your ob't servant,

ROBET LUCAS.

On motion of Mr. Frierson,

Ordered, That the foregoing message, and bill No. 142, entitled An act supplementary to an act to establish the seat of government of the Territory of Iowa, and for other purposes, be referred to the committee on territorial affairs.

Bills, Council file, No. 32, entitled An act to establish the boundary lines of Washington county, and for other purposes; and

No. 42, entitled An act to legalize the acts of county commissioners, were taken up and read a third time, when Mr. Roberts made a motion that the passage of bill No. 32, be indefinitely postponed, which motion was disagreed to.

Said bills were then passed and titles agreed to.

On motion of Mr. Nowlin,

Ordered, That the resolution inviting the Council to meet this House for the purpose of balloting for the election of commissioners to locate the seat of government, on Monday next, be rescinded.

Ordered, That the Council be informed.

On motion of Mr. Nowlin,

Resolved, That a message be sent to the Council inviting that body to meet the members of the House of Representatives, in the representative hall, this evening at 7 o'clock, to go into an election for three commissioners to locate the seat of government for the Territory of Iowa.

Bills, H. R. file, No. 136, entitled A bill for the erection of a penitentiary, &c. and

No. 139, entitled A bill to provide for the sale of the land on which the seat of justice af Muscatine county is located; were severally read a third time, passed, and titles agreed to, and ordered to be sent to the Council for concurrence.

On motion of Mr. Summers,

Bills, H. R. file, No. 44, entitled An act concerning the seat of justice of Scott county, and

No. 74, entitled An act providing for the organization of the county of Clinton, were taken from the table and re-committed.

On motion of Mr. Coop,

The resolution prohibiting the introduction of new business after the 16th inst., was for the time being suspended.

Mr. Coop then obtained leave to introduce A memorial to Congress, asking for the establishment of a post route from the Mississippi river, via Mount Pleasant, to the county seat of Jefferson county. Said memorial was read a first time, and is as follows:

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

Your memorialists would respectfully represent to your honorable bodies, that there is a vast extent of fertile country, lying between Mount Pleasant, in the county of Henry, and the line of the present purchase from the Indian tribes, which is comparatively thickly settled with an enterprising and prosperous class of men, who have emigrated from the different states—that that country is fast filling up—that the facilities of communication are few, and the inhabitants almost entirely cut off from all foreign intelligence.

Your memorialists would further represent to your honorable body, that a county has been recently formed, called "Jefferson," comprising that country, and that their nearest post office is at Mount Pleasant.

Your memorialists would therefore pray your honorable body to extend the present post route from the Mississippi river, to Mount Pleasant, on through the county of Henry, and to the county seat of Jefferson county, a distance of thirty miles, and that a post office be established at that place. And also from the town of West Point in Lee county, by the way of Salem in Henry county, to the said county seat of Jefferson.

The Speaker announced the following communication from the Hon. Wm. B. Conway, Secretary of the Territory, viz:

SECRETARY'S OFFICE, TERRITORY OF IOWA,
January 17, 1839.

To the Honorable WM. H. WALLACE, *Speaker of the House of Representatives.*

SIR.—The Secretary of the Territory has the honor to acknowledge the receipt of a resolution adopted by the House of Representatives, and transmitted to this Department on this day, requesting the Secretary to communicate to the House, any information or communications which he may have, on the subject of the disbursement of the public funds of this Territory, provided the same be not of a confidential character.

The correspondence of the Secretary of the Territory, on this subject, has been

1. With the Honorable the Secretary of the Treasury of the United States.
2. With his Excellency the Governor of this Territory.
3. With gentlemen from whom the Secretary has endeavored to negociate loans to pay the balance which will be due on the expenses of the current year.
4. With the Hon. Wm. W. Chapman our delegate in Congress, in reference to the forthcoming Congressonal appropriation—the deficit of this year, and the estimate of the expenses of the next.

The correspondence, thus classified, is entirely incomplete, (except that which the Secretary had the honor to interchange with his Excellency Governor Lucas,) and as it is not understood that the unsettled accounts of the Secretary range within the intendment of your request, he apprehends that any attempt to comply with a resolution, which does not embrace specific requirements, would be, unsatisfactory to the Honorable House of Representatives; attended, however, by an expression of his earnest desire to comply with requests of the Legislative Assembly, when their tangibility may indicate the extent to which compliance may be proper, on his part, and desirable on theirs; repeating at the same time, an assurance of the promptitude and plasure with which the Secretay will always recognize such demands, and in conclusion, expressing the high consideration with which he has the honor to be and remain your very obedient and respectful sarvant,

WM. B. CONWAY,
Secretary of the Territory.

Which communication was read and referred to the committee on Territoral affairs.

On motion of Mr. Swan,

Resolved, That the Hon. Secretary of this Territory be requested to transmit to this House forthwith his correspondence with Governor Lucas, in relation to the payment, disbursement, or expenditure of the public money or any part thereof (which has not already been communicated) provided said correspondence be not of a confidential character.

Bill No. 145, entitled An act to provide for the sale of lands located upon by the county commissioners, of Henry county, for the benefit of said county, in erecting public buildings, was read a sec-

ond time, and considered in committee of the whole, Mr. Summers in the chair. The committee by their chairman, reported the bill without amendment. The House concurred in the report, and

Ordered, That the 16th and 18th rules be temporarily suspended.

Said bill was then read a third time passed, title agreed to, and

Ordered to be sent to the Council for concurrence.

On motion of Mr. Summers,

Bill No. 107, entitled An act to repeal the half breed law, was taken up, read a second time, and on motion of Mr. Brierly, indefinitely postponed.

Mr. Beeler from the committee on enrollments, reported the following entitled acts, to have been this day presented to the Governor for his approval, viz:

An act to authorize Henry Eno & Co. to erect a dam across the Des Moines river.

An act for the improvement of the breed of horses, and

An act for the estatlishment of courts of probate.

On motion of Mr. Hastings,

Bill No. 149, entitled An act to re-locate the county seat of Van Buren county, was read a second time.

Mr. Hall then made a motion that the bill be committed to a select committee, which motion was sustained.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Cox, Delashmutt, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Temple and Wallace, Speaker—13.

Nays—Messrs. Bailey, Brierly, Coop, Frierson, Hastings, Patterson, Parker, Price, Taylor, Thornton and Toole—11.

The chair thereupon appointed Messrs. Hall, Bailey, Swan, Porter and Bankson, said select committee.

On motion of Mr. Bailey,

Four additional members were placed on the same, viz: Messrs. Temple, Coop, Beeler and Blair.

Mr. Beeler from the joint committee on enrollments, reported as correctly enrolled the following entitled acts, viz:

An act to authorize Francis P. Blevings, to keep a ferry, &c. and

An act to provide for the appointment and duties of sheriff; Also, as correctly engrossed, a bill to incorporate the Keasauqua Lyceum.

The said acts were signed by the Speaker, and ordered to be presented for the signature of the President of the Council.

On motion the House adjourned.

Friday, January 18, 1839.

Mr. Porter, by leave, presented a petition on the subject of the erection of a dam by Jehu Carter, across Big Cedar Creek, in Henry county.

Said petition was referred to a select committee consisting of Messrs. Porter, Coop, Parker, Cox and Roberts.

On motion of Mr. Beeler,

Ordered. That the resolution prohibiting the introduction of new business after the 16th instant, be for the time being suspended.

Mr. Beeler then obtained leave to introduce bill No. 150, entitled an act supplementary to an act to incorporate the Bloomington and Cedar river canal company. Said bill was read a first time.

On motion, the resolution above alluded to was again temporarily suspended, when Mr. Grimes obtained leave to introduce bill No. 151, entitled an act concerning seals. Read a first time.

Mr. Nowlin, from the committee on territorial affairs, to which was yesterday referred bill No 142, an act supplementary, &c. together with the Executive communication in relation to an act for the location of the seat of government, &c. reported said bill back to the House with amendments.

On motion of Mr. Nowlin,

Resolved, That the Assistant Clerk of the House of Representatives be allowed the sum of five dollars per diem for his services.

On motion of Mr. Grimes,

The resolution requiring bills to be printed previous to their second reading, was suspended in reference to bill No. 151, entitled An act concerning seals, and the bill read a second time and considered in committee of the whole, Mr. Taylor in the chair. The committee, by their chairman, reported said bill without amendment.—The House concurred in the report of the committee, and ordered the bill to be engrossed for a third reading.

Mr. Swan, from the joint committee on enrolments, made report as follows:

The joint committee on enrolments have examined the following acts, to wit:

An act relating to the office of recorder of deeds.

An act concerning the construction of statutes.

An act to authorize David W. Kilbourn to keep a ferry at the town of Montrose; and have compared the same with the engrossed bills and find them correctly enrolled.

Which acts were then signed by the Speaker, and the clerk directed to present them for the signature of the President of the Council.

Mr. Bankson, from the majority of the select committee, to which was yesterday referred bill No. 149, entitled an act for the relocation of the county seat of Van Buren county, made report; which report was, on motion of Mr. Taylor, laid on the table.

Mr. Bailey, from the minority of the same committee, reported said bill, No. 149, back to the House.

Mr. Hastings, from the committee of conference, appointed yesterday to act in conjunction with a like committee on the part of the Council, in relation to bill No. 29, H. R. file, made report that the committee had receded from the amendments of the House to said bill. The report was concurred in.

Mr. Swan, from the committee of conference appointed yesterday, to confer with a like committee on the part of the Council, made

report that the committee had performed the duty assigned them, and concur in the amendment of the Council to Bill No. 83, entitled An act concerning costs and fees.

Mr. Bankson made a motion that the House concur in the report of said committee of conference; which motion was agreed to.

Mr. Grimes having called for the yeas and nays, they were as follow:

Yeas—Messrs. Bankson, Bailey, Beeler, Coop, Cox, Frierson, Hastings, Nowlin, Patterson, Parker, Roberts, Swan, Temple, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Blair, Brierly, Delashmutt, Grimes, Hall, Porter, Price, Summers and Taylor—9.

Mr. Swan, from the committee on enrolments, reported bills No. 141, entitled an act for the recording of town plats, and No. 116, entitled an act to improve the police of the city of Burlington, as correctly engrossed.

Mr. Summers, from the select committee to which was recommitted bill No. 44, H. R. file, entitled an act concerning the seat of justice of Scott county, reported the same back to the House with amendments.

Mr. Porter, from the select committee to which had been referred a petition praying that a privilege to erect a dam, &c. be granted to Jehu Carter, reported bill No. 152, entitled an act authorising Jehu Carter to erect a dam across Big Cedar, in Jefferson county. Said bill was read a first time, the rule requiring it to be printed, suspended, and the same was read a second time, and considered in committee of the whole, Mr. Temple in the chair. The committee, by their chairman, reported the bill with amendments, which were concurred in.

On motion of Mr. Porter,

Rules 16 and 18 were suspended in relation to said bill, and the same passed and the title agreed to.

Ordered that said bill be sent to the Council for concurrence.

On motion of Mr. Grimes,

Bill No. 40, Council file, An act to provide for the appointment of notaries public, and to prescribe their duties, was taken from the table.

Mr. Grimes then made a motion that the bill be amended by adding the following as the 15th section thereof; to wit:

"That the notaries public in the several counties in this territory shall have full power and authority to administer oaths and take acknowledgments of deeds and powers of attorney, as the same may, by the usage of the law, be administered by justices of the peace.

The bill was then ordered to a third reading.

The Speaker announced a communication, furnished in accordance with a resolution of yesterday, from the Hon. Wm. B. Conway, Secretary of the Territory, enclosing the correspondence of that officer with his Excellency Governor Lucas, on the subject of expenditures of the public money: which communication and correspondence were read, and are as follow:

SECRETARY'S OFFICE,
TERRITORY OF IOWA, JAN. 17, 1839.

To the Honorable the Speaker of the House of Representatives.

SIR: In compliance with the "forthwith" which I have just had the honor to receive from the House of Representatives, I transmit herewith, a copy of my correspondence with his Excellency Governor Lucas, touching certain expenditures of, or demands on, the "public money;" and whilst I deplore the existence of the relations between the Executive and this Department, disclosed by the correspondence now submitted, in accordance with your resolution, still a due regard for my own character, compels me to declare that I feel no unmanly regrets in reviewing the course which duty and principle compelled me to pursue throughout these "troublesome times." This correspondence was the *point of separation* between the Governor and the Secretary; and it is gratifying to the latter to know, that they differed in reference to a PRINCIPLE from which the Secretary can never consent to recede.

With high regard, your very obedient
and respectful servant,
WM. B. CONWAY,
Secretary of the Territory.

EXECUTIVE OFFICE, IOWA TERRITORY,
DEC 26TH, 1838.

WM. B. CONWAY, Secretary of Iowa Territory,

SIR: I wish you to inform me distinctly the reason why you refused to pay for the furniture put into the Executive office out of the appropriation made by Congress.

Whether you consider the Executive office separate and distinct from that of the Secretary of the Territory, and if so, your reasons for this conclusion.

I would also wish to know whether you do, or do not intend to discharge the duty required of you by the organic law, relative to recording the acts and proceedings of the Governor in his Executive department? Nothing of this kind has as yet been done by you, and I think it is time that this business was commenced. If it is not your intention to perform your duty, I wish to know it, that I may make a representation to the proper department at Washington. I wish an explicit and *unequivocal* answer to the above.

Very respectfully,
ROBERT LUCAS.

SECRETARY'S OFFICE,
TERRITORY OF IOWA, DEC. 29, 1838.

To His Excellency ROBERT LUCAS, Governor of Iowa.

SIR, Your communication of the 26th was duly received, by the hand of Mr. Parvin, and to which an answer would have been immediately returned, if the difficulty of framing a suitable reply had not been almost insurmountable.—I must confess, Sir, that I have never been placed in a position, so entirely undesirable, as that into

which I have been driven, by your unwelcome and unexpected interrogatories.

If I were to acknowledge the right you have assumed, and which your Excellency appears to be disposed to exercise, in a spirit by no means destitute of rigor, I would be compelled to seek refuge in *servility;* and hence it is proper for me to say, that *every* other expedient must have been resorted to without success, before I could consider terms of intercourse so incompatible with my character and principles. And yet if I were to reply to your extraordinary questions, in the same temper in which they are propounded, it might be construed into a want of that respect, to which your advanced age, and high station indicate a claim; and this claim I am not inclined to regard with either levity or indifference: And therefore, whilst my respect for your age and station is frankly avowed, candor compels me to guard you against the error, that would give a more comprehensive meaning to this acknowledgment.

To surrender to your Excellency, the rights pertaining to my station, as Secretary of this Territory, and thus impart a *new* and unwarranted character to our official relations, by a submissive acquiescence in your unauthorized demands, is not only forbidden by the voice of duty, but also opposed by my personal obligations, and greatly at variance with that proper pride which threats have no power to conciliate.

But, without intending to recognize the right which you have been graciously pleased to assume, in your communication of the 26th of December, I shall, nevertheless, reply to your inquiries, as indicative of a disposition that would not evade responsibility, whilst it neither fears nor invites aggression:—And this course is sanctioned by other reasons, not less forcible than the requirement embodied in your Excellency's imperative "wish."

First. You wish me to state, "distinctly, the reason why I refused to pay for the furniture put into the Executive office, out of the appropriation made by Congress?"

To which I have the honor to reply, that I did not feel authorised to meet the demand, by any provision, or reasonable construction of the organic law; and I told Mr. Evan Evans (the furniture man) that the instructions of the Treasury Department, or a law of the Territorial Legislature, should *precede* the payment of the bill, out of the funds in my hands. That claims of this kind were not of that class of "contingent expenses," or "incidental" charges which I am authorised to pay, is a belief whith acquires the force of conviction, when that provision, in the 11th section of the organic law, is duly regarded, which creates a "contingent fund" of $350 00 "to be expend d by the Governor." For the manner in which this sum is or shall be expended, the Executive may not be obliged to render a formal account, yet still integrity must fail to engender a doubt, as regards its proper application. The Secretary believed, and still believes, that the bill presented by Mr. Evans, should have been paid out of the fund for the contingent expenses of the Territory, or out of the private coffers of the Executive himself; and this belief receives the fullest confirmation, from a reference to the constitutional argument addressed by your Excellency, to this de-

partment, on the 6th inst., and to which your attention is very respectfully invited.

If there be error in the Executive opinion, which is now the subject of allusion; without implicating the rectitude of your intentions, no substantial advantage can be sought therefrom; and, particularly, whilst no evidence has been presented, which would stamp that opinion with the impress of acknowledged error. And, at all events, there could have been no impropriety in awaiting the instructions of the Treasury Department, or the enacting of a territorial statute, allowing, or providing for, the payment of the Executive expenses.

If it were apparent that the sum of $350 00, mentioned in the 11th section of the organic law, and subject entirely to your control, had been included in the larger amount, to be disbursed by me, then would bills, to that amount, ($350,) have been cheerfully paid, or the money would have been deposited in your hands.

But, it is not pretended that you are to receive this money from the Secretary of the Territory, but from the Treasury Department of the United States, and you were understood to say, long before the Secretary received his drafts, that you had written, or otherwise applied for the contingent fund to which you are entitled; and it should be well known, that the Secretary of the Territory cannot, and will not, allow any person whatever to spunge on the funds of the United States, which have been placed in his hands for specific purposes.

The foregoing is intended as "an explicit and unequivocal answer" to your first interrogatory; from which you are authorized to conclude, that the Secretary, in refusing to pay your private bills out of the public money, in the absence of a legal provision—in the absence of instructions from the proper department; and without the pretext afforded by implication of law, was governed by delicate considerations of integrity; without pausing to calculate the advantages which might result from an unscrupulous compliance with your "wishes,"—or the inconvenience that might result from prompt obedience to the higher commands of duty.

Secondly. For reasons not easily comprehended, your Excellency is pleased to propose, as a second inquiry,—"Whether I consider the Executive office separate and distinct from that of the Secretary of the Territory, and if so, you wish to hear my reasons for this conclusion."

Without designing to shrink from that severity of investigation which is not satisfied with conclusions, but wishes to pry into and judge of the force and sufficiency of the facts and arguments on which they are founded, I have the honor to state in reply, that I do consider the office of the Executive, and that of the Secretary of the Territory, as "separate and distinct;" and my "reasons" for this conclusion may be found in the distinctions taken between the respective POWERS, DUTIES, and RESPONSIBILITIES of the Governor and the Secretary, in the provisions of the organic law. This is my conclusion, and these are my reasons, which you will please to consider as "an explicit and unequivocal answer" to your second interrogatory.

Thirdly. The third, in the order of your Excellency's "wishes," is to know: "whether I do, or do not, *intend* to discharge the duty required of me, by the organic law, relative to recording the acts and proceedings of the Governor, in his Executive Department;" and you are also pleased to say, that "nothing of this kind has been done by me;" and moreover, your Excellency "thinks it is time that this business was commenced."

In reply to this *cross* examination, I have the honor to inform your Excellency, that *all* "the acts and proceedings of the Governor, in his Executive Department," which have been transmitted to this office, received prompt attention, and these, together with those that may be transmitted hereafter, will be disposed of, in strict accordance with the provisions of the act of Congress.

Whether these papers shall be, or shall not be, transmitted to this office, is a question for the grave consideration of your Excellency; for it will not be presumed that the Secretary of the Territory, has a right, or if granted could consent to exercise the right of searching the Executive pockets, or rummaging the Executive office, for "acts and proceedings;" nor is it at all understood or admitted, that the Secretary of the Territory should "live, and move and have his being," in the Executive presence, and be always ready, on the spot, to "record" that portion of the Executive wisdom which may be permitted to escape through the medium of conversation, with *mister parvin*, or even with men of better breeding.

It is not believed that Congress intended to inflict duties of this kind, on the Secretary of the Territory, and this conclusion derives ample support from the provisions of the territorial charter of Iowa. If your Excellency will only consent to comply with your part of the matter, and TRANSMIT TO THIS OFFICE, "the acts and proceedings of the Governor, in his Executive Department," then will they be "recorded," and transmitted, by me, to the President of the United States, and to Congress, as the law requires.

Fourthly. In conclusion, your Excellency is graciously pleased to say, that "if it is not my *intention* to perform my duty, *you* wish to know it, that you may make a representation to the proper Department at Washington."

Sir, when the disposition, disclosed in this extra Executive enquiry, is viewed, in connexion with the *cause* which occasioned its manifestation,—that is to say, my refusal to recognize a claim "destitute of legal authority," and presented by a person who, in that instance, was "legally unknown," your *threat* is divested of all its terrors, and nothing but your advanced age, and high station, could prevent me from hurling it back with defiance and contempt.

I am, by no means, unacquainted with the character and extent of my duties and rights, nor have I failed to distinguish the boundaries by which they are circumscribed.

As the disbursing officer of the general government, in this territory, I am charged with the execution of a responsible and delicate *trust;* nor can you, sir, or any other person, adduce one *fact*, or the shadow of a fact, tending to prove that I have not performed my official duties, with scrupulous fidelity; and it was not UNTIL this fidelity interfered with your unauthorised demands on the pub-

lic money, that I was called upon to *answer* your insulting enquiries. And time, I trust, will convince your Excellency, that what cannot bd obtained from my sense of justice, my views of duty, or my apprehensions of right, can never be extorted by an appeal to my *fears*.

It must be known to your Excellency, that I am always in my office;—for the fact is so. I am in my office night and day, and always in the performance of my duty;—either paying out money, adjusting my public accounts, attending to my correspondence, or preparing the laws for publication; and although there has been sickness in my family, I have not left my station here, for one single hour, since the commencement of the session. There is not, I repeat it, sir, a single official act of mine, to which exception may be *fairly* taken, unless it be the style and tone of a communication to the Legislative Council, on the 24th of November, occasioning a difficulty which is now happily adjusted; and into that difficulty, I was introduced, in the first instance, by officious interference with my department, on the part of your Excellency, and your man *Parvin*.

That your Excellency has always mistaken the character of our official relations, is a fact to which my attention was painfully attracted, at an early period of our acquaintance; and if I had believed that the office of the Secretary of the Territory was subject to your control, and offensive supervision, justice to myself requires me to say, that all its honors and emoluments would have been promptly surrendered at our second interview:—And if I could suppose that the President of the United States, could be induced to sustain you, in confounding *all* the departments of the territorial government of Iowa, with your extravagant assumptions of Executive power, then, sir, the next mail would convey the assurance of an unalterable desire to tender my resignation; and this territorial government might, under your absolute direction, pursue the downward tenor of its way, as fast as the genius of gravitation could carry it.

How far the efforts of the Secretary have contributed to organize and sustain this government, it is neither his wish, nor his province to determine; but that it has encountered any obstructions, inconvenience, or evils from his delinquencies, or indiscretion, is most emphatically denied. And the mildness, docility, and gentleness, which characterized his intercourse, with your Excellency, up to the day on which he politely declined the payment of Mr. Woods' bill, was certanly not among the least difficult of social achievments; nor could any thing less exceptionable than a demand involving a principle, to which duty and inclination obliged the Secretary to adhere, have been deemed sufficient to authorise the perspicuity disclosed in this communication,—because your age and station import claims to respect, which tyranny itself must fail to invalidate.

Your Excellency can now make "representations to the proper

department at Washington," and *mis*representations, should any be made, SHALL recoil on the head of their author.

With due consideration, I have the honor to remain,

Yonr obedient servant,

WM. B. CONWAY,

Secretary of the Territory of Iowa.

On motion of Mr. Nowlin,

Ordered, That James G. Edwards be employed to print 400 copies of the foregoing communications.

The assistant Secretary of the Council, Mr. Loop, being introduced, delivered the following message:

Mr. Speaker,—

I am directed to inform the House of Representatives, that the Council have passed bills of the H. R. of the following titles with amendments:

No. 41, An act subjecting real and personal estate to execution.

No. 92, An act establishing certain territorial roads.

No. 99, An act providing for, and regulating general elections in this territory.

The Council have also passed No. 69, H. R. file, An act regulating the publication and distribution of the laws and journals of the Legislative Assembly of the Territory of Iowa, without amendment. In all of which the concurrence of the House is requested.

I also, herewith, present for your signature, the following bills of the Council, to wit:

An act to authorise the appointment of public administrators in in the several counties in this territory, and to prescribe their duties.

An act concerning insane persons.

An act to regulate the mode of petitioning the Legislature in certain cases.

An act to authorize Robert Wilson, his heirs or assigns, to erect a dam across Skunk river.

An act to incorporate the Plymouth Mill and Manufacturing company.

An act concerning the construction of statutes.

An act to authorize David W. Kilbourn to keep a ferry across the Mississippi river at the town of Montrose; and

An act relating to the office of recorder of deeds, &c.

The secretary then withdrew, and said acts were thereupon signed by the Speaker.

Bill No. 50, Council file, entitled an act in relation to bonds and other securities, was taken up and read a first time.

Bill No 148, entitled an act to establish a territorial road from Davenport to Du Buque, as surveyed and laid out by John Foley, &c. was read a second time, and considered in committee of the whole, Mr. Toole in the chair. The committee, by their chairman, reported the bill without amendment. The House concurred in the report, and,

On motion of Mr. Grimes,

Ordered, That said bill be referred to a committee of one from each electeral district.

Messrs. Grimes, Cox, Summers, Toole, Taylor, Bailey, Porter and Roberts, were appointed said committee.

Memorial to Congress on the subject of the extension of the present mail route from Burlington to Mount Pleasant, was read a second time and considered in committee of the whole. Mr. Bankson in the chair. The committee rose, and by their chairman, reported the bill with amendments, in which the House concurred, and,

On motion of Mr. Hall,

Ordered, That said memorial be further amended by adding the following at the end thereof:

"Your memorialists would further recommend the propriety of establishing a mail route from Monticello in Missouri, by way of Keasauqua, in Van Buren county, Iowa Territory, and from thence to the city of Burlington, in Des Moines county."

The 16th and 18th rules were, on motion, for the present suspended, and the memorial read a third time, passed, and

Ordered, to be sent to the Council for concurrence.

Bill No. 142, entitled an act supplementary to an act to locate the seat of goverement of the Territory of Iowa, and for other purposes. as amended by the committee on Territorial affairs, was read a second time, and considered in committee of the whole, Mr. Bailey in the chair. The committee, by their chairman, reported said bill with amendments, in which the House concurred, and then,

On motion, the House adjourned to two o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Beeler, from the joint committee on enrolments, reported the following entitled acts and resolution, to have been this day presented to the Governor for his approval, viz:

An act to provide for changing the venue in civil and criminal cases; and

An act concerning apprentices and servants.

Resolution relative to a salary for the reporter of the Supreme Court.

On motion of Mr. Taylor,

Ordered. That the Council be invited to meet this House instanter in the Representatives Hall, and proceed to the election of one commissioner, from each judicial district, to locate the seat of government of the Territory of Iowa.

The question was then put, "shall bill No. 142, entitled an act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes, be engrossed for a third reading?" and determined in the affirmative.

Mr. Grimes moved for a call of the House, which was had, and absentees sent for.

In the interim, Mr. Beeler, from the joint committee on enrolments, reported the following entitled acts as correctly enrolled, viz:

An act fixing the terms of the Supreme and District Courts of the Territory of Iowa and for other purposes.

An act to allow and regulate the action of waste.

An act to authorize James Leonard, Oliver A. Crary, William H. Brown and Charles Swan to establish and keep a ferry across the Mississippi river at the town of Charleston.

An act to provide for the compensation of judges of probate.

An act to district the territory of Iowa into electoral districts, and apportion the members of the House of Representatives in the same.

An act to authorize John Gaines, Otis Reynolds, &c. to keep a ferry across the Mississippi river opposite Round Mound, at the upper mouth of Des Moines river.

The Speaker then signed the said acts, and the clerk was directed to present them for the signature of the President of the Council.

The Honorable members of the Council having appeared, the Legislative Assembly adopted the following by motion of Mr. Payne:

Resolved, That a majority of all the votes given, shall be requi red for the election of a commissioner; and,

On motion of Mr. Wallace,

Proceeded to the election of a commissioner for the 3d judicial district, to locate the seat of government of the territory according to the provisions of acts of the Legislative Assembly, now or hereafter to be in force.

Mr. Cox nominated Chauncy Swan.

Messrs. Clark and Roberts were appointed tellers.

Members at the call of their names, having deposited their votes, and the same being counted, it appeared that Chauncy Swan had received 29 vote, Simeon Clark 3 votes, blank 3 votes, Loring Wheeler 1 vote, Chauncey 1 vote, and John Foley 1 vote.

Chauncy Swan, was declared to be duly elected such commissioner.

On motion of Mr. Beeler,

The Assembly proceeded to the election of a commissioner as above for the 2d judicial district.

Mr. Clark, nominated John Ronalds; Mr. Summers John C. Higginson; and Mr. Parker, T. S. Hoge.

Messrs. Lewis and Hall, were appointed Tellers.

The votes having been deposited and counted as above, it appeared, that John Ronalds had received 21 votes, John C. Higgins 5 votes, Higginson 3 votes, and T. S. Hoge 8 votes.

John Ronalds, was declared to be duly elected.

On motion of Mr. Hastings,

The Assembly proceeded to the election of a commissioner, for the 1st jndicial distaict.

Mr. Taylor nominated John Claypole; Mr. Hepner, Robert Ralston; Mr. Bailey, Uriah Biggs; Mr. Wallace, L. B. Hughes, and Mr. Porter, John H. Randolph.

Messrs. Hempstead and Summers, were appointed tellers.

Votes having been counted, it appeared that Robert Ralston, had received 16 votes, John Claypole 8 votes, John H. Randolph 5 votes, L. B. Hughes 4 votes, and Uriah Biggs 3 votes.

There being no election,

On motion of Mr. Payne,

The Assembly proceeded to a 2d ballot for said commissioner for the 1st judicial district.

It then appeared that Robert Ralston had received 15 votes; John Claypole 9 votes; John H. Randolph 6 votes; L. B. Hughes 3 votes; blank 2 votes; and Uriah Biggs 1 vote.

There being yet no election,

On motion of Mr. Payne,

The Assembly proceeded to a third ballot for the 1st judicial district.

Mr. Bailey withdrew the name of Uriah Biggs. Mr. Wallace withdrew that of L. B. Hughes, and Mr. Payne that of John H. Randolph. Mr. Porter again nominated John H. Randolph.

Votes having been counted, it appeared that John Claypole had received 17 votes; Robert Ralston 15 votes; John H. Randolph 3 votes; and blank 1 vote. No election.

On motion of Mr. Bailey,

The Assembly proceeded to a 4th ballot.

Mr Payne nominated G. S. Bailey; Mr Porter withdrew that of J. H. Randolph. Mr. Bailey refused to be a candidate.

It then appeared that Robert Ralston had received 18 votes; John Claypole 17 votes; and L, J. Lockwood 1 vote. No election.

On motion of Mr. Payne,

The Assembly proceeded to a 5th ballot.

It finally appeared, that Robert Ralston had received 23 votes; John Claypole 13 votes; and Colonel Cox 1 vote.

Robert Ralston was, therefore, declared to be duly elected a commissioner, &c. for the 1st judicial district.

On motion, the House then adjourned.

Saturday, January 19, 1839.

Mr. Beeler, from the joint committee on enrollments, reported the following entitled acts to have been this day presented to the Governor for his approval:

An act concerning the construction of statutes, &c.

An act relating to the office of recorder of deeds, &c.

An act to authorize Robert Wilson, his heirs or assigns, to erect a dam across Skunk river.

An act to authorize David W. Kilbourn to keep a ferry across the Mississippi river at the town of Montrose.

An act to authorize the appointment of public administrators in the several counties of this Territory, and for other purposes.

An act to regulate the mode of petitioning the legislature in certain cases; and

An act to incorporate the Plymouth Mill and Manufacturing Company.

Mr. Summers offered the following:

Resolved, By the Council and House of Representatives, that both branches of the Legislative Assembly adjourned on Friday the 25th instant, sine die.

The resolution was, on motion of Mr. Beeler, laid on the table.

Mr. Beeler, from the joint committee on enrollments reported as correctly enrolled the following entitled acts:

An act to incorporate the Burlington Steam Mill Company.

An act to provide for the compensation of Sheriffs of the different counties of this Territory for ordering elections and posting up notices.

An act regulating the publication and distribution of the laws and journals of the Legislative Assembly of the Territory of Iowa; and

An act to regulate blacks and mulattoes.

Also, that a bill supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes; (the names of the commissioners elected on yesterday being inserted in the blank of the 5th section of said bill;) and bill No. 151, entitled An act concerning seals, have been examined and found to be correctly engrossed.

The said above named acts were signed by the Speaker, and ordered to be presented for the signature of the President of the Council.

Mr. Sumniers, from the committee to which bill No. 74, An act to organize the county of Clinton, &c. had been recommitted, reported said bill back to the House with amendments.

Mr Nowlin offered the following:

Resolved, That Mortimer Bainbridge Esq. be allowed the sum of fifty dollars, for his services as clerk of the committee appointed in the month of November last, to examine the affairs of the Miners' Bank of Du Buque.

The resolution was, on motion of Mr. Bankson, referred to the committee on expenditures, and Mr. Nowlin excused from serving on that committee.

The following message from the Council was received, by Mr. Loop, their Assistant Secretary.

Mr. Speaker—

I am directed to inform you that the Council have passed bill No. 52, of their file, A bill concerning bail; also bill of the House, No. 144, An act for the relief of the sheriff of Cedar county, with amendments, in all of which the concurrence of the House is requested.

The Council have also concurred in the joint resolution of the House on the subject of a donation by Congress of four sections of land on which to locate the seat of government of the Territory of Iowa.

I also herewith return to you the following acts of the House of Representatives, the same having been signed by the President of the Council.

An act to provide for the appointment and duties of sheriffs.

An act to authorize Francis P. Blevings to keep a ferry, &c.

The Secretary withdrew. Said resolution was then signed by the Speaker.

Bill No. 44, H. R. file, entitled An act concerning the seat of justice of Scott county, as amended by the committee to which it had been re-committed, was read a second time and considered in committee of the whole, Mr. Coop in the chair. The committee rose, and by their chairman, reported the bill without amendment.

Mr. Summers made a motion that the bill be again recommitted; to which motion Mr. Cox offered an amendment, as follows: And that the committee be instructed to select one commissioner from Davenport, one from Rockingham, and allow the Speaker of this House to select the third commissioner.

The amendment was adopted and the motion agreed to.

Bill No. 142, entitled An act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes, was read a third time, passed and title agreed to.

Ordered, That the same be sent to the Council for concurrence.

Bill No. 149. entitled An act providing for the re-location of the county seat of Van Buren county, was read a second time.

Mr. Hall made a motion that said bill be laid upon the table until the report of the majority of the committee, to which had been referred petitions and remonstrances on the subject of said county seat, be acted upon.

On motion of Mr. Swan,

A call of the House was had. The Sergeant-at-arms was sent after Messrs. Grimes and Porter. After a short time, the call of the House was suspended, by motion of Mr. Patterson, and the question taken on the motion of Mr. Hall, and determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Cox, Grimes, Hall, Nowlin, Summers, Swan, Temple and Wallace, Speaker—9.

Nays—Messrs. Bailey, Beeler, Brierly, Blair, Coop, Delashmutt, Frierson, Hastings, Patterson, Parker, Price, Roberts, Taylor, Thornton and Toole.—15.

On motion of Mr. Bailey,

The House resolved itself into a committee of the whole, Mr. Cox in the chair, for the consideration of said bill. After some time the committee rose, and by their chairman obtained leave to sit again.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Bailey,

The House again resolved itself into a committee of the whole, Mr. Cox in the chair, for the consideration of bill No. 149, entitled An act to relocate the county seat of Van Buren county. The committee by their chairman reported the bill with amendment.

The question was then put, "will the House concur in the report of the committee?" and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Blair, Brierly, Coop, Delashmutt, Frierson, Hastings, Patterson, Parker, Porter, Price, Taylor, Thornton and Toole—14.

Nays—Messrs. Bankson, Cox, Grimes, Hall, Nowlin, Roberts, Summers, Swan, Temple and Wallace, Speaker—10.

Mr. Bailey then moved a suspension of 16th and 18th rules, so that the bill be now read a third time; the motion was disagreed to, and the bill ordered to be engrossed for a third reading.

Mr. Nowlin, from the committee on enrollments, reported as correctly enrolled, An act to divide the county of Henry and to establish the county of Jefferson. Tne same was signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Memorial to the President of the United States praying for a delay of public land sales in this Territory, was read a second time, and considered in committee of the whole, Mr. Delashmutt in the chair. The committee, by their chairman, reported the memorial negatived.

The House concurred in the report of the committee, and

On motion of Mr. Patterson,

Ordered that the title of the memorial lie on the table until the 4th day of July next.

Bill No. 50, Council file, An act in relation to bond and other securities, was read a second time, and considered in committee of the whole, Mr. Frierson in the chair. The chairman of the committee reported the bill without amendment, in which report the House concurred, and

On motion of Mr. Nowlin.

Ordered that the 16th and 18th rules be, for the time being, suspended. Said bill was read a third time, passed, and title agreed to.

Bill No. 40, Council file, entitled An act to provide for the appointment of notaries public and to prescribe their duties, was read a third time and passed.

Bill No. 48, Council file, entitled An act to establish the boundaries of the counties of Clayton, Fayette, Delaware and Buchanan, having been considered in committee of the whole, on the 16th inst., and the House having then concurred in the report of the committee, and left said bill open for amendment, Mr. Cox moved to amend the bill by adding thereto the following:

"SEC. 7. And the boundaries of Jackson county shall be as follows, to wit: beginning in the main channel of the Mississippi river, between townships eighty-two and eighty-threee north; thence west, on said line to the fifth pricipal meridian; thence north, on said meredian to the line dividing townships eighty-six and eighty-seven; thence east, on said line, to the Mississippi river; thence down the same to the place of beginning."

Mr. Summers made a motion to lay the bill on the table; which motion was not agreed to.

The qustion was then taken on the amendment offered by Mr. Cox, and decided in the negative.

Mr. Cox then made a motion that the 6th section, after the word "seven" in the fifth line of the same be stricken out, and the following inserted, to wit:

"Range dividing ranges two and three east, thence north between ranges two and three, to the line dividing townships eighty-seven

and eigty eight, thence east to the main channel of the Mississippi river." Agreed to.

On motion of Mr. Nowlin,

The rules were temporarily suspended, and said bill read a third time and passed.

Ordered, That the Council be informed.

Mr. Loop, the assistant Secretary of the Council, being introduced, delivered the following message:

Mr. Speaker,

I am directed to inform the House of Representatives, that the Council have passed bills of the House with amendments, as follows:

An act to provide for the erection of a penitentiary, and establishing and regulating prison discipline for the same.

An act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes.

The Council have also passed the following entitled bills, without amendment.

An act authorizing Jehu Carter to erect a dam across Big Cedar, in Jefferson county.

The Council have also passed bill No. 53, Council file, An act to authorize Aaron White to keep a ferry across the Mississippi river at the town of Fort Madison.

I also herewith return the following bills of the House, the same having been signed by the President of the Council.

An act to authorize John Gaines and others to keep a ferry, &c.

An act to district the Territory of Iowa into electoral districts, and apportion, &c.

An act to provide for the compensation of judges of probate.

An act to authorize James Leonard and others to keep a ferry, &c.

An act to allow and regulate the action of waste.

An act fixing the terms of the supreme and district courts of the Territory and for other purposes.

An act regulating the publication and distribution of the laws of the Legislative Assembly.

An act to provide for the compensation of sheriffs of the different counties of this Territory for ordering elections.

An act to incorporate the Burlington Steam Mill Company.

An act to regulate blacks and mulattoes. And then he withdrew.

On motion bill No. 142, An act supplementary to an act to locate the seat of government of the Territory of Iowa and for other purposes, as amended by the Council, was read and concurred in.

Ordered, That the Council be informed.

Bill No. 140, An act to incorporate the Keasauqua Lyceum, was read a third time, passed, title agreed to, and ordered to be sent to the Council for concurrence.

On motion the House adjourned.

Monday, January 21, 1839.

Mr. Hastings presented the remonstrance of inhabitants of Muscatine county, against the detachment from said county, of townships seventy-seven and seventy-eight north, and range one east.

Referred to the committee on townships and county boundaries.

On motion of Mr. Grimes,

Ordered, That the committee on expenditures, be instructed to report to this House, a general appropriation bill, for defraying the expenses of the present Legislative Assembly, by to-morrow morning.

On motion of Mr. Hastings,

Ordered, That a resolution, offered some days since on the subject of employing James G. Edwards, to print five hundred copies of the act prescribing the general powers, and duties of justices of the peace, be taken from the table.

On motion of Mr. Taylor,

Said resolution was referred to the committee on the judiciary.

On motion of Mr. Hastings,

Resolved, That Messrs. Clarke & Co. be requested to publish as soon as possible in the Gazette, "An act fixing the terms of the supreme and district courts of this Territory, and for other purposes," and to furnish each clerk of the district courts in the Territory with a copy.

Mr. Swan offered the following:

Resolved, By the Council and House of Representatives, of the Territory of Iowa, That James Clarke & Co. publishers of the Iowa Territorial Gazette be allowed the sum of seven hundred and eighty dollars, for copies of said paper furnished the members of the Legislative Assembly, during its present session.

Referred to the committee on expenditures.

Mr. Hastings offered the following:

Resolved, That the Hon. Wm. B. Conway, Secretary of the Territory, be requested to furnish this House with a copy of the Governor's letter to the Secretary, of the 5th September last, relative to procuring stationery for the use of the legislature, and funds of their payment; a copy of the Secretary's letter to Mr. Parvin, authorizing him to make purchases &c. at Cincinnati, together with a copy of the bills of articles purchased by Mr. Parvin, in pursuance of such authority; which was,

On motion of Mr. Swan, ordered to lie on the the table.

Mr. Price, from the joint committee on enrollments, reported the following entitled acts to have been this day presented to the Governor for his approval:

An act to authorize Francis P. Blevings to keep a ferry, &c.
An act to provide for the appointment and duties of sheriffs.
An act to regulate blacks and mulattoes.
An act to incorporate the Burlington Steam Mill Company.

An act regulating the publication and distribution of the laws and journals of the Legislative Assembly of the Territory of Iowa.

An act to authorize James Leonard, Oliver A. Crary, William H. Brown and Charles Swan, to establish and keep a ferry across the Mississippi river at the town of Charleston.

An act to allow and regulate the action of waste.

An act to provide for the compensation of judges of probate.

An act to provide for the compensation of sheriffs of the different counties of this Territory, for ordering elections, and posting up notices.

An act to authorize John Gaines, Otis Reynolds & Co. to keep a ferry across the Mississippi river opposite the Round Mound, at the upper mouth of the Des Moines river.

An act fixing the terms of the supreme and districts courts of the Territory of Iowa, and for other purposes.

An act to district the Territory of Iowa into electoral districts, and apportion the members of the House of Representatives in the same.

Mr. Nowlin, from the joint committee on enrollments, reported as correctly enrolled, An act to provide for the appointment of justices of the peace, to prescribe their duties and regulate their proceedings; and

An act supplementary to an act to locate the seat of government of the Territory of Iowa and for other purposes; Also, as correctly engrossed, A bill to re-locate the county seat of Van Buren county.

The aboved named acts were signed by the Speaker and ordered to be presented for the signature of the President of the Council.

Mr. Summers, from select to which bill No. 44, H. R. file, was recommitted, entitled An act concerning the seat of justice of Scott county, reported the bill back to House with amendments.

Mr. Grimes, from the select committee to which was referred bill No. 148, entitled An act to establish a territorial road from Davenport to Du Buque, as surveyed by Jno. Foley and others, made report:

That it is inexpedient to pass any law disbursing the appropriation made by Congress to build a road from the line of the State of Missouri to the Mississipri river opposite the town of Prairie Du Chein, and to construct bridges for the same; and that said appropriation amounting to $10,000 ought to be expended by and under the direction of the general government.

Which report was concurred in.

Bills, Council file, No. 52, An act concerning bail, and

No. 53, An act to authorize Aaron White to keep a ferry across the Mississippi river, at the town of Fort Madison, were read a first time. The rule requiring No. 52 to be printed, was suspended by motion, and the same read a second time, and considered in committee of the whole, Mr. Hall in the chair. The committee by their chairman reported the bill without amendment.

The House concurred in the report, and

On motion of Mr. Grimes,

Ordered, That said bill be laid on the table.

On motion of Mr. Summers,

Bill No. 74, entitled An act providing for the organization of the county of Clinton, as amended by the committee to which it was re-

ferred, was read a second time, Mr. Grimes in the chair. The chairman of the committee reported the bill with amendments.

Mr. Taylor then made a motion that the bill lie on the table, which was lost.

The question "will the House concur in the report of the committee?" was put and determined in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Brierly, Delashmutt, Grimes, Hall, Porter, Price, Summers, Temple, Toole and Wallace, Speaker—10.

Nays—Messrs. Bankson, Bailey, Beeler, Blair, Coop, Cox, Frierson, Nowlin, Patterson, Parker, Roberts, Swan, Taylor and Thornton—14.

On motion of Mr. Nowlin,

Ordered, That said bill be again re-committed, and the committee instructed to provide in the same for the location of the county seat of Clinton county by commissioners.

Mr Wallace, the Secretary of the Council, was introduced and delivered the following message:

Mr. Speaker,—

I am directed to present for the concurrence of the House, the following resolution, the same having passed the Council.

Resolved, (if the House of Representatives concur,) that the 14th and 15th joint rules be rescinded.

I am further directed herewith to return the following:

An act to provide for the appointment of justices of the peace, &c.

An act supplementary to an act to locate the seat of government, &c.

An act to divide the county of Henry and establish the county of Jefferson; also, Resolution on the subject of a donation from Congress of four sections of land on which to locate the seat of government of the Territory. Which acts and resolution have been signed by the President of the Council. And then he witherew.

On motion of Mr. Price,

Bill No. 122, entitled An act regulating writs of ne exeat and injunctions, was taken from the table and considered in committee of the whole, Mr. Taylor in the chair. The chairman reported the bill without amendments, in which the House cconcurred, and

On motion of Mr. Price,

Suspended the rules in relation to said bill; which was then read a third time, passed, title agreed to, and

Ordered to be sent to the Council for concurrence.

The House then adjourned to 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Beeler, from the joint committee on enrollments, reported the following entitled acts to have been this day presented to the Governor for his approval:

An act to provide for the appointment of justices of the peace, to prescribe their duties, and regulate their proceedings.

An act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes; and

An act to divide the county of Henry, and to establish the county of Jefferson.

Also, a joint resolution, asking a donation of four sections of land from the general government for the purpose of locating thereon the seat of government of the Territory.

Mr. Grimes obtained leave to introduce bill No. 153, entitled An act to incorporate the Burlington Lyceum, which was read a first time.

On motion of Mr. Beeler,

A suspension of the rules was ordered in relation to said bill, and the same read a second time.

On motion of Mr. Temple,

The House resolved itself into a committee of the whole for the consideration of said bill, Mr. Patterson in the chair. The committee by their chairman reported the bill without amendment.

The House concurred in the report of the committee, and, by a vote of two thirds, ordered that the bill be read a third time now.

The bill passed with title amended.

Mr. Bankson from the select committee appointed for that purpose, reported a memorial to the President of the United States praying for the removal of the present Governor of the Territory of Iowa; which memorial was read a first and second time and on motion considered in committee of the whole, Mr. Parker in the chair.

The said memorial reads as follows:

To His Excellency MARTIN VAN BUREN, President of the United States.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully beg leave to submit,

That while they entertain a deep sense of the respect and forbearance due to their parent government and its constituted authorities, whilst they would be the last to interpose obstacles and difficulties to the proper and agreeable discharge of those high duties which devolve upon your Excellency, and whilst they are disposed to endure many of the evils arising from and almost unlimited exercise of Executive power, when exercised with wisdom, moderation, and temper, yet they feel impelled by an irresistible sense of duty to their constituents, to themselves, and to the American people, to call the attention of your Excellency to the present situation of our Territory, and to the officers who have been called to guard her rights, and to cherish her interests.

As the Representatives of the people, we are obliged to appeal to your patriotism and wisdom, and to your sense of justice, for the exercise of that salutary power belonging to your office, and which alone can relieve our constituents of their present grievances.

The attitude in which his Excellency, Governor Lucas, has placed himself by his official conduct, in relation both to the Legislative Assembly and the people of this Territory, renders it impracticable and inconsistent with the rights, interests, wishes, and harmony of the people of this Territory, that he should longer continue in the discharge of Executive duties.

No man was ever called to the Executive chair under more favor-

able auspices than was Robert Lucas. From his former military services and his experience as a Legislataor and as a Governor, the people were prepared to expect much. and he was received in onr Territory cordially and with open arms. They were led to believe that wisdom, moderation, and good temper would characterize all his official acts, as well as his private intercourse; but these agreeable anticipations have been in a great measure unanswered.

The Legislative Assembly will enumerate some of the faults of Governor Lucas's administration, and leave your Excellency to judge whether it can be considered possible for him to remain as the Executive of this Territory, without endangering its present peace and future prosperity.

He has refused to place his signature to laws the most salutary, and essential to the public good, without ever deigning to make known to your memorialists his objections thereto.

That he has withheld others of equal importance without giving your memorialists to understand what, or whether any, Executive action has taken place in regard to them, and that too, as your memorialists believe, with a view to subject their entire action to his will.

That he has virtually declared himself paramount to your memorialists, the representatives of the people, by expressly avowing, in an official communication to your memorialists, *that indepemdent of His Excellency they have no power.*

That he has usurped the judicial authority by assuming to dictate, in notes appended to his approval of many laws, the construction which shall be given to such laws.

He has refused officially, in a coarse and uncourteous manner, to inform the Legislative Assembly what laws had received his sanction.

He has refused to consider recommendations of applicants for office, from members from the district, or county, in which the applicants reside, and indirectly avowed his determination not to regard such recommendations.

He has refused to converse with or speak to members of the Legislative Assembly, when waiting on his Excellency in relation to puplic business with which they were charged by the body to which they belong.

He has, from the commencement of the session of the Legislative Assembly, on various occasions, and to all manner of persons, anticipated the action of the Executive Department in regard to public measures, before they were regularly or officially before him; and that too in a manner indicative of a design to make the Legislative Assembly subservient to his will, regardless of their own conviction of duty, and their responsibility to their constituents. And these declarations have been made, in many instances, to stangers and visitors to our Territory, who have no interest in common with us.

While he has been officiously scrupulous in relation to disbursements of money for the payment of the usual expenses of the Legislative Assembly, he has at the same time sent his own bills to the Secretary for payment without authority of law.

He has declared to members of the Legislative Assembly his determination to *veto* all laws for which he would not vote as a mem-

ber of the Assembly, thereby placing his isolated opinion in opposition to that of the Representatives of the people, as well in matters of mere expediency as principle.

He has appointed and nominated to office persons from abroad, who were neither domiciled among, nor had they an interest in common with, the people of Iowa; and some of the persons, thus nominated or appointed, were connected with his Excellency by *intimate ties.*

He has manifested such a total want of abilities, not only to govern in time of peace, but more especially to command in time of war, as is justly calculated to inspire your memorialists and their constituents with alarm for the security of their country, bordering, as it does on the very confines of savage, warlike, and powerful tribes.

Wherefore, and in consideration of the above recited facts, your memorialists are driven to the unpleasant alternative of appealing to the constitutional guardian of this people, who has, they firmly believe, their best interests at heart, although, in the language of your Excellency, "the appointing power cannot always be well advised in its selections, and the experience of every country has shown that public officers are not always proof against temptaion," and of declaring to your Excellency, in the language of the Declaration of Independence, their firm conviction that Robert Lucas is "unfit to be the ruler of a free people."

They, therefore, impelled by facts alone, and in nowise influenced by party or political motives, most respectfully and earnestly pray that his Excellency be forthwith recalled from the further discharge of the Executive duties of the Territory, under the full conviction that the grievances of the people, whom they have the honor to represent, will not be heard and remain unredressed, and that the misrule, which might otherwise terminate in the ruin of the fairest and hitherto most prosperous and quiet portion of our common country, will be peaceably and constitutionally arrested.

The committee by their chairman reported the memorial to the House without amendment. And pending the question "will the House concur in the report of the committee?"

Mr. Patterson moved a call of the House, which was had and an absent member sent for.

After a short time, Mr. Patterson withdrew his call, and the question of concurrence put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Delashmutt, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Frierson, Patterson, Parker and Price—8.

The question on the engrossment and reading of said memorial, was put and decided in the affirmative.

The yeas and nays being called for by Mr. Frierson, are as follow:

Yeas—Messrs. Bankson, Blair, Cox, Delashmutt, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Frierson, Patterson, Parker and Price—8.

Mr. Frierson offered the following:

Whereas, a resolution was adopted in this House on the 15th instant, appointing a committee to memorialize the President of the United States to remove the present Governor of this Territory; and whereas, the said resolution was adopted by a majority of only two votes; and whereas, there is no rule of this House authorizing the minority to spread their protest on the journals: Therefore,

Resolved, That the minority who voted against the passage of said memorial be allowed to prepare and forwad a counter memorial to the Pressdent of the United States on the same subject, and spread their protest on the journal of this House.

Mr. Grimes moved that the preamble and resolution be rejected; to which the House agreed.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Delashmutt, Grimes. Hall, Newlin, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—16.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Frierson, Patterson, Parker and Price—8.

So the preamble and resolution were rejected.

The amendments made by the Council to bill No. 41, H. R. file, entitled An act subjecting real and personal estate to execution, having been read, a motion was made that the House concur in 1st amendment to 4th section, which motion was adopted.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Coop, Cox, Delashmutt, Grimes, Hall, Nowlin, Patterson, Parker, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker—20.

Nays—Messrs. Bailey, Brierly, Frierson and Price—4.

A motion was then made that the House concur in the second amendment to the 4th section, which motion was agreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Cox, Delashmutt, Frierson, Hall, Nowlin, Patterson, Porter, Roberts, Taylor, Temple and Toole—13.

Nays—Messrs. Bailey, Blair, Brierly, Coop, Grimes, Parker, Price, Summers, Swan, Thornton and Wallace, Speaker—11.

A motion was then made that the House concur in the third amendment to the 4th section, which was sustained.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Blair, Brierly, Cox, Frierson, Hall, Nowlin, Parker, Porter, Price, Roberts, Summers, Swan, Taylor, Temple and Toole—17.

Nays—Messrs. Bailey, Coop, Delashmutt, Grimes, Patterson, Thornton and Wallace, Speaker—7.

A motion was made to concur in the 4th amendment to the section which was agreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Beeler, Cox, Delashmutt, Nowlin, Patterson, Porter, Roberts, Swan, Taylor, Temple and Toole—12.

Nays—Messrs. Bailey, Brierly, Coop, Frierson, Grimes, Hall, Parker, Price, Summers, Thornton and Wallace, Speaker—11.

Mr. Summers moved that the bill be referred to a select committee. Lost.

Mr. Hall made a motion that the bill be committed to a committee of one from each electoral district, which was not agreed to.

The 5th amendment to the 4th section, and the amendments to the 9th and 24th sections, were also concurred in.

The amendments to the 12th and 23d sections were disagreed to.

Ordered, That the Council be informed.

The amendments of the Council to bill No. 76, An act to incorporate the town of Bloomington, were read, and

On motion of Mr. Frierson, concurred in.

The amendments of the Council to bill No. 86, An act fixing the time of the annual meeting of the Legislative Assembly, (the first of which, being to strike out "December," and insert "November") were also read and concurred in.

The amendments made by the Council to the 3d, 5th and 7th, the second amendment to the 9th, and the amendments to the 13th, 14th, 17th and 18th sections of bill No. 92, entitled An act establishing certain Territorial roads, were read and concurred in, and those made to the first part of the 9th section, and to sections 10, 15 and 16, of said bill disagreed to.

No. 99, entitled, An act to provide for and regulating general elections in this Territory, as amended by the Council, was read and acted upon as follows:

The amendments made to the 13th, 20th and 22d sections concurred in, and those made to the 9th, 10th, 12th, 14th, 25th, and 28th sections disagreed to.

Bills No. 124, An act to authorize Hiram C. Smith to erect a dam across Skunk river, and

No. 134, An act regulating the action of replevin; as amended by the Council, were read and concurred in.

Bill No. 136, An act to provide for the erection of a penitentiary and establishing prison discipline for the same; as amended by the Council, was taken up, when Mr. Taylor moved to amend the amendment of the Council to the 3d section of said bill, by striking out "Burlington," and inserting "Fort Madison." Mr. Hall called for a division of the question. The question was then put on striking out "Burlington," and determined in the affirmative.

Mr. Hall moved to amend the amendment offered by Mr. Taylor, by inserting "Keasauqua;" which was not agreed to.

Mr. Swan offered to amend said amendment by inserting "Iowa city," in Johnson county; which was rejected.

The question on the motion to insert 'Fort Madison" recurred, and was determined in the affirmative.

Mr. Taylor made a motion further to amend the amendment of the Council to said 3d section, by striking out "Des Moines," where it occurs, and inserting "Lee;" which motion was adopted.

The amendment of the Council to the 5th section of said bill, was concurred in, and that made to the 12th section disagreed to.

Ordered, That the Council be informed.

Mr. Pattersou offered the following:

Resolved, That the minority who voted against the memorial to the President of the United States, praying for the removal of Governor Lucas be allowed to take a copy of said memorial.

To which Mr. Swan offered the following amendment, to wit:

And that James G. Edwards be employed to print 500 copies of said memorial for the use of the members of this House.

Which amendment was agreed to, and the resolution, as amended adopted.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson. Blair, Cox, Delashmutt, Grimes, Hall, Hastings, Nowlin, Porter, Roberts, Summers, Swan, Temple, Toole and Wallace, Speaker—15.

Nays—Messrs Bailey. Beeler, Brierly, Coop, Frierson, Patterson, Parker and Thornton--8.

The House adjourned.

Tuesday, January 22, 1839.

Mr. Roberts obtained leave to present a remonstrance of inhabitants of Cedar county, setting forth that they have as much right to petition for a portion of Muscatine county as inhabitants of Muscatine county have to ask a part of Cedar.

Said remonstrance was, on motion, referred to the committee on townships and county boundaries.

Mr. Loop, the Assistant Secretary of the Council, being introduced, delivered the following message:

Mr. Speaker,

I am directed to inform the House that the Council have passed the following bills of the House with amendments:

An act regulating mills and millers, and for other purposes.

An act providing for the relief of the sheriffs of Lee and Scott counties.

An act relative to wills and testaments, and administrators and the settlement of estates.

An act for assessing and collecting county revenue.

Also bill of the Council, No. 51, an act to establish a ferry across the Mississippi river at Fort Madison.

I also herewith present for your signature, bill of the Council, No. 39, An act for the incorporation of public libraries.

And then he withdrew.

The Speaker signed said bill, No. 39.

Mr. Grimes, by leave, presented the petition of Messrs. Russell and Reeves, praying that fifteen hundred dollars be advanced to them on account of the contract witht the Territory entered into by them, with bond for performance; which petition was read, when Mr. Grimes offered the following:

Whereas Messrs. Russell and Reeves, printers of the laws of this Territory, have filed bonds in the office of the Secretary, in in the sum of five thousand dollars each, together with three securities, in compliance with a resolution of the Council and House of Representatives; Therefore,

Resolved, That Wm. B. Conway, Esq. fiscal agent, and Secretary of the Territory of Iowa, be authorized and requested to pay said Russell and Reeves, the sum of fifteen hundred dollars out of monies which he may have in his hands not otherwise appropriated,

Which was adopted

Mr. Swan, from the committee on enrolments, reported as correctly enrolled;

An act concerning water crafts found adrift, lost goods and estray animals.

An act for the incorporation of public buildings, and

An act authorising Jehu Carter to erect a dam across Big Cedar in Jefferson county, and

A memorial to the President of the United States, as correctly engrossed.

Said enrolled acts were duly signed by the Speaker, and the clerk directed to present them for the signature of the President of the Council.

Bill No. 44, H. R. file, entitled an act concerning the seat of justice of Scott county, was taken up by motion, read a second time and ordered to be considered in committee of the whole, Mr. Porter in the chair. The bill was reported by the chairman, without amendment, The report was concurred in, and the bill ordered to be engrossed for a third reading.

Bill No. 87, entitled an act concerning the construction of statutes, was likewise taken up, read and considered, Mr. Summers in the chair. The committee by their chairman reported the bill without amendment. The report was concurred in, and then,

On motion of Mr. Bankson,

The House ordered that said bill be referred to the committee on the Judiciary.

The following resolution of the Council, to wit,

Resolved, (if the House of Representatives concur,) That the 14th and 15th joint rules be rescinded, was taken up. by motion, and read and concurred in.

Ordered, That the clerk acquaint the Council therewith.

Bill No. 150, entitled an act supplementary to an act to incorporate the Bloomington and Cedar canal company, was read a second time and considered in committee of the whole, Mr. Taylor in the chair, and reported by said committee without amendment.

The House concurred in the report, and by motion of Mr. Frierson,

Ordered, That a call of the House be had, and the sergeant at arms sent for the absentees.

And pending the call, Mr. Grimes, from the committee on the Judiciary, obtained leave to report bill No 87, referred on this morning to that committeee back to the House with amendments.

The call of the House being dispensed with, the question "shall bill No 150 be engrossed and read a third time?" and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Brierly, Delashmutt, Frierson, Grimes, Hall, Hastings, Parker, Porter, Price, Taylor, Temple, Toole and Wallace, Speaker—15

Nays—Messrs. Bankson, Blair, Coop, Cox, Patterson, Roberts, Summers, Swan and Thornton—9.

Mr. Patterson, from the committee on expenditures, to which had been referred the account of M. Bainbridge, Esq. reported the following resolution:

Resolved, That Mortimer Bainbridge, Esq., be allowed the sum of twenty five dollors for his services, as clerk of the committee appointed in the month of November last to examine the affairs of the Miner's Bank of Du Buque.

Which was read, and, on motion of Mr. Grimes, laid on the table.

On motion of Mr. Bailey,

Bill No. 149, An act to relocate the county seat of Van Buren county, was taken up, read a third time, and the question, "shall the bill pass?" put, and determined in the affirmative.

Mr. Hall called for the yeas and nays and they were as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Frierson, Hastings, Patterson, Parker, Porter, Price, Taylor, Thornton and Toole.—15.

Nays—Messrs. Bankson, Cox, Grimes, Hall, Nowlin, Roberts, Summers, Swan, Temple and Wallace—10.

Ordered, That said bill be sent to the Council for concurrence.

Bill No. 52, Council file, an act concerning bail, was read a second time, when the House, on motion, resolved itself into a committee of the whole on the same, Mr. Temple in the chair. The committee reported the bill without amendment. The House concurred in the report, and,

On motion of Mr. Grimes,

Ordered that the rules be suspended, so that the bill be read a third time. The same was then passed, and the clerk directed to inform the Council thereof.

On motion of Mr. Summers,

The resolution on the subject of adjournment, laid on the table on the 19th inst. was taken therefrom.

On motion of Mr. Bailey said resolution was rejected.

Mr. Cox offered the following:

Resolved, That a committee of three be appointed to examine into the unfinished business of the House, and make report to morrow morning as to what business should be acted upon. Which was adopted, and Messrs Cox, Grimes and Taylor appointed said committee.

The Speaker announced a message from his Excellency the Governor, which was read and is as follows:

EXECUTIVE DEPARTMENT, IOWA TERRITORY,
January 21, 1839.

To the House of Representatives of the Legislative Assembly:

GENTLEMEN—I have this day signed the act entitled "an act to locate the seat of government of the Territory of Iowa, and for other purposes"—also the act entitled "an act supplementary to an act to locate the seat of government of the Territory of Iowa and for other purposes," and have deposited both acts with the Secretary of the Territory,

In transmitting to you this information, I consider it my duty to state to you, at the same time, that I have been unable to reconcile with the organic law, the provisions therein that relate to the mode of appointing commissioners, and filling these appointments with members of the Legislative Assembly.

I have been unable to discover any place in the organic law that vests in the Legislative Assembly the right to appoint officers. The 7th section declares "that all township and county officers, except judicial officers, justice of the peace, sheriffs and clerks of courts, shall be elected by the people." Thus securing to the people, the right to elect all officers, (with the above exception) that partake of the character of township or county officers. The section further proceeds to declare, that "the Governor shall nominate, and by and with the advice and consent of the Legislative Council, shall appoint all judicial officers, justice of the peace, sheriffs, and militia officers, except the staff, and all civil officers not herein provided for."

The 8th section declares "that no member of the Legislative Assembly shall hold, or be appointed to, any office created, or the salary or emoluments of which shall have been increased, whilst he was a member during the time for which he shall have been elected and for one year after the expiration of such term."

If the commissioners created and appointed by these acts, partake of the character of civil officers, both the mode of appointment, and filling these appointments with members of the Legislative Assembly, are in contradiction of the organic law and would be legitimately void. But inasmuch as provision has been made in the act regulating writs of quo warranto, for bringing questions of this character before the judiciary; and considering also that the members of the Legislative Assembly as well as myself, have taken a solemn oath to support the organic law—and approving the bill in other respects—I have waved my objections and signed both the original bill and supplement, under the impression that should the organic law be infringed, the proper remedy may be applied by the judiciary under the quo warranto act.

Very respectfully,
Your obedient servant,
ROBERT LUCAS.

Bills No. 141, an act providing for the recording of town plats; and No 146, an act to improve the police of the city of Burlington, were severally read a third time, passed, titles agreed to, and

Ordered to be sent to the Council for concurrence.

On motion, the House adjourned to two o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Grimes from the committee on the judiciary to which was yesterday referred a resolution in relation to the printing in pamhlet form by James G. Edwards, of the act providing for the appointment of justices of the peace, to prescribe their duties, &c. reported said resolution back to the House with an amendment to the same as sollows:

"Together with the law concerning constables, and a statement of fees allowed by law to justices, constables and jurors."

The report was received, the amendment agreed to, and the resolution as amended adopted.

Mr. Summers offered the following and moved its adoption to wit:

Resolved, That the Hon. William H. Wallace, Speaker of the House of Representatives, be allowed three dollars extra per day, for his services.

Mr. Bailey called for the yeas and nays on the same, and they were as follow:

Yeas—Messrs. Bankson, Blair, Coop, Cox, Delashmutt, Grimes, Hall, Nowlin, Patterson, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton and Toole—17.

Nays—Messrs. Bailey, Beeler, Frierson, Hastings, Parker and Price—6.

So the resolution was adopted.

Mr. Nowlin, from the joint committee on enrolments, reported the following acts to have been correctly enrolled:

An act to establish the several seminaries herein named.

An act relative to proceedings in chancery.

Which acts were signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Nowlin made a motion that the resolution allowing pay to Mortimer Bainbridge, Esq., attorney and clerk employed by the commissioners appointed to investigate the Miners' Bank of Du Buque, laid on the table this morning, be taken therefrom.—Which motion was agreed to.

Mr. Porter moved to amend the resolution by striking out 'twenty five' and inserting 'fifteen,' which was disagreed to.

The resolution was then adopted.

Bill No. 151, an act concerning seals, was read a third time and passed.

Ordered, That the same be sent to the Council for concurrence.

Memorial to the President of the United States, praying for the removal of the present Governor of the Territory, was read a third time, and pending the question "shall the memorial pass?" Mr. Porter asked for a call of the House which was had, and the sergeant at arms was despatched for the absentees.

After a short time the call of the House was suspended, when Mr. Hastings asked to be excused from voting on the question of the passage of said memorial.

The House refused to excuse Mr. Hastings.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Blair, Cox, Frierson, Grimes, Hastings, Patterson, Swan, Temple, Thornton, Toole and Wallace, Speaker--12.

Nays—Messrs. Bankson, Beeler, Brierly, Coop, Delashmutt, Hall, Nowlin, Parker, Price, Roberts, Summers and Taylor—12.

On motion of Mr. Nowlin,

Ordered, That the vote taken on excusing Mr. Hastings from casting his vote on the passage of said memorial, be reconsidered and that gentleman now excused.

The question, "shall the memoriai pass?" was then put and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bankson, Blair, Cox, Delashmutt, Grimes, Hall, Nowlin, Porter, Roberts, Summers, Swan, Taylor, Temple, Thornton, Toole and Wallace, Speaker--16.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Frierson Patterson, Parker and Price--8.

The assistant Secretary of the Council, Mr. Loop, being introduced, delivered the following message:

Mr. Speaker,—

I am directed to inform the House that the Council have passed the following bills of the Council:

No. 55, an act concerning minors, orphans and guardians.

No. 56, an act concerning reference to arbitration by agreement before a justice of the peace, or to referees by agreement before the district court.

No. 57, an act to incorporate the town of Davenport.

No. 58, An act to authorise the holding of the district court in the county of Jefferson. In all of which the concurrence of the House is requested.

The Council have also concurred in H. R. file, memorial to Congress on the subject of settlements on school lands, without amendment.

I also herewith return the following entitled acts of the House the same having been signed by the President of the Council.

An act authorizing Jehu Carter to erect a dam across Big Cedar in Jefferson county.

An act concerning water crafts found adrift, lost goods, and estray animals.

And then he withdrew.

The amendments by the Council to bills No. 79, 98, 100, 135, 137 and 144, were severally read and concurred in.

Ordered, That the Council be informed.

Bill No. 87, an act concerning the revival of statutes, with amendments, made by the committee on the Judiciary, was read a second time and considered in the committee of the whole, Mr. Toole in the chair. The committee reported said bill without further amendment. The House concurred in their report and ordered that the rules so far as they relate to said bill be suspended so that the same be read a third time. The bill was then passed, title agreed to, and ordered to be sent to the Council for Concurrence.

Mr. Nowlin, from the committee on expenditures to which was referred a joint resolution allowing James Clark & Co. seven hnndred and eighty dollars, for copies of the Iowa Territorial Gazette furnished the Legislative Assembly at its present session, reported the same back to the House without amendment.

Said resolution was then adopted.

Ordered, That it be sent to the Council for concurrence.

Mr. Beeler, from the committee on enrolments, reported the following entitled acts as correctly enrolled:

An act to authorize Hiram C. Smith and Cordell to erect a dam across Skunk river.

An act fixing the time and place for the annual meeting of the Legislative Assembly.

An act regulating the action of replevin.

Which acts the Speaker then signed, and ordered, that they be presented to the President of the Council for his signature.

Mr. Summers from select committee to which had been referred bill No. 74, entitled, an act providing for the organization of the County of Clinton, reported said bill back to the House with amendments. Which bill and amendments were, on motion, considered in committee of the whole, Mr. Bailey in the chair. The committee, by their chairman, reported the same and asked the concurrence of the House, which it refused to give.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Beeler, Brierly, Cox, Delashmutt, Hall, Summers, Temple and Toole—8.

Nays—Messrs. Bankson, Bailey, Blair, Coop, Frierson, Hastings, Patterson, Parker, Price, Roberts, Taylor and Thornton—12.

On motion, the House then adjourned, until to 6½ o'clock, P. M.

6½ O'CLOCK, P. M.

Mr. Price, from the joint committee on enrolments, reported the following entitled acts to have been this day presented to the Governor for his approval, viz:

An act concerning water crafts found adrift, lost goods and estray animals.

An act to authorize Jehu Carter to erect a dam across Big Cedar in Jefferson county.

Mr. Nowlin, from the committee on enrolments, reported as correctly engrossed, bills entitled as follows. viz:

A bill concerning the seat of Justice of Scott county; and

A bill supplementary to an act to incorporate the Bloomington and Cedar river canal company.

Mr. Grimes moved for a call of the House, which was had, and several members were ascertained to be absent together with the sergeant at arms.

On motion of Mr. Nowlin,

The messenger was sent to procure the attendance of absent members and the sergeant at arms.

Bills Council file, No. 51, an act to establish a ferry across the Mississippi river, at the town of Fort Madison.

No. 55, An act concerning minors, orphans and guardians.

No. 56, An act confirming reference to arbitration before a justice of the peace, or to referees by agreement before the District Court.

No. 57, an act to incorporate the town of Davenport, and

No. 58, an act to authorise the holding of district courts in the county of Jefferson; were severally read a first time.

On motion of Mr. Summers,

The resolution requiring the printing of bills prior to a second reading, was suspended in reference to the above named bills, Council file; which bills were read a second time, when the House resolved itself into a committee of the whole, Mr. Bankson in the chair for the consideration of said bills. After some time the committee rose, and by their chairman reported bill No. 51, negatived, and Nos. 55, 56, 57, and 58 without amendment.

The House concurred in the report of the committee, and

On motion of Mr. Taylor,

Ordered, That the 16th and 18th rules be also suspended, in reference to said bills, No. 55, 56, 57, and 58; which bills were then read a third time and passed.

Ordered, That the Council be made acquainted therewith.

Mr. Loop, the assistant Secretary of the Council, being introduced, delivered the following message:

Mr. Speaker,

I am directed to inform the Hon. the House of Representatives, that the Council have passed bills of the House as follows:

No. 101, an act concerning amendments and jeofails, and

No. 131, an act concerning vagrants, without amendments.

Also, No. 147, an act to incorporate the Burlington and Des Moines transportation company, with amendmants, in which amendments the cencurrence of the House is requested.

I am further directed to inform the House of Representatives. that the Council has concurred in the amendments made by the former to those made by the latter to bill No 136, an act to provide for the erection of a penitentiary, and establishing and regulating prison discipline for the same.

And then he withdrew.

Mr. Nowlin obtained the consent of the House to introduce bill No. 154, an act to authorize the Governor to call a special session of the Legislative Assembly. The bill was read a first time, and all the rules of House delaying the passage of the same suspended for the time being. On motion, said bill was read a second time, and considered in committee of the whole, Mr. Bailey in the chair. The chairman made report that the committee had made no amendment to the bill and desired the concurrence of the House therein. The House concurred. The bill was then read a third time and passed with title agreed to.

Bills H. R. file, No. 44, an act concerning the seat of justice of Scott county and

No 150, an act supplementary to an act to incorporate the Bloom-

ington and Cedar river canal company were read a third time, passed and the titles agreed to.

Ordered, That said bills be sent to the Council for concurrence.

The amendments made by the Council to bill No. 147, an act to incorporate the Burlington and Des Moines transportation company, was read and concurred in.

Ordered, That the Council be informed.

Mr. Taylor offered the following:

Whereas the first session of the Legislative Assembly of the Territory of Iowa, will, by limitation, expire on Friday next; and whereas the lives of its members have been preserved up to this late period of the session: Therefore,

Be it resolved, That a committee of two members be appointed to wait on the Rev. Mr. Scott, of this city, and request him to deliver a sermon suited to the occasion in this hall on Thursday eveing next at candle lighting, that the clerk be directed to inform the Council of the passage of this resolution, and that a committee of two be appointed to respectfully invite the attendance of the Governor and Secretary of the Territory.

Mr. Cox moved that the preamble and resolution be laid on the table. Not agreed to.

Mr. Cox then called for the yeas and nays on the adoption of the resolution, which are as follow:

Yeas—Messrs. Blair, Brierly, Coop, Delashmutt, Grimes, Hall, Nowlin, Patterson, Price, Roberts, Summers, Swan, Taylor, Temple and Thornton—15.

Nays—Messrs. Bankson, Bailey, Beeler, Cox, Frierson, Hastings, Parker, Porter, Toole and Wallace, Speaker—10.

So the resolution was adopted, and Messrs. Taylor and Nowlin were appointed the first committee, and Messrs. Hastings and Price the second committee therein named.

On motion of Mr. Taylor,

Bill No. 53, Council file, an act to authorize Aaron White to keep a ferry across the Mississippi river at the town of Fort Madison, was taken from the table, read a second time, and considered in committee of the whole, Mr. Beeler in the chair. The bill was reported to the House by the Chairman of said committee with amendments, which were concurred in.

The rules relating to the second and third reading on different days, was then, on motion, temporarily suspended, and said bill read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr. Cox offered the following:

Whereas, by the organic law, the sessions of the Legislative Assembly are limited to seventy five days; and whereas on Friday next this Legislaiive Assembly will have been in session seventy five days; Therefore,

Resolved, That Messrs. Bailey, Frierson and Taylor be appointed a committee to wait on His Excellency Governor Lucas, that if he has any communications to lay before the Legislature, they are ready to recive them. Which was adopted.

Mr. Nowlin offered the following:

Resolved, That Jabez A. Burchard, jr. member of the House of Representatives, be allowed pay from the commencement to the close of the present session, with the usual mileage paid to members of the House of Representatives.

Mr. Summers moved an amendment to the resolution as follows: Strike out "commencement," and insert "time he took his seat:" which amendment was lost.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Beeler, Frierson, Parker, Summers and Toole--5.

Nays—Messrs Bankson, Bailey. Blair, Brierly, Coop, Cox, Delashmutt, Grimes, Hall, Hastings, Nowlin, Patterson, Porter, Price, Roberts, Swan, Taylor, Temple, Thornton and Wallace, Speaker--20.

The resolution was then adopted.

On motion of Mr. Temple,

The vote on the passage of bill No. 154, was reconsidered.

Mr. Swan then obtained the unanimous consent of the House to add a section to the bill. The bill passed, and the title thereof was agreed to.

Mr. Hall moved the suspension of the resolution prohibiting the introduction of new business after the 16th inst. The motion was lost.

The House adjourned.

Wednesday, January 23, 1839.

Mr. Swan from the committee on enrolments reported as correctly enrolled the following entitled acts and memoriarl:

An act concerning costs and fees.

An act to incorporate the town of Bloomington.

An act for the relief of the sheriffs of Lee and Scott counties.

An act for the relif of the sheriff of Cedar county.

Memorial to Congress on the subject of settlements on school lands.

Said acts and memorial were signed by the Speaker and ordered to be presented to the President of the Council for his signature.

On motion of Mr. Grimes,

Resolved, That Wm. B. Conway Secretary of the Territory, be instructed and required to pay to Dr. Enos Lowe, post master at the city of Burlington, the sum of one hundred and eighty dollars.

On motion of Mr. Grimes,

Ordered, That the vote given last evening on the adoption of a resolution offered by Mr. Taylor in relation to the delivery of a sermon in this Hall on Thursday evening next, be reconsidered.

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

The Speaker announced the following message from his Excellency the Governor of the Territory:

H.R. 128

EXECUTIVE DEPARTMENT IOWA TERRITORY,
January 23, 1839.

To the House of Representatives of the Legislative Assembly.

GENTLEMEN,--I have examined the bill presented for my consideration entitled An act to provide for the compensation of the sheriffs of the different counties of the Territory for ordering elections and posting up notices.

The first section of which commences as follows:

"SEC. 1. Be it enacted by the Council and House of Representatives of the Territory of Iowa, that there shall be paid out of the sum appropriated by Congress for defraying the expenses of the Legislative Assembly of Iowa for the year 1838—'9," naming the different sheriffs and sums respectfully allowed.

This bill in my estimation is defective and does not secure to the gentlemen therein named the several sums therein allowed. If the intention of the bill was to pay these allowance out of the appropriation made by Congress to defray the expenses of the present Legislative Assembly, it should have been so expressed; but if it was the intention to have them paid out of the sum that may be appropriated by Congress to defray the expenses of the next Legislative Assembly, I consider that the Legislative Assembly, exceeded their power in passing it. As I observed on a former occasion, I do not believe this Legislative Assembly possesses any power to control either directly or indirectly the appropriation of money that may be appropriated by Congress to defray the expenses of the Legislative Assembly.

If the principle was admitted that this Legislative Assembly has the right to control the application of one dollar of the appropriation that may be made by Congress to defray the expenses of the next Legislative Assembly, they may upon the same principle expend the whole and leave the next Legislative Assembly without the means of defraying the necessary expenses of the session. This would be so glaring a perversion of the intention of the act of Congress, that I think the right to do so by this Legislative Assembly cannot for a moment be contended for. I therefore respectfully solicit the attention of the Legislative Asssembly to this subject and suggest that a modification may be made in the bill to provide for the payment out of the allowances of the territorial treasury. Or should Congress in their liberality see proper to make an appropriation to pay the excess of expenditures of the present Legislative Assembly over the appropriation heretofore made, a conditional provision might be inserted in the bill to pay these allowances out of such appropriation.

The principles of the bill, making the allowance to the gentlemen therein named, I approve, but return it with the foregoing suggestion, with the hope that it may be modified so as to secure, in some way, the payment of the sum therein allowed.

Very respectfully, yours, &c.

ROBERT LUCAS.

On motion of Mr. Grimes,

The House resolved itself into a committee of the whole, on the foregoing message and the bill therein alluded to, Mr. Brierly in the chair. The committee, by their chairman, reported the bill with

amendments, in which the House concurred, and ordered that the 16th and 18th rules be suspended in relation to the bill. The same was then read a third time and passed.

Ordered, That the Council be informed of amendments made thereto.

Mr. Hastings made a motion that the House take from the table a resolution, offered by himself, on the subject of a correspondence of the Secretary of the Territory, and of the latter with Mr. Parvin, in relation to procuring stationary, &c.

Mr Nowlin moved that the motion of Mr. Hastings be laid on the table. Agreed to.

On motion of Mr. Grimes,

Ordered, That the vote just given, on the motion of Mr. Nowlin, be re-considered and the motion of Mr. Hastings agreed to.

The question of the adoption of the resolution referred to, was then put, and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Delashmutt, Frierson, Grimes, Hastings, Patterson, Parker, Porter, Price, Roberts, Summers, Taylor and Temple--17.

Nays—Messrs. Cox, Hall, Nowlin, Thornton, Toole and Wallace, Speaker—6.

Mr. Cox, from the select committee, appointed yesterday, to inquire into the amount of business yet unfinished in the Legislative Assembly, made report in relation thereto.

On motion of Mr. Cox,

Ordered, That the chief clerk be instructed to employ such additional clerks as he may deem necessary to complete the enrollment of bills of the House of Representatives, and that he be authorized to allow them such compensation as he thinks proper.

On motion of Mr. Price,

The vote of yesterday, by which the House refused to concur in the report of the committee of the whole, who had under consideration bill No. 74, An act providing for the organization of the county of Clinton, &c. was re-considered.

The House then concurred in the report of the committee, and ordered that the 16th and 18th rules be suspended in relation to said bill, which was then read a third time, passed, and

Ordered to be sent to the Council for concurrence.

On motion of Mr. Brierly,

The vote of last evening was re-considered, by which the House concurred in the report of the committee of the whole, which had under consideration bill No. 51, Council file, An act to establish a ferry across the Mississippi river at the town of Fort Madison.

The question was then put, "will the House concur in the report of the committee?" and determined in the negative.

Mr. Taylor then moved that "twenty" be stricken from the 1st section, and "ten" inserted in lieu thereof. Agreed to.

Mr. Patterson made a motion to strike from the 1st section the word "Broadway" and insert "Elm," which motion was agreed to.

Mr. Taylor then made a motion to amend the 2d section by striking out "two" and inserting "one;" Agreed to.

On motion the rules were suspended and said bill read a third time. The question was put, "shall the bill pass?" and determined in the affirmative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Beeler, Brierly, Coop, Frierson, Hall, Nowlin, Patterson, Price, Roberts, Summers, Swan, Taylor and Wallace, Speaker—13.

Nays—Messrs. Bankson, Bailey, Blair, Cox, Delashmutt, Grimes, Hastings, Parker, Porter, Temple, Thornton and Toole—12.

Ordered, That the Council be informed.

Mr. Swan offered the following:

Resolved, That the chief clerk be allowed the sum of thee hundred dollars for transcribing, indexing and superintending the printing of the journal of this House, in pamphlet form.

Mr. Beeler moved to amend the resolution, by striking out "three" and inserting "two."

The amendment was lost and the resolution adopted.

The yeas and nays being called for, were as follow:

Yeas--Messrs. Bankson, Blair, Cox, Delashmutt, Frierson, Hall, Hastings, Nowlin, Summers, Swan, Taylor, Temple, Toole and Wallace, Speaker—14.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Grimes, Patterson, Parker and Price--8.

On motion of Mr. Nowlin,

Bills Council file, No. 16, 26 and 28, were taken from the tabie, read a seccnd time and consider in committee of the whole, Mr. Coop in the chair. The committee after some time, by their chairman reported said bills with amendments, in which the House concurred, and

Ordered, That the rules be suspended in reference to bill No. 16, which bill was then read a third time and passed.

Ordered, That the Council be informed.

On motion, the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Grimes moved that a call of the House be had. The motion was agreed to and the Sergeant-at-arms sent for absentees.

The Secretary of the Council, Mr. Wallace, being introduced, delivered the following message:

Mr. Speaker,—

I am directed to inform the House that the Council have passed bills of the House as follows, without amendment, viz:

No. 103, An act to provide for the appointment of a Territorial Treasurer, and defining his duties.

No. 118, An act concerning bills of exchange.

No. 121, An act to organize the county of Jones and establish the seat of justice thereof.

No. 122, An act to incorporate the Burlington and Iowa river turnpike company.

The Council has also passed bills of the House, No. 120, An act to locate a territorial road from the town of Du Buque to Keasauqua, in Van Buren county, and

No. 61, An act to restrain unincorporated banking associations, with amendments.

Also, a joint resolution on the subject of adjourning the two Houses on Friday next, 25th inst. at 10 o'clock, A. M. In all of which the coucurrence of the House is requested.

I also herewith return the following bills of the House, the same having been signed by the President of the Council.

An act to establish the several seminaries herein named.

An act fixing the time and place for the annual meeting of the Legislative Assembly.

An act to authorize Hiram C. Smith and Cordell to erect a dam across Skunk river.

An act relative to proceedings in chancery.

An act regulating the action of replevin.

I also herewith present for your signature, An act to establish the boundary lines of Washington county. And then he withdrew.

The amendments of the Council to bills, H R file, No. 61, An act to restrain unincorporated banking associations, and

No. 120, An act to locate a territorial road from Du Buque to Keasauqua, in Van Buren county, were read and concurred in.

Resolution from the Council on the subject of the adjournment of the two Houses on Friday next at 10 o'clock, A. M. was read and laid on the table.

Mr. Bailey, from the committee appointed yesterday to wait on his Excellency, the Governor, reported the committee had performed that duty, and were informed by his Excellency, that he had no communication to make at present to the Legislative Assembly, nor would he have during the present session, unless there should be a legislative subject presented for his consideration which he might deem to be inconsistent.

The House then adjouned to 6½ o'clock, P. M.

6½ O'CLOCK, P. M.

Mr. Beeler from the joint committee on enrollments, reported the following entitled acts to have been this day presented to the Governor for his approval; viz:

An act to establish the several seminaries herein named.

An act for the relief of the sheriff of Cedar county.

An act fixing the time and place for the annual meeting of the Legislative Assembly

An act to authorize Hiram C. Smith and Cordell, to erect a dam across Skunk river.

An act providing for the relief of sheriffs of Lee and Scott counties.

An act regulating the action of replevin.

An act to incorporate the town of Bloomington.

An act concerning costs and fees.

An act relative to proceedings in chancery.

And a memorial to Congress on the subject of settlements upon schools lands. Also,

An act for the incoporation of Public Libraries.

Mr. Nowlin, from the joint committee on enrollments reported, as

correctly enrolled, An act to incorporate the Burlington and Iowa river turnpike company. Which act was signed by the Speaker and the clerk directed to present the same for the signature of the President of the Council.

Mr. Nowlin, from the committee on the judiciary, reported bill No. 155, entitled An act to prevent forcible entry and detainer. Said bill was read a second time and considered in committee of the whole, Mr. Delashmutt in the chair. The committee, by their chairman, reported said bill with amendments in which the House concurred and ordered that the bill be engrossed for a third reading.

Mr Wallace, the Secretary of the Council, being introduced delivered the following message:

Mr. Speaker,—

I am directed to present for the concurrence of the House of Representatives, bill No. 59, An act to provide for the management and safe keeping of the Territorial Library, the same having pased the Council.

I am further directed to inform the House, that the Council have passed bills of the former as follow:

No. 112, An act to preserve good order in all worshipping congregations in this Territory, with amendments; and

No. 130, An act to provide for the collection of taxes, off the half breed lands, in Lee county; without amendment. In which amendments the concurrence of the House is requested. And then he withdrew.

On motion, The vote by which bill No. 155, was ordered to be engrossed, was re-considered, the 16th and 18th rules temporarily suspended, and said bill read a third time and passed.

Mr. Cox offered the following:

Resolved, By the Council and House of Representatives, That William B. Conway, Secretary &c., be, and he is hereby requested and empowered to take possession of, and securely keep until the next meeting of the Legislature of this Territory, all the furniture which is now in the House occupied by the Legislative Assembly The resolution was adopted.

Mr. Hastings, from the committee on the judiciary, reported bill No. 156, An act to provide for a territorial revenue. Which bill was read a second time, and considered in committee of the whole, Mr. Frierson in the chair. The bill was reported by the chairman of the committee with an amendment, in which the House concurred, and ordered, that the rules be suspended in relation to the bill. The same was then read a third time, passed, and title agreed to.

Ordered, That said bill last named, and resolution be sent to the Council for concurrence

Bill No. 59, Council file, entitled An act for the management and safe keeping of the Territorial Library, was taken up and read a first time.

On motion the rule requiring that bills be printed was suspended, in relation to said bill, and the same read a second time, and considered in committee of the whole, Mr. Grimes in the chair. The bill was reported to the House with amendments, a part of which were concurred in.

On motion of Mr. Grimes,

The bill was amended further by inserting the following after the word "Legislature" in the 4th section, to wit:

"Officers of the Legislature, and officers of the supreme court during the present session."

Mr. Hastings made a motion that the vote by which the salary of Librarian was made to be two hundred dollars, be re-considered.

On which motion, the yeas and nays were called, and are as follow:

Yeas—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Grimes, Hastings, Nowlin, Patterson, Parker, Swan, Taylor, Thornton, Toole and Wallace, Speaker—15.

Nays—Messrs. Bankson, Cox, Delashmutt, Frierson, Hall, Roberts, Summers and Temple—8.

So the vote was not reconsidered.

On motion of Mr. Nowlin,

Said bill was laid on the table until the first Monday in February next.

Mr. Nowlin from the committe on enrollments, reported

An act to organize the county of Jones, as correctly enrolled—which was then signed by the Speaker, and sent to the President of the Council for his signature.

Bill No. 112 as amended by the Council, was taken up and the amendments concurred in.

Mr. Cox moved to adjourn, which was disagreed to.

The yeas and nays being called for were as follow:

Yeas—Messrs. Brierly, Cox, Frierson, Nowlin, Roberts and Toole—6.

Nays—Messrs. Bailey, Beeler, Coop, Delashmutt, Grimes, Hall, Hastings, Patterson, Parker, Summers, Swan, Taylor, Temple, Thornton and Wallace, Speaker—15.

Mr. Swan moved to reconsider the vote by which bill No. 59, C. F. was laid on the table, when

Mr. Taylor made a motion to adjourn, which was not agreed to.

A call of the House was then had and absent members sent for.

Mr. Grimes moved that the call of the House be suspended, when

Mr. Cox moved that the House adjourn, which was not agreed to.

The yeas and nays being called for and were as follow:

Yeas—Messrs. Coop, Cox, Delashmutt, Frierson, Nowlin, Parker, Roberts, Summers, Thornton and Toole—10.

Nays—Messrs. Bailey, Beeler, Brierly, Grimes, Hall, Hastings, Patterson, Swan, Taylor, Temple and Wallace, Speaker—11.

On motion of Mr. Bailey, the House adjourned.

Thursday, January 24, 1839.

Mr. Wallace, the Secretary of the Council, was introduced and delivered the following message:

Mr. Speaker,—

I am directed to inform the House that the Council have passed bills of the House as follows; without amendment, viz:

No. 123, An act regulating the issuing of writs of ne exeat and injunctions.

No. 134, An act to authorize the Governor to call a special session of the Legislative Assembly.

No. 146, An act to improve the police of the city of Burlington.

No. 151, An act concerning seals.

No. 140, An act to incorporate the Keasauqua Lyceum.

The Council have also passed bills of the House as follow; with amendments.

No. 145, An act to provide for the sale of lands located upon, by the county commissioners of Henry county, &c. and

No. 141, An act providing for the recording of town plats.

In all of which the concurrence of the House is requested.

The Council have also concurred in amendments made by the House, to bill No. 40, Council file, An act to provide for the appointment of notaries public, and to prescribe their duties.

Bill No. 42, Council file, An act to legalize the acts of county commissioners; and

Bill No. 51, Council file, An act to establish a ferry across the Mississippi river, at Fort Madison.

I am also directed to inform the House, that the Council insist on their amendment to the 12th section of bill No. 41, of the House, entitled An act subjecting real and personal estate to execution, and have appointed Messrs. Whittlesey, Parker and Payne, a committee of conference in relation thereto.

The Council also insist on their amendment to the 23d section of said bill, No. 41, H. R. file, and have appointed Messrs. Hempstead, Hepner and Payne, a committee of conference in relation to the same.

The Council also insist on their amendments made to the 1st, 9th, 10th and 15th sections of bill No. 92, H. R. file, An act establishing certain territorial roads, and have appointed Messrs. Parker, Hughes and Lewis, a committee of conference in relation thereto.

The Council have receded from their amendment, to the 16th section of said bill.

The Council have also receded from their amendments made to the 9th and 12th sections of bill No. 99, H. R. file, An act providing for and regulating general elections in this Territory, and insist upon their amendments to the 10th, 14th, 25th and 28th sections of said bill, and have appointed Messrs. Payne, Parker and Keith, a committee of conference in relation to the same.

I also herewith return the following bills of the House, the same having been signed by the President of the Council.

An act to organize the county of Jones, and establish the seat of justice thereof.

An act to incorporate the Burlington and Iowa river turnpike company.

And then he withdrew.

Mr. Beeler from the committee on enrollments, reported as correctly enrolled the following acts:

An act concerning bills of exchange.

An act to preserve good order in all worshipping congregations in this Territory.

An act to privide for the appointment of a Territorial Treasurer, and defining his duties.

An act to restrain unincorporated banking associations.

An act to incorporate the Burlington and Des Moines Transportation Company.

An act for the election of constables, and defining their duties.

The said acts were signed by the Speaker, and the clerk directed to present them to the President of the Council for his signature.

On motion of Mr. Swan,

Ordered, That committees of conference be appointed to act in conjunction with similar committees, appointed on the part of the Council in relation to the disagreeing vote of the two Houses, upon amendments made by the Council, to bills H. R. file, No. 41, An act subjecting real and personal estate to execution.

No. 92, An act establishing certain territorial roads, and

No. 99, An act providing for and regulating general elections in this Territory.

Whereupon, the chair appointed Messrs. Swan, Nowlin and Parker, a committee to act in relation to bill No. 41. Messrs. Summers, Price and Roberts, to No. 92, and Messrs. Bailey, Grimes and Swan, to No. 99.

The Speaker announced a communication from the Hon. Wm. B. Conway, Secretary of the Territory respectfully acknowledging the receipt of a resolution passed by this House on yesterday, "relative to procuring stationary for the use of the Legislature."

SECRETARY'S OFFICE,
TERRITORY OF IOWA, JAN. 24, 1839.

To the Honorable the Speaker of the House of Representatives.

SIR,—A resolution adopted by the Honorable the House of Representatives, on yesterday, has been transmitteded to this Department, of which this will be received as a respectful acknowledgement.

The resolution, now considered, requires the production and submission of copies of *parts* of a correspondence, between his Excellency, Governor Lucas,—the Secretary of the Territory, and a certain Mr. Parvin, "relative to procuring stationary for the use of the Legislature." This is an exceedingly vexatious subject. The interference of the Executive with this department, "relative to procuring stationary for the use of the Legislature," has already occasioned much trouble.

The "Mr. Parvin," mentioned in your resolution, by the presentation of his person, arrested the attention of the Secretary of the Territory near his residence, opposite Rock Island, and then and there communicated the very important intelligence, that he (the person last named in your resolution) was on his way to Cincinnati; and that it was his own wish and the wish of Governor Lucas, of

whose wishes he was then and there understood to be the interpreter,--and whose opinions he was then and there understood to expound: The Secretary was thus informed, that it was, their wish, that the stationary should be purchased at Cincinnati;—*because* the Mr. Parvin, of whom your resolution speaks, was then going back to the State of Ohio.

The Secretary did not rashly assent to this bewitching proposal. In a few days, however, a letter was received from Governor Lucas, setting forth the same important fact, that the person last named in your resolution, was gone, or a going to Cincinnati, where stationery could be had "cheaper" To this letter, from the Governor, the Secretary replied, and prososed a "conference" with the Executive, at Burlington, to consider the character of the action which should be had on account of the visit aforesaid to Cincinnati, which the Executive Department had so graciously announced. And, in accordance with this proposition, the Secretary was obliged to put out, on board the old steam boat 'Science' (then on her way from Snake Diggins,) when the water was low--the weather warm--the musquetoes furious—the crew sickly and provisions scarce; and in this situation, he had to weather it out for four long nights and days, in a passage from Rock Island to Burlington—and all on account of this Cincinnati stationery—all *because* the Mr. Parvin, whose name is set out in your resolution, wished to make a visit back to Ohio, and because Governor Lucas, therefore, believed, that stationery could be had cheaper by the proposed arrangement.

Immediately after the arrival of the Science, at this port, the Secretary saw the Governor, and having enjoyed his conversation, it was agreed, that the person last named in your resolution should purchase the stationery at Cincinnati; and accordingly a letter was written, by the Secretary, in the Governor's office, granting authority to purchase the stationery, in conformity with the Executive desire, beginning, as if with the pen of prophetic cautiousness—"In *compliance* with the suggestion of Governor Lucas, I hereby authorize" &c.

A bill of upwards of $800, for articles purchased from E. Lucas, & Co. was returned; but the articles were so entirely *stationary* that they did not arrive, and the Secretary was obliged to go to St. Louis for other articles in the same line; and in returning he was detained ten days and eleven nights at the foot of the rapids, until every particle of provisions was used up; and then he had to put out in wagons, subject to all the inconveniences which usually attend unseasonable operations;—and since the commencement of the session, it is believed, that more stationary has been consumed, in discussing matters connected with this Cincinnati purchase, than with any other item of Territorial Legislation; nor can it be considered, either directly, or in any of its incidental bearings, without calling up the painful recollection of associated troubles, by land and water, which it would be extremely refreshing to be allowed to forget.

And now, when the Secretary is actively engaged in the performance of arduous duties—duties that would crush a feebler man; when he is obliged, from day to day, to go from house to house, to seek for money, to pay the balances due the members of the Legistature, the

clerks and other officers, and that, too, in his character of fiscal agent, while hering under the malediction of an executive veto;—when he is laboring night and day to adjust his large accounts, deeply interested in ascertaining whether he has all his certificates and receipts, before the members disperse, that he, too, may return to his home, which he has not seen for more than three months: At this juncture, and under these circumstances, he is met by a requisition, concerning that Cincinnati stationery,—a subject of all others the most unwelcome,—and this requisition imposes duties with which a compliance, at this time, is almost impossible. Arrearages are still due to some of the members, clerks and other officers of the Legislature, and there is not a dollar to meet these demands, until the Secretary shall have procured money for this purpose from some of our enterprising citizens, to whose liberality the Territory is already indebted, in a manner which the Secretary shall not fail to make known. And, under these circumstances, will the Secretary be required to sit down, and copy the correspondence about that Cincinnati stationery, which, up to this moment, he has never seen?

The resolution of the Honorable the House of Representatives, is also understood to require the Secretary to "furnish FUNDS for the payment" of the stationery purchased, or alleged to have been purchased, from Lucas & Co of Ohio. Does this not appear like a strange requisition? It is well known, that the Congressional appropriation, which was placed in the hands of the Secretary, is long since exhausted, and that he has borrowed, and paid out, thousands of dollars, as "fiscal agent" of the Legislature, for and during the present session. Now the amount of the bill of Lucas & Co. of Ohio, is claimed by Governor Lucas here as part of the Library fund, to the judicious expenditure of which the literary taste of this Territory is already so deeply indebted. And shall the Secretary of the Territory, *as fiscal agent*, be seriously required to negociate loans, on his own responsibility, to pay a man, who with all the solemnity of an Executive veto, denied the *authority* by which that fiscal agent was appointed, and viewed him through a medium, which gave him the aspect of a person "legally unknown." And shall money be collected and expended in this way, to pay for stationery that has never been delivered? And shall upwards of $800 be paid for stationery to be used by the rats, after the adjournment, or not used at all for nine months to come? As well might we lay in our next winter's wood and candles! And shall this course be adopted when the Secretary cannot advance a dollar to Messrs. Clarke & McKenny, and other worthy men, who have rendered service to the Territory?

And it may be well to remember, that we have not yet paid for the stationery which we *have already used!*

It is believed, by this department, that the object of the resolution is to renew, or validate, by Legislative action, a contract, which nonperformance has rendered void. And shall this be done by calling for a useless and uninteresting correspondence, by artfully embracing in that call a demand for money, and that from an officer whose fiscal character was, with the sternness of ill-nature, so solemnly denied?

It is believed, by the Secretary of the Territory, that the Honor-

able the House of Representatives will not permit itself to be dislodged, by fraud or force, from the lofty principles upon which a large majori y of its members' have taken a stand, with the just pride of conscious rectitude and independence; it is not believed, that they will stoop down to aid a project so entirely destitute of every reasonable claim to indulgent consideration. The Secretary, therefore, prays the House to reconsider, and rescind, the resolution of yesterday, and no injustice can be done by its revocation; because if the bill of stationery, purchased, or alledged to have been purchased, by the person last named in your resolution, from Lucas & Co. of Ohio, if this bill be one which the Secretary should pay, a special order, from the Treasury Department of the United States, will meet with prompt compliance, by the Secretary *as the Secretary*, but certainly not as fiscal agent.

With high regard, your very obedient
and respectful servant,
WM. B. CONWAY,
Secretary of the Territory.

The amendments made by the Council, to bills No. 141, An act providing fo the recording of town plats, and

No. 145, An act to provide for the sales of land located upon by the county commissioners of Henry county, were read and concurred in.

The following communication was received from the Hon. Wm. B. Conway:

SECRETARY'S OFFICE,
TERRITORY OF IOWA, JAN 24, 1839.

To the Honorable WM. H. WALLACE, *Speaker of the House of Representatives.*

SIR,--The Secretary of the Territory, would respectfully request the Honorable the House of Representatives, to order duplicate copies of all the resolutions involving the expenditure of money, that the same, if joint, may be forwarded to the Council, for the signature of the Hon. the President of that body, and if separate, signed by the Honorable the Speaker, of the House of Representatives, and countersigned by the chief, or principal clerk.

The Secretary would avail himself of this occasion to inform the Honorable the House of Representatives, that all the memorials which have been transmitted to this office, have been multiplied, by copies, to the extent required, and forwarded according to order.

Very respectfully,
Your obedient servant,
WM. B. CONWAY,
Secretary of the Territory.

On motion of Mr. Grimes,

Ordered, That the chief clerk be instructed to furnish the Secretary, resolutions in the manner referred to in the foregoing communication.

Mr. Hastings, from the committee on the judiciary, reported bill No. 157, An act to prevent trespass and other injuries, from being done to the possessions of settlers, &c.

On motion the rules of the House were suspended in relation to said bill, and the same read a second time, and considered in committee of the whole, Mr. Hall in the chair, reported with an amendment which was concurred in, and read a third time, passed, title agreed to, and

Ordered, to be sent to the Council for concurrence.

On motion of Mr. Blair,

The House adjourned to two o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Beeler from the committee on enrollments reported, that

An act to incorporate the Burlington and Des Moines Transportation Company;

An act to organize the county of Jones, and establish the seat of justice thereof;

An act to incorporate the Burlington and Iowa River Turnpike Company, were this day laid before the Governor for his approval.

The committee have also examined the following entitled acts, and find them correctly enrolled:

An act to provide for the collection of taxes off the half breed lands in Lee county.

An act concerning vagrants.

An act to incorporate the Keasauqua Lyceum.

An act respecting seals.

An act concerning amendments and jeofails.

An act to improve the police of the city of Burlington.

An act for assessing and collecting county revenue.

Mr. Bailey from the committee of conference, appointed to confer with a similar committee of the Council, on the disagreement of the two Houses on An act regulating general and special elections, reported that the committee had agreed to the amendments of the Council.

The House concurred in the report of the committee.

On motion of Mr. Grimes,

Ordered, That Jacob S. Rinearson, recording clerk, be allowed the sum of $30 extra for recording the journal after the Legislature adjourns.

On motion of Mr. Nowlin,

Resolved, That the resolution of yesterday which was hastily called from the table, requiring a submission from Wm. B. Conway, of his correspondence with the Executive, relative to the purchase of stationery, be re-considered and that the account involved therein, be referred to the Secretary of the Treasury of the United States, or to the next Legislature of this Territory, as the persons interested in said account, may deem most advisable and proper.

On motion of Mr. Grimes,

Resolved, That the Secretary of the Territory, be now respectfully requested to submit to this House, a copy of his correspondence, with his Excellency Governor Lucas, relative to the purchase of stationery at Cincinnati, or such portions thereof as may be of

a business character, if the performance of this duty be practicable, duly considering the other duties of the Secretary.

Mr. Wallace, the Secretary of the Council, being introduced, delivered the following message:

Mr. Speaker,—

I am directed to inform the House of Representatives, that the Council have concurred in resolution of the House, asking an increase of the per diem of members of the Legislative Assembly, with one amendment; also,

The memorial of the House, to the President of the United States, asking the removal of Governor Lucas, with one amendment, in both of which amendments the concurrence of the House is requested.

I also herewith return several bills of the House, the same having been signed by the President of the Council.

I also present for your signature, An act to authorize the holding of the district courts, in the county of Jefferson, and

An act regulating practice in the district courts of the Territory of Iowa. And then he withdrew.

Memorial to the President of the United States, for the removal of the present Governor of the Territory, as amended by the Council, was read and concurred in.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Blair, Cox, Delashmutt, Grimes, Hall, Hastings, Nowlin, Roberts, Summers, Swan, Taylor, Temple, Toole and Wallace, Speaker—14.

Nays—Messrs. Bailey, Beeler, Brierly, Coop, Frierson and Price —6.

Mr. Swan, from the committee of conference, appointed to act with a like committee from the Council, in relation to bill No. 41, H. R. file, An act subjecting real and personal estate to execution, reported that the committee had agreed to concur in the amendments made by the Council to said bill

The report was concurred in by the House.

On motion of Mr. Grimes,

The rules of the House were for the time being suspended, and he permitted to introduce a bill No. 158, An act supplementary to an act, for assessing and collecting county revenue.

Said bill was read a first time, the rules further suspended in reference to the same, and the bill read a second and third time, passed, and title agreed to.

Ordered, That the bill be sent to the Council for concurrence.

Mr. Summers from the committee of conference appointed on this morning to confer with a like committee of the Council, in relation to amendments made by the latter, to An act establishing certain territorial roads, reported that the joint committee, had agreed to concur in the amendments of the Council, to the 9th and 10th sections of said bill and to recede from that made to the 15th section thereof.

The report was concurred in.

Mr. Hastings offered the following:

Resolved, That William Dupont be allowed five dollars per day,

for seventy eight days service, as fireman to this House.

The resolution was rejected.

Mr. Grimes made a motion that the vote by which a bill of the Council, entitled An act to provide for the management and safe keeping of the Territorial Library, was laid on the table until February next, be reconsidered; which motion was agreed to.

Mr. Taylor then moved that the word "two" before "hundred" in the first section of said bill, be stricken out, and the word "one" inserted. Agreed to

On motion of Mr. Grimes,

The rules were suspended in relation to the bill, and the same read a third time and passed.

Ordered, That the Council be informed of amendments to said bill.

Resolution on the subject of the per diem pay of members of the Legislative Assembly, as amended by the Council, was read and concurred in.

Mr. Hasting offered the following:

Resolved, That William Dupont be allowed four dollars per day, for seventy eight days service, as fireman to this House.

The resolution was rejected.

Mr. Cox offered the following:

Resolved, That the thanks of this House, be tendered to the Speaker thereof, for the able and impartial manner in which he has discharged the duties of his office, while presiding over the deliberations of this House.

The resolution was adopted.

The yeas and nays being called for, were as follow:

Yeas--Messrs. Beeler, Blair, Brierly, Coop, Cox, Delashmutt, Frierson, Grimes, Hall, Nowlin, Patterson, Price, Roberts, Summers, Taylor, Temple, Thornton and Toole--18.

Nays—Messrs. Bailey, Hastings and Parker—3.

On motion of Mr. Hastings,

Resolved, That William Dupont be allowed nine dollars for three days service, in making preparations for the accommodation of the House of Representatives.

Bill No. 54, Council file, was read a first time, rule suspended, the bill read a second time, considered in committee of the whole, Mr. Cox in the chair, reported without amendment, and report concurred in by the House.

The rules were then further suspended, and the bill read a third time and passed.

Ordered, That the Council be informed.

Bill No. 149, An act to relocate the seat of justice of Van Buren county, as amended by the Council, was taken up.

Mr. Hall asked for a call of the House. The Speaker directed the Sergeant-at-arms to bring in absentees.

After some time, the call of the House was dispensed with, when Mr. Grimes moved to amend the amendment of the Council, by striking out "five thousand" and inserting "two thousand," to which the House disagreed.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Grimes, Hall, Nowlin, Summers, Temple, Thornton and Wallace, Speaker—7.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Coop, Cox, Delashmutt, Frierson, Hastings, Patterson, Parker, Porter, Price, Taylor and Toole—15.

Mr. Bailey then made a motion, that the House concur in the amendments made by the Council; which motion was agreed to.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Bailey, Beeler, Brierly, Coop, Cox, Delashmutt, Frierson, Grimes, Hastings, Patterson, Parker, Porter, Price, Taylor and Toole—15.

Nays—Messrs. Blair, Hall, Nowlin, Summers, Temple, Thornton and Wallace, Speaker—7.

On motion of Mr. Nowlin,

Resolved, That J. B. Whitesides, be allowed the sum of five dollars, for furnishing this House with tin buckets and cups, during the session.

On motion of Mr. Frierson,

Resolved unanimously, that Joseph T. Fales is entitled to the thanks of this House, for the able and efficient manner in which he has discharged the duties of chief clerk thereof, during the present session.

Bill No 138, as amended by the Council, concurred in.

On motion of Mr. Grimes,

Resolved, That John C. Sleeth be allowed the sum of twenty dollars for furnishing wood and making fires, at the commencement of the session.

Mr. Hall offered the following:

Whereas the hour of final adjournment is near, when the members of this Legislative Assembly will return to their constituents, from the first, and it is to be hoped the most stormy and unpleasant session of Iowa. And whereas the sentence of condemnation has gone forth from this body against the Chief Magistrate of this Territory, for reasons which time, truth and justice will sustain, it is due to ourselves to discriminate between faithful and unfaithful public servants, between competent and incompetent officers; Therefore

Resolved, By the Council and House of Rep esentatives of the Territory of Iowa, that they repose full faith and confidence in the talents and integrity of the Hon. Wm. B Conway, Secretary of the Territory, whose conciliating manners and firmness of purpose, connected with his energy, fidelity and efficiency as a public officer, and especially his arduous exertions to procure money to pay the expenses of this Legislative Assembly, entitle him to our thanks, our esteem and friendly recollections.

Resolved, That a copy of the for going preamble and resolution be forthwith communicated to the Honorable the Secretary of the Territory.

The question on the adoption of the same being put, was decided in the negative.

The yeas and nays being called for, were as follow:

Yeas—Messrs. Cox, Delashmutt, Hall, Nowlin, Roberts and Toole—6.

Nays—Messrs. Bailey, Beeler, Blair, Brierly, Frierson, Grimes, Hastings, Patterson, Parker, Price, Taylor, Temple and Thornton —13.

On motion, the House adjourned to 6 o'clock, P. M.

6 O'CLOCK, P. M.

Mr. Taylor offered the following:

Resolved, That the Council be requested to assemble in the Representatives' Hall at 8 o'clock this evening, for the purpose of going into an election for commissioners, to superintend the erection of a Penitentiary at Fort Madison, in Lee county.

Mr. Grimes moved to lay the resolution on the table, which was disagreed to, and the resolution was adopted.

Mr. Beeler from the joint committee on enrollments reported the following entitled acts to have been this day presented to the Governor for his approval:

An act to restrain unincorporated banking associatians;

An act to provide for the appointment of a Territorial Treasurer and defining his duties;

An act to preserve good order in all worshipping congregations in this Territory;

An act for the election of Constables, and defining their duties;

An act concerning bills of exchange.

Mr. Price, also from the same committee reported the following entitled acts to have been this day presented to the Governor for his approval, viz:

An act for assessing and collecting county revenue;

An act to improve the police of the city of Burlington;

An act concerning amendments and jeofails;

An act to provide for the collection of taxes off the Half Breed lands in Lee county;

An act respecting seals;

An act concerning vagrants;

An act to incorporate the Keosauqua Lyceum.

Mr. Nowlin from the joint committee on enrollments reported the following entitled act to have been correctly enrolled:

An act to provide for the erection of a Penitentiary, and establishing and regulating a prison discipline for the same; which act was signed by the Speaker, and the clerk directed to present it for the signature of the President of the Council.

The Council having disagreed to an amendment made by the House to the 4th section of bill No. 48, Council file, entitled, 'An act to establish the boundaries of the counties of Clayton, Fayette, &c."

Mr. Swan made a motion that the House insist upon their said amendment; which motion was agreed to.

Messrs. Bailey, Coop, and Blair were, on motion, appointed a committee of conference in relation to said bill.

The House also insisted upon their amendments to the 4th section of bill No. 59, Council file.

On motion of Mr. Summers, the House disagreed to the amend-

ments made by the Council to bill No. 74, An act to provide for the organization of the county of Clinton, and to locate the seat of justice thereof.

Mr Nowlin, from the committee on expenditures, reported bill No. 159, An act to provide for the compensation of Printers to the Legislative Assembly, and for other purposes, which was read a first time.

The rules of the House were then suspended in reference to said bill and the same read a second time, considered in committee of the whole, Mr. Patterson in the chair, reported the bill without amendment; the report was concurred in, and the bill

On motion of Mr. Bankson, laid on the table.

The amendments made by the Council to bill No. 87, An act concerning the repeal of statutes, were read and concurred in.

On motion of Mr. Swan,

Bill No. 159, was taken from the table and ordered to be engrossed.

Mr. Nowlin offered the following:

Resolved, That the Secretary of the Territory be instructed to pay James Clarke & Co. eighteen hundred and one dollars and seventy-five cents for printing for the House of Representatives, during the present session. Which was adopted.

Mr. Beeler offered the following:

Resolved, That the Secretary of the Territory of Iowa be and he is hereby authorized to pay to the Trustees of the Methodist Episcopal Church, the sum of twelve hundred dollars, the amount due for the rent of said church, for the session of the Legislative Assembly for the year 1838 –'9. Which was adopted.

Mr. Taylor offered the following:

Resolved, That the Hon. Wm. B. Conway. Secretary and Fiscal Agent of this Territory, is entitled to the thanks of this House for his efficient and untiring exertions in procuring money to pay the expenses of this Legislative Assembly.

Which was unanimously adopted.

On motion of Mr. Nowlin,

Resolved, That James G Edwards be allowed the sum of eight hundred and seventy-seven dollars and seventy-eight cents, for printing bills, memorials &c. for the House of Representatives.

Mr. Swan offered the following:

Resolved, That the Rev. A. M. Scott be invited, by a committee to be appointed by the chair, to address the Throne of Grace by solemn prayer.

Which was adopted, and Messrs. Hall and Swan appointed said committee.

The Speaker's chair having been vacated, Mr. Scott was thereupon conducted to it, and in a fervent and appropriate manner addressed the Throne of Grace.

The Speaker resumed his seat, and then

On motion of Mr. Nowlin,

The House adjourned to 8 o'clock, A. M. to-morrow morning.

Friday, January 25. 1839.

On motion of Mr. Hall,

Resolved, That the Council be invited to meet forthwith in the Hall of the House of Representatives for the purpose of going into an election, by joint ballot, for commissioners to superintend the erection of a penitentiary at Fort Madison, in Lee county.

On motion of Mr. Hall,

Resolved, That the several officers who have been in attendance on the House of Representatives during its present session, are entitled to the thanks of this House for the prompt and energetic manner in which they have discharged their several duties.

On motion of Mr. Nowlin,

Resolved, That William H. Turner, be allowed the sum of sixty five dollars for services as enrolling clerk of this House.

Mr. Nowlin, from the committee on enrolments, reported as correctly engrossed, a bill providing for the compensation of printers to the Legislative Assembly and for other purposes.

Said bill was read a third time, passed, title agreed to, and

Ordered to be sent to the Council for concurrence.

On motion of Mr. Cox,

Resolved, That Messrs. Inghram and Temple be requested to forward to the President of the United States the joint memorial to the President of the United States, to remove Governor Lucas from the office of Governor of this Territory.

Mr. Grimes, from the committee on the Judiciary, to which had been referred sundry bills, reported the same back to the House, and reported further that the committee deemed it inexpedient to act upon said bills.

On motion of Mr. Nowlin,

Resolved, That W. P. Cowperthwait, Thornton Bayless, James G. Edwards, William B. Hendershott, and R. D. Barton, be each allowed the sum of ten dollars for services as enrolling clerks.

On motion of Mr. Nowlin,

Resolved, That John S. Dunlap be allowed the sum of five dollars for services as enrolling clerk of this House.

On motion of Mr. Grimes,

Resolved, That Charles Weston be allowed the sum of five dollars as engrossing clerk, and that the Secretary be instructed to pay the same upon a presentation of a certificate from the Speaker and chief clerk.

The honorable members of the Council having appeared,

On motion of Mr. Grimes,

The Assembly proceeded to an election for Commissioner.

Mr. Taylor nominated John Claypole.
Mr. Grimes " John S. David.
Mr. Swazey " H. King.
Mr. Swan " J. M. Harrison.
Mr. Summers " S. R. Murray.

Messrs. Hempstead and Bailey were appointed tellers.

Members having deposited their ballots, and the same being counted, it appeared that John S. David had received thirteen, John Claypole seven, H. King four, S. R. Murray two, J. M. Harrison two, and Mr. Lee one vote. No election.

On motion of Mr. Cox,

The Assembly proceeded to a second ballot, the names of three commissioners, to be voted for, being written on each ballot.

Mr. Whittlesey	nominated	John Foy.
Mr. Patterson	"	Henry Eno.
Mr. Swan	"	J. M. Harrison.
Mr Summers	"	S. R. Murray.
Mr. Ingham	"	John S. David.
Mr. Swazey	"	H. King.
Mr. Taylor	"	John Claypole.

Votes being counted it appeared that Jesse M. Harrison had received seventeen votes, John S. David nineteen, John Claypole fourteen, Samuel R. Murray six, Henry Eno six, and H. King eight votes, and John Foy four votes.

Sixteen votes being necessary to a choice, Jesse M. Harrison and John S. David were declared to be duly elected.

On motion, the Assembly proceeded to ballot for the third commissioner.

Mr. Taylor	nominated	John Claypole.
Mr. Roberts	"	John Foy.
Mr. Swazey	"	H. King.

Ballots being counted, it appeared that John Claypole had received sixteen votes, John Foy three, H. King seven, Henry Eno one, and S. R. Murray one.

John Claypole was declared to be duly elected the remaining commissioner to superintend the erection of the Penitentiary of this Territory, at Fort Madison, in Lee county.

The members of the Council then withdrew.

Mr. Swan, from the committee on enrolments, reported as correctly enrolled,

An act to incorporate the town of Davenport.

An act for the limitation of actions &c.

An act to repeal an act of the Wisconsin legislature concerning the half breed lands.

An act concerning reference to arbitrators, &c.

An act to authorize Aaron White to keep a ferry across the Mississippi river.

An act establishing certain territorial roads.

An act relative to wills and testaments.

An act providing for and regulating general elections in this Territory.

Said acts were signed by the Speaker, and the clerk directed to present them for the signature of the President of the Council.

Mr. Price, from the committee on enrolments, reported the following entitled acts to have been this day presented to the Governor for his approval, to wit:

An act regulating the issuing of writs of ne exeat and injunction.

An act relative to limited partnerships.

An act to authorize the Governor to call a special session of the Legislative Assembly.

An act regulating mills and millers, and for other purposes.

An act to provide for the erection of a penitentiary and establishing and regulating prison discipline for the same

The Secretary of the Council being introduced, informed the House that the Council had passed a joint resolution authorizing the Secretary of the Territory to pay the trustees of the Methodist Episcopal Church in Burlington, twelve hundred dollars for the rent of said church.

The House concurred in the resolution, and then,

On motion, adjourned to 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Swan, from the committee on enrolments, reported as correctly enrolled, a memorial of the Legislative Assembly praying for the removal of the present Governor of the Territory of Iowa.

Said memorial was signed by the Speaker, and ordered to be presented for the signature of the President of the Council.

On motion of Mr. Beeler,

Resolved, That the Council be informed that the House of Representatives are now ready to adjourn *sine die*.

There being no further business before the House, Mr. Bailey made a motion that the House adjourn *sine die*, and before the same was put, the Speaker addressed the House as follows:

GENTLEMEN:—Notwithstanding the resolution which passed this House on yesterday, in its character so complimentary to myself, yet I may be chargeable with asking an unnecessary extension of your indulgence by presuming to lengthen, for a single moment, the time which you have so anxiously looked for—the time which will place you again in the circle of your neighbors, companions and friends, and more particularly to the bosom of your families, and to that repose from the constant care, excitement and vigilance, which are the sleepless monitors of the faithful public servant—a repose which the accumulated labors and responsibilities of the session that is now coming to a close, renders peculiarly desirable. Nevertheless, you will allow me the indulgence of a few moments, while in justice to my own feelings, and a sense of deep and lasting obligation to you, I tender to one and all my fullest gratitude and warmest thanks, for the prompt and efficient manner you have come to my relief and assistance in my feeble and inexperienced efforts to preside over your deliberations, with that promptness of decision, dignity of deportment, and a just and liberal exercise of the powers growing out of the station to which you have called me, seemed to demand. That I have erred, and frequently erred, is undeniable; and that such a result was anticipated by you as well as myself, is equally undeniable; but if my errors have been attributed by any one with whom I have had the honor to be associated, to

any other cause than an error of the head, I hope that he will, in justice to me, before we separate. attach to it his unqualified veto.

We have had before us, gentlemen, a task alike herculean in magnitude and in responsibility; and that excitement and feeling should have occasionally been kindled up among us, is but the evidence of patriotic devotion and a just conception of accountability to our constituents; and I trust that when we separate to return to our several homes, that no one will leave behind him aught set down in malice, but nobly forgive and forget our wrongs, and be ready at all times and under all circumstances to extend the hand of fellowship to his co-laborer in the great work from which we are now about retiring—a work no less in importance than laying the foundation and establishing in part a system of civil jurisprudence, that is to be the rule of action for an intelligent, liberal, and free people; and I fear not the reception which the result of our labors may meet with among the people of Iowa. I, for one, have no compunctions of conscience, no regrets, other than to regret the existence of an influence which has sought to sow the seeds of party and personal discord amongst us, to paralize our energies, and to breath blight and ruin upon our labors; but thank God, there has been enough of manly independence and firmness among us, to pursue our onward course, influenced by no narrow, contracted, or servile views of policy, disdaining all motive, save the interest of the people and the good of our adopted country, we have looked neither to the right nor to the left, but have steadily kept the organic law in our eye as our flag staff, and the people's will as the port to which we run.

Gentlemen, you will bear with you the best wishes and most grateful feelings of one you have honored—one who sincerely desires that you may meet with that cordial reception at the hands of your constituents, which you are so justly entitled to—one who in whatever clime his lot may be cast, or whatever condition in life stern fortune may assign to him, will look back to the scenes in which we have been associated with none other than feelings of pride and exultation, save to regret the necessity of uttering the word farewell.

The House then adjourned *sine die*.

APPENDIX.

[DOCUMENT—No. 1.]

Rules for the Government of the House of Representatives of the Territory of Iowa.

Regulations for the daily transaction of Business.

After the the journal is read, and the House is open for business, the following order will govern:

1st. Petitions or Memorials to be offered.
2d. Resolutions.
3d. Reports of Committees.
4th. Bills, Messages, and communications on the Speaker's table.
5th. Bills and resolutions ready for a second reading.
6th. Bills on the passage.
7th. Reports in the possession of the House, which offer grounds for a bill are to be taken up that the bill may be ordered in.
8th. Bills or other matters before the House, and unfinished the preceding day.
9th. These matters being despatched, for expediting business, the general file of bills and other papers are then taken up, agreeably to their first introduction to the House.

STANDING RULES.

I. The House of Representatives shall choose by ballot one of their own number to occupy the Chair. He shall be styled Speaker of the House of Representatives. He shall take the chair at the hour to which the House is adjourned, and call the members to order; and, if a quorum be present, he shall direct the minutes of the preceding day to be read, and mistakes corrected. He shall preserve order and decorum, and shall decide questions of order subject to an appeal to the House. In committee of the whole he shall call some member to the chair, and may debate any question before the committee; but such substitution shall not extend beyond the adjournment. He shall, unless otherwise directed by the House, appoint all committees. He shall vote on a call of the yeas and nays. In the absence of the Speaker, the House shall appoint a Speaker, pro tem.

II. Any member may have a call of the House, and have absent members sent for.

III. All questions shall be put in this form: "You who are of the opinion (as the case may be) say, Aye." "Those of the contrary opinion say No;" and in doubtful cases any member may call for a division.

IV. When a motion is made and seconded it shall be stated by the member making the same, or read by the Chief Clerk previous to debate. If any member require it, all motions (except to adjourn, or postpone, or commit,) shall be reduced to writing. Any motion may be withdrawn by consent of the House, before decision or amendment.

V. Every member present, when a question is put, shall vote, unless the House shall, for special cause excuse him.

VI. A motion to adjourn shall always be in order, and be decided without debate.

VII. When a member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

VIII. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

IX. Whilst the Speaker is putting any question, or addressing the House, none shall walk out of or across the House; nor in such case, or when a member is speaking. shall entertain private discourse; nor, while a member is speaking, shall pass between him and the Chair.

X. No member shall speak more than twice on any question, without leave of the House.

XI. When a question is under debate, no motion shall be received, unless to postpone, to amend, to take the previous question, to committ or to adjourn.

XII. The previous question shall be put in these words: "Shall the main question be now put?" and it shall be admitted on the demand of any member, and until decided shall preclude all amendments under debate of the main question.

XIII. Any member may call for a division of the question, when the same will admit thereof.

XIV. No committee shall absent themselves, by reason of their appointment, during the sitting of the House, without special leave.

XV. Every bill shall be introduced by motion, leave, or by order of the House on the report of a committee; and in either case a committee to prepare the same shall be appointed. In cases of a general nature, one day's notice at least shall be given, of the motion to bring in a bill.

XVI. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without special order of the House.

XVII. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

XVIII. All bills on a second reading shall be considered by the House in committee of the whole, before it shall be taken up and considered by the House. The final question upon every bill or resolution that requires three readings previous to being passed, shall be, "Shall the bill be engrossed and read a third time?" No

bill or resolution, that requires three readings shall be committed or amended, until it shall have been twice read.

XIX. When a question is lost on engrossing a bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day; nor shall any subject be a second time reconsidered, without the consent of the House On the third reading of a bill or a resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

XX. When a bill is engrossed, the Speaker shall, at the time previously appointed by the House, announce it it as ready for a third reading, without a question.

XXI. A bill or resolution may be committed at any time, previous to its passage; if any amendment be required upon such commitment, by any other than a committee of the whole, the bill shall again be read a second time and considered as in committee of the whole, and the question for its engrossment and third reading again put.

XXII. In filling blanks the largest sum and longest time shall be first put.

XXIII. When the House is equally divided, in such case the question shall be lost.

XXIV. When a motion or question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, on the same or succeeding day.

XXV. All acts, addresses and resolutions, shall be signed by the Speaker, and all writs, warrants and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Chief Clerk.

XXVI. Petitions, memorials, and other papers, addressed to the House, shall be presented by any member in his place; a brief statement of the contents thereof shall be made verbally by the member introducing the same, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise; but shall lie on the table (to be taken up in the order in which they were read,) or be referred, on motion to a committee.

XXVII. After a bill shall have passed the House, and before it shall be sent to the Council, it shall be duly enrolled; after which it shall be examined by a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bill, and correcting any errors that may be discovered in the enrolled bill, shall make their report forthwith to the House.

XXVIII. After examination and report, each bill shall be signed by the Chief Clerk, and by him transmitted to the Council; the day of transmission shall be entered on the journal.

XXIX. A Chief Clerk, a Recording, an Enrolling and an Engrossing clerk, shall be appointed by ballot to hold their places during the pleasure of the House. They shall take an oath for the true and faithful discharge of their respective duties in office. The Chief Clerk shall keep a correct journal of the daily proceedings, and perform such other duties as shall appertain to him as such.

He shall let no journal, records, accounts or papers, be taken from the table or out of his custody, other than by the regular mode of business of the House; and if any papers in his charge shall be missing, he shall make report to the Speaker, that it may be inquired into. It shall be the duty of the Recording clerk, to record the journal of proceedings agreeably to the original furnished him by the Chief Clerk. It shall be the duty of the Enrolling clerk, to transcribe, copy and enrol bills. It shall be the duty of the Engrossing clerk to write out in fair round hand, all bills and resolutions ordered to be engrossed. The several clerks in the discharge of their duties, shall be subject to the direction of the Speaker of the House.

XXX. A Sergeant at Arms, doorkeeper, messenger, and assistant messenger, shall be appointed by ballot to hold their offices during the pleasure of the House, whose duty it shall be to attend the House during its sitting, and to execute the commands of the Speaker and the House. They shall take an oath truly and faithfully to discharge their respective duties in office.

XXXI. When a message shall be sent from the Governor to the House it shall be announced by the doorkeeper, and communicated to the chair by the person by whom it may have been sent.

XXXII. No person shall be elected to any office created by these rules unless he shall receive a majority of the whole number of votes given by the members present.

XXXIII. No member or officer of the House shall be permitted to read the newspapers within the bar of the House, while the House is in session.

XXXIV. The Speaker of the House is authorized and required to administer all oaths prescribed by these rules.

XXXV. Every resolution read by the Chief Clerk, by direction of a member, shall be considered to be before the House. And the question to adopt or reject, may be immediately put on such resolutions, unless upon motion of a member, the same be laid on the table.

XXXVI. It shall be competent for any member, when a question is taken to call for the ayes and noes, which shall be recorded by the Chief Clerk if required.

XXXVII. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two thirds of the members present; nor shall the order of business as established by the rules of the House, be postponed or changed, except by a vote of at least two thirds of the members present.

XXXVIII. All bills brought into the House by any member or committee, shall be endorsed with the name of the member or committee bringing in the same.

XXXIX. When a member shall be called to order, he shall sit down until the Speaker shall have determined whether he is in order or not; and every question of order shall be decided by the Speaker, subject to an appeal to the House by any two members; and if a member be called to order for words spoken, the exception-

able words shall be immediately taken down in writing, that the Speaker and House may be better enabled to judge the matter.

XL. The stated time of meeting, for the transaction of business, shall be 10 o'clock, A. M.

[Document—No. 2.]

JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at convenient hours, to be agreed on by their chairman, meet and state to each other, verbally, or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

II. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the House of Representative to the Council.

IV. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

V. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

VI. When bills are enrolled, they shall be examined by a joint committee of two from the Council, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment, with the enrossed bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective Houses.

VII. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

VIII. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, which the same did originate, and shall be entered on the Journal of each House; the said committee shall report the day of presentation to the Governor, which shall also be entered on the journal of each House.

IX. All orders, resolutions, and votes, which are to be presented to the Governor for his approbation, shall also, in the same manner,

be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in one House is rejected in the other, notice thereof is to be given to the House, in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

XII. Each House transmits to the other, all papers on which any bills or resolution shall be founded.

XIII. After each House shall have adhered to their disagreements, a bill, or resolution is lost.

XIV. No bill that shall have passed one House, shall be sent for concurrence to the other, on either of the last three days of the session.

XV. No bill or resolution that shall have passed the House of Representatives, and the Council, shall be presented to the Governor for his approbation, on the last day of the session.

XVI. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed, than may be necessary for the use of the House making the order.

[Document—No. 3.]

The select committee to whom was referred the memorial of Jabez A. Burchard jr., of the election district composed of the counties of Scott and Clinton, praying that the seat in this House now occupied by Samuel R. Murray, be vacated and that he be permitted to take the same, have had the matter under consideration, and now beg leave to report.

Your committee were aware of the responsibility resting upon them, in determining a precedent for contested elections in the Territory of Iowa. They conceived it a matter in which the people were immediately interested, and one in which their wishes should be regarded. Your committee are well aware, that by a partial or erroneous decision upon these matters, the elective franchise may be greatly impaired, if not totally destroyed, and their main object has been to ascertain if possible, the wishes and intentions of the people of Scott and Clinton counties, in voting for legislative officers on the tenth of September last. Mr. Burchard jr., has introduced testimony before your committee, to show conclusively, in our opinion that he was the man voted for, at that election, and that he received the highest number of votes polled, for any one individual. By the certified transcript of the election returns, furnished by the county commissiners' clerk, it appears that Jabez A. Burchard

jr. was not voted for at the Davenport precinct, nor at the precincts at Pleasant Valley and Parkhurst, whereas by the affidavits of Richard Pearce, Wm. B. Watts and John Forrest Esqr., it appears that at Davenport, he actually received one hundred and three votes. The two first named gentlemen were clerks, and the last named, one of the judges of the election, at that precinct. One of the clerks, Pearce, swears that the tickets cast for Burchard were printed, that jr. was on them, and that in making out the returns, he omitted to add jr. to the name of Burchard.

It appears equally clear to this committee that Jabez A. Burchard jr. received thirty-four votes at Pleasant Valley. Stephen Henry swears he has the tickets cast, now in his possession, that jr. is added to Burchard's name on thirty-four tickets, and one reads Jabez A. Burchard. A. J. Hyde confirms the testimony of Mr. Henly and swears that he omitted to add jr. in making out the returns to the county commissioners clerk.

Eleazer Parkhurst and Thomas C. Edes, swear that they were judges of the election at the precinct at Parkhurst, held on the 10th September last, and they now have the duplicate poll book and tickets, and that upon examination they find Jabez A. Burchard jr. received twenty-four votes, Jabez A. Burchard received eight and J. A. Burchard three votes.

Some twenty citizens of Scott county swear they are well acquainted with the people of Scott and Clinton counties, and that there is no man by the name of Burchard residing in either county, except Jabez A. Burchard jr. That he was the only candidate by that name, &c.

Mr. Murray in bar to the pretensions of Mr. Burchard, assumes the ground that 1st, due notice was not served on him by Burchard, of his intention to contest his seat.

Your committee have maturely examined the law regulating general elections in this Territory, and are of the opinion that it is not applicable to this case. By that law the clerk of the county commissioners court issues the certificate of election, and that certificate of election is issued in ten days from the day of election. The organic law, in the opinion of this committee, contravenes many of the provisions of this law. The election returns were, by the Governor's Proclamation, under the organic law, made to the Executive Department, and the person contesting could not know whose seat to contest, until the second Proclamation was received.

Your committee believe the law will not direct or imply an impossibility, and that Mr. Burchard took all the steps necessary to contest the seat of Mr. Murray.

Holding this view of the case, we are of the opinion that Jabez A. Burchard jr. is justly entitled to the seat now occupied by Samuel R. Murray, and in accordance with this view, we offer the following resolution for adoption.

Resolved, That the seat now occcupied by Samuel R. Murray, be and the same is hereby vacated, and that Jabez A. Burchard jr.

be admitted to take the same as a member of this House, from Scott and Clinton counties.

All of which is respectfully submitted.

JAMES W. GRIMES, Ch'n.
JAMES HALL,
HARDIN NOWLIN,
A. BANKSON.

[Document—No. 4.]

Mr. Summers, from the committee to whom was referred the petition of Jabez A. Burchard, jr. of Scott county, claiming a seat on this floor, has had the same under consideration, and now asks leave to present the following as the report of the minority:

That in the 20th section of the general election law of Wisconsin it is provided that "if any candidate of the proper county or district shall desire to contest the validity of any election or the right of any person declared to be duly elected to hold his seat in the Council or House of Representatives of the Legislative Assembly, such candidate shall give notice of his intention in writing, to the person whose election he intends to contest, or leave a notice thereof at his usual place of residence, within twenty days after the election, expressing the points on which it will be contested."

The minority find that this notice, as prescribed by law, has not been given by the individual claiming his seat in this case, and the minority of your committee is not aware of the existence of any law under which he can possibly claim the seat after omitting so vital a particular; and was there no other difficulty in the way to prevent the removal of the sitting member, the minority believes he could not be removed without a palpable violation of the law from which we have just quoted, which is now in full force and virtue in Iowa.

But there are still other reasons in favor of the sitting member, which the minority believe should be duly weighed before the right of the individual claiming his seat, is admitted.

1st. It does not appear by returns filed in the office of the Clerk of the board of commissioners, that the judges of election at the Davenport precinct were sworn, as the law requires to make them legal. In the opinion of the minority, if the election at Davenport was not legally conducted (and that it was not, the sitting member is prepared to prove.) it should be discarded, and if it is discarded the sitting member from Scott and Clinton had a plurality of votes over the individual claiming his seat.

2d The judges of election received votes of persons who stated publicly before the board that they were not residents of the Territory of Iowa on the fourth day of July 1838.

3d. A majority of the judges decided that the Territory was organized on the 15th of August, and that all persons were entitled to vote who were residents on that day.

4th. The polls of election were kept open for more than an hour after six o'clock, P. M. and votes were received after that time, although one of the judges protested against it—and although the three judges appointed by the Commissioners, were present at nine o'clock, P. M. the polls were moved after six o'clock into the bar room, and votes were received there. The votes were not canvassed on the day of election, but were left, together with the poll books, with one of the judges in an open box, without any seal being placed on the box.

All which illegalities in the persons conducting the election at the Davenport precinct, where the individual claiming his seat obtained the most of his votes, in the opinion of the minority, should go to set aside the vote of that precinct.

In viewing the whole subject, the minority are of opinion that the petition of the individual claiming his seat should be denied by this House, or that the sitting member should be allowed a reasoneble time to collect further testimony, which he can procure, and which in the opinion of the minority, would incontestibly establish the right of the sitting member to the seat which he now holds.

LAUREL SUMMERS.

[Document—No. 5.]

MINERS' BANK OF DU BUQUE.

The committee appointed to investigate the affairs and condition of the Miners' Bank of Du Buque, under a joint resolution of both Houses of the 29th of November, 1838, beg leave to report:

That in discharge of their duties, they repaired to Du Buque, and on communicating with the cashier of that institution, on the 6th of December, propounded to him the following interrogatories:

1st. What is the amount of deposites on hand?

2d. What is the amount of profits on hand?

3d. What is the amount of bills in circulation?

4th. What is the amount of debt due from the directors and stockholders?

5th. What is the amount due from other persons or corporations?

6th. What is the amount of specie in bank and actually belonging to the bank?

7th. What amount of bills of other banks have you on hand, actually belonging to the bank?

8th. What is the amount of your deposites in other banks; if any, what banks are they?

9th. What amount of real estate is owned by the bank?

10th. What is the amount of other property?

11th. What is the amount of capital stock actually paid in?

12th. What is the character of the issues of the bank, are they post notes, or payable on demand, and what is the amount of each?

13th. Are any other banks or corporations indebted to the Miners' Bank? if any, what, and what amount?

14th. What is the amount of debts that the Miners' Bank owes at this time, whether by bond, bill, note, post note, or other contract?

15th. Has the Miners' Bank ever taken more than seven per cent upon its loans?

16th What amount of capital stock was paid in, before the bank commenced its operations?

17th. What is the character of your deposites, are they general or special.

In answer to said interrogatories, the cashier of said bank made the following statement.

State of the funds of the Miners' Bank of Du Buque, Dec. 7, 1838.

Real estate,	4,206 11
Stock,	1,000
Bills discounted,	71,597 72
Contingent expenses,	6,244 13
Profit and loss,	4,363 98
F. & M. bank of Michigan,	762 19
Exchange acct.,	6,344
Territory of Wisconsin,	5,050
St. Louis funds,	1,678
Notes of other banks,	18,874
Cash items,	493 87
Gold and silver,	3,033
	$123,647 00

Capital stock,	100,000
Profits on hand,	3,935 61
Circulation,	10,990
Post notes,	5,035
Individual deposites,	3,686 39
	$123,647 00

MINERS' BANK OF DU BUQUE,
December 7, 1838.

GENTLEMEN:—I hand you above, a statement of the affairs of this bank, as requested by you in person yesterday. I also annex answers to such of your questions, as are not replied to by the statement itself.

I am very respectfully,
Your obedient servant,
T. O. MARTIN, Cashier.

Warner Lewis and others, commmittee of investigation.

For answers to questions No. 1, 2 and 3, see statement. To No. 4, I answer fourteen thousand four hundred and fifty-two dollars, seventy six cents. From No. 5, to 14 inclusive, see statement.

To No. 15, I answer, the Miners' Bank has never knowingly taken more than seven per cent. disct. on loans.

To No. 16, fifty per cent upon the capital stock, was required to be paid in before the bank could legally commence operations.

To No. 17, our deposites are generally of a special character, and made to apply on notes not yet due.

T. O. Martin Esq. Cashier of the Miners' Bank of Du Buque, being duly sworn by the chairman of the committee of investigation, says: that the foregoing answers to the interrogatories propounded, and the expose of the condition of the bank, is true and correct, according to the best of his knowledge and belief.

T. O. MARTIN, Cashier.

Subscribed and sworn to before me,

WARNER LEWIS, Chairman of Committee.

Which statement your committee carefully examined and compared with the books and vaults of the institution, and is in their opinion a true exposition of the condition of the bank, from which it appeared that the amount of cash on hand, nearly doubled the amount of the liabilities of the bank. Your committee would further state that every facility was afforded them for making the investigation, through the politeness of T. O. Martin Esq. Cashier,—and upon a full and fair investigation of its liabilities and resources, your committee are constrained to believe that the Miners' Bank of Du Buque, is in a safe and solvent condition.

WARNER LEWIS,
HARDIN NOWLIN,
JAMES HALL.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

SECOND LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT THE CITY OF BURLINGTON, IN THE COUNTY OF DES MOINES, ON THE FOURTH DAY OF NOVEMBER, ONE THOUSAND EIGHT HUNDRED AND THIRTY-NINE.

BURLINGTON:
PRINTED BY J. GARDINER EDWARDS.

1840.

JOURNAL OF THE HOUSE OF REPRESENTATIVES

OF THE

SECOND LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN and held at the city of Burlington, in the county of Des Moines, on Monday, the fourth day of November, in the year of our Lord one thousand eight hundred and thirty-nine, by virtue of an act of the Legislative Assembly, approved the 23d day of January, 1839, entitled "An act fixing the time for the annual meeting of the Legislative Assembly."

At one o'clock, P. M. the House was called to order by Joseph T. Fales, Chief Clerk of the last session, when the following named gentlemen presented their credentials and were admitted to their seats, the requisite oath having been first administered by David Hendershott, Esq.

From the County of Lee—Edward Johnston, Alfred Rich, Joshua Owen, William Patterson.

From the County of Des Moines—William R. Ross, Shepherd Leffler, L. N. English, Isaac Fleenor, Joseph C. Hawkins.

From the County of Van Buren—James Hall, Uriah Biggs.

From the Counties of Henry and Jefferson—William G. Coop, Jacob L. Myers, John B. Lash.

From the Counties of Louisa and Washington—Daniel Brewer, Jacob Mintun.

From the Counties of Muscatine and Johnson—S. C. Hastings, T. T. Clark.

From the Counties of Scott and Clinton—Laurel Summers, Joseph M. Robertson.

From the County of Jackson—Thomas Cox.

From the Counties of Du Buque, Clayton, &c.—Edward Langworthy, Loring Wheeler, James Churchman.

On motion of Mr Hastings,

G. S. Bailey, member elect from the county of Van Buren, was admitted to a seat, the requisite oath having been first administered to him.

On motion of Mr Hastings,

Ordered, That the House now proceed to the election of Speaker.
Messrs Patterson and Cox were appointed tellers.
Mr Hastings nominated Edward Johnston.
Mr Wheeler nominated James Churchman.
The members then proceeded to ballot, which resulted as follows:

For Edward Johnston,	- - -	17 votes.
James Churchman,	- - - -	6 "
Thomas Cox,	- - - - -	1 "
Alfred Rich,	- - - - -	1 "

Mr Johnston having received a majority of the whole number of votes, was declared to be duly elected Speaker, and was conducted to the chair by Messrs Hastings and Summers, when he addressed the House in the following manner:

GENTLEMEN—When I say that I am deeply grateful for the honor you have done me, I but faintly express what I feel.

When I look around upon the intelligent faces present, my own unworthiness for the situation in which I am placed is rendered more palpable, and my thankfulness for your kindness redoubled.

A mere novice in law making, I shall be continually compelled to require the aid of my fellow members, whose assistance, I flatter myself, will be promptly and cheerfully rendered. Whilst doing my duty, I look for your support; and your interference shall be gratefully received whenever I am errant from the right way.

The rapid progress of business will doubtless depend much upon the conduct of the members themselves; and I feel assured that the amenity and courtesy which distinguish you all in private life, will not be found wanting in you while clothed with the dignity of law makers for the Territory.

In the infancy of States and Territories the behavior of every body of Legislators has great influence upon their future legislation, and will be productive of much good or evil. Let us, therefore, so conduct ourselves in our respective stations through the present session, that when we separate for our homes, we may have no reason to regret our proceedings, and no recollections but those which please and gratify.

Gentlemen, for the confidence reposed in me to day, you have my unfeigned thanks; and believe me, it shall be my earnest endeavor to retain it undiminished.

Messrs Payne and Parker, a committee from the Council, were announced, and informed the House that the Council had organized pro tempore, and were ready to receive communications.

On motion of Mr Summers,

The House adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, Nov. 5, 1839.

On motion of Mr Churchman,

The House proceeded to the election of chief clerk. Messrs Churchman and Lash, were appointed tellers.

Mr Langworthy nominated Joseph T. Fales.

On counting the ballots, it was found that Mr Fales had received the whole number of votes, he was therefore declared duly elected chief clerk.

On motion of Summers,

The House proceeded to elect an assistant clerk. Messrs Summers and Ross were appointed tellers.

Mr Summers nominated Samuel R. Murray. On counting the ballots, it was found that Mr Murray had received 24 votes: blank 1. Mr Murray was declared duly elected assistant clerk.

On motion of Mr Brewer,

The House proceeded to elect a recording clerk. Mr Brewer nominated Jacob S. Rinearson. Mr Mintun nominated R. W. Gray. Messrs Brewer and Rich were appointed tellers. On counting the ballots, it was found that Mr Rinearson had received 19 votes, and Mr Gray had received 6 votes. Mr Rinearson was declared duly elected recording clerk.

On motion of Mr Leffler,

The House proceeded to elect an enrolling clerk. Mr Leffler nominated Thornton Bayless. Messrs Leffler and Biggs were appointed tellers; upon counting the ballots, it was found that Mr Bayless had received a majority of the whole number of votes, and was declared to be duly elected enrolling clerk.

On motion of Mr Lash,

The House proceeded to elect an engrossing clerk. Messrs Hawkins and Hall were appointed tellers. Mr Lash nominated John P. Grantham; on counting the votes, it was found that Mr Grantham had received a majority of all the votes, and was declared to be duly elected engrossing clerk.

On motion of Mr Bailey,

The House proceeded to elect a Sergeant-at-arms. Mr Hall nominated S. W. Summers. Mr Bailey nominated Obadiah Selby. Messrs Cox and English were appointed tellers; on counting the ballots, it was found that Mr Selby had received 16 votes, and that Mr Summers had received 9 votes. Mr Selby was thereupon declared duly elected Sergeant-at-arms.

On motion of Mr Summers,

The House proceeded to the election of door keeper. Mr Langworthy nominated John G. McDonald. Messrs Clark and Coop were appointed tellers; upon counting the ballots, it was found that Mr McDonald received the whole number of votes given, and was declared duly elected door keeper.

On motion of Mr Patterson,

The House proceeded to elect a messenger. Mr Patterson nominated O. S. X. Peck. Mr Owen nominated John O. Smith. Mr Patterson nominated C. E. Stone. Messrs Langworthy and Robertson were appointed tellers; on counting the votes, it was found that Mr Smith received 12 votes, Mr Peck 12 votes, blank 1 vote. There being no election, the House proceeded to a second balloting, and upon counting the votes, it was found that Mr Peck had received 13 votes. Mr Smith received 12 votes. Mr Peck having received a majority of the votes given, was declared duly elected messenger.

On motion of Mr Hastings,

The House proceeded to elect a fireman. Mr Hastings nominated Samuel Wilson. Messrs Bailey and Fleenor were appointed tellers; upon counting the ballots it was found that Mr Wilson had received 24 votes and blank 1. Mr Wilson was declared duly elected fireman.

The officers elected were severally sworn by the Speaker to the faithful discharge of their duties.

On motion of Mr Cox,

Resolved That a committee be appointed to inform the Council that the House of Representatives is now organized and ready to proceed to business.

Messrs Bailey and Hawkins were appointed said committee.

On motion of Mr Hastings,

Resolved That a committee of two be appointed in conjunction with a similar committee to be appointed on the part of the Council to wait on his Excellency the Governor of the Territory, and inform him that the Legislative Assembly is now organized and ready to receive any communications that he may have to make to them.

Messrs Hastings and Biggs were appointed said committee on the part of the House.

Mr Summers offered the following:

Resolved That the standing rules of the House of Representatives of the last session, be adopted for the government of this House.

Mr Biggs moved to lay the resolution on the table; which motion was lost.

Mr Hall moved to amend by appointing a committee to prepare standing rules for the House, which was accepted by Mr Summers, and the resolution as amended, adopted.

Messrs Summers Hall, Biggs, Cox, Bailey and Leffler were appointed said committee.

On motion of Mr Hastings,

Resolved, That the chief clerk make out written instructions, to the respective officers of this House, and that it shall be his duty to report any officer to the House, who fails, or is incompetent to perform his duty.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker—I am directed to inform the House that the Council have adopted the following resolution:

Resolved, That a committee of two be appointed in conjunction with a similar committee to be appointed on the part of the House, to wait upon his Excellency the Governor of the Territory, and inform him, that the members of the two Houses of the Legislative Assembly are now convened, and in organization pro tempore, ready to receive any communication that he may have to make to them.

Messrs Parker and Hughes are appointed said committee on the part of the Council.

And then he withdrew.

On motion of Mr Patterson,

Resolved, That the Governor, Secretary, Members of the Council, Judges of the Supreme Court, Members of the former Council and House of Representatives of the Wisconsin and Iowa Legislatures be invited to take seats within the bar of this House.

On motion of Mr Hall,

Resolved, That the Secretary of the Territory, be requested to furnish each member of this House with a copy of the laws passed at the last session of the Legislative Assembly, also the Journals of the House of Representatives.

On motion of Mr Hastings,

Resolved, That a committee of three be appointed to act in conjunction with a similar committee appointed by the Council, to prepare joint rules, regulating the intercourse between the two Houses.

Messrs Hastings, Hawkins and Rich, were appointed said committee.

On motion of Mr Biggs,

The House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr Summers,

Resolved, That the chief clerk be directed to make an arrangement with the Post Master of this place, for the payment of all postage on letters and papers sent to and from the House during its session.

On motion of Mr Hastings,

Resolved That each member of this House, be furnished with fifteen copies of the Gazette, and Hawk Eye, each, weekly.

Mr Hastings from the joint committee appointed to wait on the Governor, reported that his Excellency will deliver a message to the House of Representatives at 3 o'clock, P. M.

On motion of Mr Summers,

Resolved, That the editors of the several newspapers in this Territory and all ministers of the gospel be admitted to take seats within the bar of this House at pleasure.

On motion of Mr Hastings,
Resolved, That the following be the standing committeesof this House.

On the Judiciary,
Common Schools,
Internal Improvements,
The Militia,
Claims,
Enrollments,
Expenditures,
Territorial Affairs,
Roads and Highways,
Elections,
Corporations
Engrossments,
Township and county boundaries.

A motion was made by Mr Fleenor that the House go into an election for assistant messenger and assistant doorkeeper: upon this motion Mr Wheeler called for the yeas and nays, which were ordered and are as follow:

Yeas—Messrs Churchman, Coop, English, Fleenor, Hastings, Hawkins, Lash, Leffler Myers, Owen, Robertson, Ross, Summers, 13.

Nays—Messrs Bailey, Biggs, Brewer, Clark, Cox, Hall, Langworthy, Patterson, Rich, Wheeler and Johnston, Speaker, 11.

Mr Coop nominated A. Kennedy, for assistant messenger.

Mr Langworthy nominated D. F. Blythe.

Mr Biggs nominated D. M'Collum.

Mr Leffler nominated John Ross.

Mr Robertson nominated C. H. Shepherd.

Mr Patterson nominated C. E. Stone.

Messrs Coop and Myers were appointed tellers.

Upon counting the ballots it was found that Mr Kennedy had received 3 votes, Mr Ross 3 votes, Mr Stone 2 votes, Mr Blythe 4 votes and Mr M'Collum 3 votes—no choice.

The House then proceeded to a second ballot, when

Mr Kennedy received 10 votes, Mr Ross received 6 votes, Mr M'Collum received 3 votes, Mr Blythe received 3 votes, Mr Shepherd received 2 votes.

There being no choice, the House proceeded to ballot a third time, when

Mr Kennedy received 11 votes, Mr Ross received 8 votes, Mr M'Collum 3 votes, Mr Blythe 2 votes—no choice.

Mr Bailey moved to postpone indefinitely the election of assistant messenger, which was agreed to.

Mr Rich moved that the House now go into an election for Assistant Doorkeeper.

Mr Bailey moved to amend the motion, by postponing the election indefinitely, which was agreed to.

Mr Williams, the private secretary of the Governor, being announced, laid before the House the annual Message of His Excellency, accompanied by sundry documents. The message was read by the chief clerk, and is as follows:

GENTLEMEN OF THE COUNCIL AND
HOUSE OF REPRESENTATIVES:

IT becomes my duty, as Executive, to submit to you a statement of the affairs of the Government, and to recommend to your consideration, such measures as are deemed advisable, in perfecting the internal organization of the Territory; and such other measures as are best calculated to advance the interest, promote the prosperity, and secure the happiness of the people.

It is with the most heartfelt gratitude to ALMIGHTY GOD, whose superintending care has extended over us, and sustained us through various vicissitudes for the last year. that I am, through his *special Providence*, permitted again to address the Legislative Assembly of a Territory, that has advanced, since its organization, in improvement, population and wealth, beyond a parallel of all former history. With a genial and healthful climate—a soil unsurpassed for fertility—abounding with pure water, navigable rivers and inexhaustible mineral resources—containing a population that may safely, at this time, be estimated at upwards of fifty thousand inhabitants, and which will in all probability be doubled by the time the census of the United States is taken in eighteen hundred and forty—with this glowing prospect before us, we have great cause of gratitude to the author of all good for the peculiar manifestation of His favor and blessings, conferred upon us as a political community, as well as a people collectively and individually.

When we consider the rapidly increasing population. and advancing prosperity of the Territory, we may, in my opinion, with propriety proceed to measures preparatory to the formation of a Constitution and State Government, and for our admission into the Union as an independent State. I know it is the opinion of some, that such measures would be premature at this time, inasmuch as our expenses are defrayed by the United States. This consideration is entitled to weight; but when we consider the imperfect organization of the Territorial Government, and the consequent embarrassment in the administration of its internal affairs —and by referring to past history, compare the condition of the inhabitants of Ohio, Indiana, Illinois and Michigan, while under a Territorial Government, to their subsequent prosperity after their admission into the Union as independent States, the preponderance is much in favor of a State Government—for the prosperity and improvement within each of the aforesaid States languished while Territories, but advanced with rapid strides from the moment of their several admissions into the Union as independent States. With these facts before us, I would earnestly recommend to the Legislative Assembly the early passage of a memorial to Con-

gress, respectfully asking of that body the passage of an Act, at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a Constitution and State Government, and to provide for their admission into the Union upon an equal footing with the original States.

In recommending this subject to the consideration of the Legislative Assembly, I respectfully suggest the following as the most natural and suitable boundaries for our State, to wit: beginning in the middle of the main channel of the Mississippi river at a point east of the middle of the main channel of the Des Moines river where it empties into the Mississippi river; thence up the Mississippi river, following the middle of the main channel of the same to the mouth of the St. Peters river; thence up the St. Peters river following the middle of the main channel of the same to the mouth of Blue Earth river; thence up the Blue Earth river, following the middle of the main channel of the same to the most westerly source of said river; thence on a direct line to the source of Cactus river, an east branch of Calumet or Sioux river; thence down said river, following the middle of the main channel thereof to the middle of the main channel of the Missouri river; thence down the Missouri river following the middle of the main channel thereof to a point west of the line that may be established by Congress under the act approved June 18th, 1838, entitled, "An Act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked;" thence east with said line to the middle of the main channel in the Des Moines river; thence downward along the middle of the main channel of the Des Moines river to the place of beginning.

The foregoing, appears by a reference to the geographical position of the country to be the most natural boundaries for our state. It embraces the head-waters of all our principal rivers, extends from the Mississippi river to the Missouri river, and will leave the northern portion of the Territory as now bounded in a suitable situation for the future formation of two additional states, each extending from the Mississippi to the Missouri river.

I would also recommend the passage of a law to provide for the calling a convention to form a state constitution, so soon as Congress may grant by law the privilege to do so.

Congress, at their last session, made two important amendments to the organic law of the Territory, both of which were approved the 3d of March, 1839. The first, entitled "An Act to alter and amend the organic law of the Territories of Wisconsin and Iowa, declares, that every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin, shall, before it becomes a law, be presented to the Governor of the Territory, if he approves of it, he shall sign it, but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against

the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Assembly by adjournment prevent its return, in which case it shall not be a law."

The foregoing is a salutary amendment to the original organic law, and is truly gratifying to the executive. It defines the powers and duties of the executive, when those duties stand connected with the Legislative Assembly, relieves him from much legislative responsibility, and places it where all legislative responsibility should ever rest, with the immediate representatives of the people. In the original law all the responsibility was thrown upon the executive. No law could take effect without his approval, and there was no provision made for are consideration by the Legislative Assembly when the executive differed with them in opinion. This amendment will doubtless tend to harmonize the proceedings between the Legislative Assembly and the Executive, and lead to a more convenient despatch of business.

The second is "An act entitled an act to authorise the election or appointment of certain officers in the Territory of Iowa, and for other purposes." This act prescribes "that the legislative assembly of the Territory of Iowa shall be, and are hereby authorized, to provide by law for the election of Sheriffs, Judges of Probate, Justices of the Peace, and County Surveyors within said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above named officers, thereafter to be had or made, shall be in pursuance of such law."

The foregoing section vests in the Legislative Assembly, the right to provide by law for the election of the aforesaid officers. This, no doubt, will be a pleasant duty to perform, as it is in strict accordance with the spirit of our institutions. Our government is a government of public sentiment, and I have ever been of the opinion, that the only safe depository of power is with the people. They are the only legitimate sovereigns of the land, and with them should be vested the power of electing all public functionaries from the highest to the lowest degrees. This has ever been my sentiment, and I take pleasure in urging upon the consideration of the legislative assembly, on the present occasion, the passage of a law to provide for the election, by the people, not only the officers above mentioned, but all others within the Territory that are not expressly prohibited by the organic law.

I will again call your attention to the importance of providing by law for the organization of townships. Such an organization was doubtless contemplated by Congress, when they declared in the organic law, that all township officers should be elected by the people. The organization of townships are so intimately connected with every well regulated system of common schools, as well as that of public roads, that neither system can be conveniently carried out in detail, without such organization. Further, it has been proven by experience, that the ordinary local business of the country can be done with much more convenience and less expensive to the people, where the township system has been adopted. than in com-

munities where it has been dispensed with. I, therefore, earnestly press upon your consideration, the importance of passing a law the present session, to provide for the civil organization of townships, and that provision be made for the election by the people, of a competent number of Justices of the Peace, in such organized townships, as well as other township officers.

The subject of a well digested system of common schools, is one of as great importance as can possibly be pressed upon legislative consideration. The act passed at the last session, is too limited in its provisions to serve as a foundation for a well regulated system. I would therefore, recommend its revision, and call your attention to the school law of the State of Michigan, as worthy of your attention, and from which much useful information may be obtained.

The resolution of the last session of the Legislative Assembly on the subject of printing the laws and journals, approved November 27, 1838, reads as follows, to wit:

"*Resolved*, That Messrs Clarke & M'Kenny, publishers of the Territorial Gazette, in this city, be employed to publish the Journal of the proceedings of the House of Representatives, in pamphlet form, and that they be paid the same prices as are paid to the printers of Congress for such work; and that Russell and Reeves of Dubuque, be employed to print the laws passed at the present session on the same terms, and that said Russell and Reeves, be required to enter into bonds, with good and sufficient security, to the Secretary of the Territory, in the sum of five thousand dollars, to have the same ready for delivery on the first day of May, A. D. 1839."

The act regulating the publication of the Laws and Journals of the Legislative Assembly of the Territory of Iowa, approved January 21, 1839, (see page 321,) points out the manner in which the laws shall pe printed, bound and distributed.

The 4th section declares, that "It shall be the duty of the Secretary of the Territory to superintend the printing, in such manner as he may conceive most conducive to the public good, the Acts and Joint Resolutions of the Legislative Assembly, and to correct the same by the enrolled bills in his office; and when the printing of the same shall be finished, to certify the fact, of his having compared and found the same correct, which certificate shall be signed and dated by the Secretary, and annexed in print to the volumes of the Acts and Joint Resolutions as aforesaid."

The 10th section of said act declares, that "the Secretary of the Territory be and he is hereby required to furnish the public printer with a copy of all the acts of Congress now in force relative to the naturalization of aliens, as soon as practicable, and that it shall be the duty of the printer aforesaid, to publish the same, as an appendix with the statutes of a public nature, of the present Legislative Assembly."

The manner in which the obligation in the aforesaid resolution has been fulfilled, and the duty specified in the Act relative to publishing the Laws, has been performed, will be manifested by a reference to the time the laws were ready for delivery, and by an examination into the correctness and contents of the volume published. The obligation in the resolution required the laws to be ready for delivery on the first day of May last.

They have just been received at this city, within a few days of six months after the time specified in the obligation. On examining the printed vol ume, delivered to me by the Secretary of the Territory, I find it contains his official certificate, dated the 23d of July, A. D. 1839, (nearly three months after the time the laws should have been ready for delivery) certifying that he had compared the pages with the "engrossed bills" deposited in his office, and that they contained true and correct copies. (The Secretary, I suppose meant the enrolled bills, as no "engrossed bills" are ever filed in the Secretary's office as laws.) In this certificate the Secretary has been in error in one particular at least; for, in the first section of the act providing for and regulating general elections, in the Territory, I discover a very important interpolation in the printed copy, that changes materially the meaning of the law. The original enrolled bill signed by the presiding officers of both branches of the Legislative Assembly, approved by the Executive, and deposited in the Secretary's office, in the clause relating to the election of Delegate to Congress, reads as follows: "An election for Delegate to Congress, for members of the council, and county recorder, shall take place on the first Monday in August next—and forty, and on the same day in every second year thereafter." The printed copy is made to read "An election for Delegate to Congress, for members to the council, and county Recorder, shall take place on the first Monday of August, *Eighteen hundred* and forty, and on the same day in every second year thereafter." Thus we find the word "*next*" where it occurs after the word "*August*" in the original enrolled bill omitted, and the words "*Eighteen hundred*" that are not in the original roll interpolated in the printed copy. I have also examined the appendix with care, and find under the head *Naturalization of aliens* An act of Congress entitled "an Act to amend an Act concerning Naturalization," approved 24th May, 1828, printed which is the only act on this subject that I could find in the volume. The acts of the Legislative Assembly require the publication, in an appendix to the laws of the Territory, all acts of Congress now in force, relative to the naturalization of aliens, which would have included a general law on that subject, approved 14th April 1802, an additional act approved 26th of March 1804, an act regulating seamen, &c. approved 3d of March 1813. an act supplementary to acts heretofore passed, &c. approved July 30th 1813, an act relative to evidence in case of naturalization, approved May 29th, 1824, all of which acts are in force and should have preceded the act published in the appendix.

I have considered it my duty to call the attention of the Legislative Assembly to the foregoing facts. The immense injury that has been sustained by the people of the Territory for want of the laws at the proper time, must present itself forcibly upon the consideration of their Representatives, and calls loudly for Legislative interference, to secure a prompt publication of the laws in future. I would therefore suggest to the consideration of the Legislative Assembly, the propriety of creating, by law, the office of Public Printer, and to define his duties, and fix his compensation by law—holding him responsible, under heavy penalties, to have all public printing done promptly at the time provided by law.

The appropriation made by Congress for the purchase of a Territorial Library has been expended, and the books received. The Legislative

Assembly having failed, at the last session, to pass a law to regulate the Library, the Executive procured a room, had it fitted up as a library room, with cases for the books, in which they are now placed, and under the care of Charles Weston, Esq. who was, on the 18th of October last, appointed Librarian pro tem. This course was thought advisable by the Executive, so that the members of the Legislative Assembly might have the benefit of the Library at the commencement of the session. There being no provision made by law for paying the rent of the library room, and other incidental expenses connected therewith, Mr John S. David, the proprietor of the building, agreed to fit up the room, and wait the pleasure of the Legislature to make him such an allowance as they might deem reasonable.

I would respectfully recommend to the Legislative Assembly the early passage of a law to regulate the Territorial Library—to provide for the appointment of Librarian—fix his compensation, define his duties, and provide for the payment of other necessary expenses of the Library. I think it also would be of great importance to provide for a gradual increase of the Library, by a small annual appropriation, to be expended by the Librarian in subscription to important periodical works, and the purchase of such other books as might be deemed most useful to the Territory, and diffuse the greatest degree of useful knowledge among the people. A catalogue of the books and maps in the library will be submitted to the consideration of the Legislative Assembly by the Librarian as soon as it can be conveniently made out.

The directors appointed under the provisions of the act, "to provide for the erection of a Penitentiary, and establish and regulate prison discipline for the same," organized their board, and reported to me, on the 29th of April last, that they had procured a site for the Penitentiary in accordance with the provisions of said act, and desired that I would make a requisition on the Treasury of the United States for the sum appropriated by Congress for the erection of public buildings in the Territory of Iowa, in their act of the 7th of July, 1838.

In compliance with the request of the directors, I transmitted to the Secretary of the Treasury of the United States, on the same day, a copy of the act of the Legislative Assembly, and called his attention particularly to the 5th section, which required the Governor to draw the appropriation, and pay it over to the Superintendent of the Penitentiary. I also in my letter, called the attention of the Secretary of the Treasury to the appropriation made in the organic law for erecting public buildings at the seat of government, and explained to him the reason why the two appropriations would be drawn for under different legislative acts; and in conclusion, requested him to give me the views of the Department on the subject." On the 20th of May, the Secretary of the Treasury acknowledged the receipt of my letter of the 29th of April, and its enclosures. He referred me, in reply, to an act of Congress, approved 31st of January, 1828, and informed me that the money could not be advanced, except as the service was performed, and articles delivered, unless the President was applied to, and reasons stated, which satisfies him to advance as much as would be wanted for the next thirty or sixty days. A copy of this letter was furnished to the directors of the Penitentiary, and also to

the commissioners appointed to superintend the public buildings at the seat of Government. On the 9th of September, the Superintendent presented a bill of the work done at the Penitentiary amounting to $2077,00; also an estimate for the funds wanting for the ensuing sixty days, amounting to $3,800,00, with a certificate of approval, endorsed by the directors. These estimates, together with a petition directed to the president of the United States by the directors, was transmitted by me to the Secretary of the Treasury of the United States, on the 14th of September last, requesting him to transmit to Amos Ladd, the Superintendent, a check either on the Receiver of Public Moneys at this place, or the State Bank of Missouri, for the sum of $5,877,00—the amount required by the directors. The check, I understand, has been received recently by Mr Ladd, on the Bank of Missouri. Subsequent to forwarding the aforesaid estimates and requisition, I received a letter from the Secretary of the Treasury of the United States, dated the 9th of September, 1839, in which he informs me that since the receipt of my communication of the 29th of April last, on the subject of the appropriation to defray the expenses of erecting public buildings in the Territory of Iowa, the Comptroller had reported, in answer to a call from the Department, in a similar case, that the appropriation must be considered as a grant, and an account can be stated in favor of the Treasurer of the Territory, as my assignee for such parts of the whole as I may require; and that on receiving from me a requisition in his favor, stating the amount that may be required to meet the liabilities of the Territory on account of the erection of public buildings, within thirty days subsequent to the date of my requisition, it would be referred to the accounting officer for settlement in conformity with the Comptroller's decision, and so hereafter when further sums may be needed."

I have submitted the subject in detail, and request that you would give it your serious attention, and that provisions may be made by law to authorise the Treasurer of the Territory to receive from the Treasurer of the United States, and to pay over all moneys appropriated by Congress for the erection of public buildings in the Territory, in accordance with the views of the Comptroller of the Treasury of the United States.

While on this subject, I will call the attention of the Legislative Assembly, in an explicit manner, to the importance of providing, by law, for the transmission to the penitentiary, of all prisoners that may be sentenced to imprisonment within any part of the territory, for a violation of our criminal laws. It would be attended with but little expense to prepare a temporary prison to secure the convicts at night; and by surrounding [the works with pickets, with the attention of a few guards they might be kept safely at work through the day, and shut up in the prison at night. Thus they might be made to erect a prison for themselves, and relieve the Territory from considerable expense.

By the 4th section of the act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes, approved 21st of January, 1839, it was made the duty of the Governor to apply to Congress, for a donation of, or a pre-emption to, four sections of land, on which to locate the seat of Government of the Territory of Iowa. In discharge of this duty, the Governor did, on the 24th of January, within four days after the passage of the bill, transmit a memorial to the Senate

and House of Representatives of the United States of America in Congress assembled, together with a copy of the original and supplementary acts to locate the seat of Government of the Territory of Iowa. The memorial first asked Congress permission to locate the seat of Government of the Territory upon the land of the United States, in the county of Johnson, and within the late purchase made by the United States from the Sac and Fox Indians. Second—that they would grant unto the Territory a donation of four sections of land upon which to locate the said seat of Government, or if they should not deem it expedient to grant the land as a donation, that they would secure to the Territory a pre-emption right to four sections of land at the place that might be selected for the seat of Government, and that a title to the same might be perfected on payment being made, in such manner as Congress might deem expedient. A copy of the memorial and acts of the Legislature, was transmitted to the President of the Senate, and Speaker of the House of Representatives in Congress, together with a request that they might be laid before their respective Houses. We see, by the journal of Congress, that the memorial was received and referred to the respective committees on public lands, but no further action was had on them prior to the adjournment of Congress. We see among the acts of the last session of Congress, an act entitled "An act making a donation of land to the Territory of Iowa for the purpose of erecting public buildings thereon, approved 3d March 1839, in the following words: "That there be and hereby is appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon, the public buildings for the use of the Executive and Legislative departments of the government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the Register of the Land Office in the district in which the land is situ ted, within one year from the passing of this act: *And provided further*, That nothing herein contained shall authorise the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right of pre-emption recognized by law, shall be prejudiced thereby.

"Sec. 2. *And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or being so subject have not been sold, at public sale or private entry, then each and every section contiguous to said selected section and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the said public buildings, from selling and disposing of the residue of said section in lots or otherwise for the use of said Territory, in the erection and completion of said building.

The act of Congress comes in direct conflict with the acts of the Legislative Assembly, and the memorial presented to Congress by their order.

It confines the selection to surveyed public lands, when there were at the time of its passage but two townships of surveyed public land, within the county of Johnson—one lying between the line of Washington and Muscatine counties, and the other north of the same in the south east corner of the county, being entirely in the prairie, and had been offered for sale in the Du Buque land district, at the public land sales in November, 1838. The restrictions under which the selection is to be made, and the conditions connected with the grant are such as never can be acceded to without an entire disregard to the interests and prosperity of the Territory. First, the selection is confined to surveyed townships, when the memorial presented to Congress prayed for the grant to be within the late purchase of the Sac and Fox Indians.—Second—the section of land must be selected under the authority of the Territorial Legislature, the seat of government located thereon and notice of said selection officially returned to the Register of the Land office. Third—that when the official return is made to the Land Office, every contiguous section to the section selected as the seat of government becomes Congressional reservations, and ever thereafter is reserved from sale in any manner until the sale shall be ordered by a special act of Congress.

What would be the effect of the last condition? It would inevitably tend to check the improvement of the city and retard the prosperity of the inhabitants. The city would be surrounded on every side by Congressional reservations of a contiguous section, and must ever remain so, until a special act of Congress should provide for the disposal of these contiguous sections, which would probably not be for many years, and then upon terms that would check the improvement of the city. I am clearly of the opinion that the grant proposed under the aforesaid act of Congress ought not to be accepted by the Territory and that it would be better for the Territory to pay the government price for ten sections of land than to accept the donation of one section under such embarrassing conditions. I therefore recommend to the Legislative Assembly the passage of a memorial to Congress, calling their attention to the memorial that was forwarded by their direction to the late Congress, and requesting that a grant or pre-emption right may be secured to the Territory, for the land on which the seat of government is located, without any restrictive conditions, or Congressional reservation in the vicinity thereof.

The Commissioners appointed by the late Legislative Assembly, proceeded to locate the seat of government in the county of Johnson, (and I think very properly too) without regard to the act of Congress of the 3d of March last, and have made report of the proceedings to the Executive, in accordance with the provisions of the legislative acts of the Territory. The section selected by them has been laid out into city lots, and on application of the acting commissioner, public sale of lots were by proclamation of the Executive ordered to be held on the 3d Monday of August, and on the first Monday in October last at which sale there was 203 in lots and 3 out lots sold for the aggregate sum of $28,854 75. The lots sold cannot be estimated at more than one fourth in value of the whole city plat. A special report, it is expected, will be submitted to the Legislative Assembly by the commissioners.

I would suggest to the Legislative Assembly, the revision of the act es-

tablishing the seat of government, so as to define the manner of disbursing the funds appropriated by Congress in accordance with the views of the Secretary of the Treasury, as expressed in his letter to me of the 9th of September, heretofore referred to. Also to point out the mode of making deeds of conveyance to the purchasers of lots in Iowa city; Also to define more definitely the plan for the public buildings, and the manner of superintending their construction by an experienced architect.

The 10th section of the militia law states, that in order to secure uniformity in the organization, discipline and government of the militia of this Territory, it shall be the duty of the commander-in-chief, from time to time, to provide at the expense of the Territory, such books of instruction as are or may be, prescribed for the use of the army or militia of the United States, and to furnish each commissioned officer with a copy. This duty would have been performed with pleasure by the Commander-in-chief, had funds been placed under his control for the purchase of such books: but there being neither funds in the Territorial Treasury, nor any law by which they could be drawn therefrom, for the purpose aforesaid, I addressed a letter on the 9th of July last, to the Secretary of War, making inquiry whether such books could be furnished by the War Department. I also made inquiry respecting a supply of arms to the militia of the Territory, and the establishment of a depository of arms and munitions of war at some central point on the Mississippi river, within this Territory, for the use of the militia in case of need. To which letter I received a reply from the acting secretary of War, dated the 7th of August last, in substance as follows:

The acting Secretary of War, (S. Cooper) acknowledged the receipt of my letter of the 9th of July, enquiring whether there could be furnished by that department a number of Cooper's books of tactics and regulations sufficient for the instruction of the officers of the militia of Iowa, and on the subject of supplying arms, &c. to enable the citizens of the Territory to defend themselves against Indian depredations; and stated that the department at that time had no means at its disposal, that would enable it to furnish the work referred to; but that the matter would be submitted to the Secretary of War on his return to the seat of Government for his consideration. In respect to the arms, &c., the acting Secretary of War enclosed me a report from the officer in charge of the ordnance department, to whom was referred my letter of the 9th of July. This report states that "the communication of the Executive of the Territory of Iowa shows that arms and equipments may be required for the defence of the inhabitants against Indian hostilities at some future day. That the organization of the militia is not yet completed, and consequently no return of the militia can have been made to the adjutant general of the army.

Issues of arms to the States and Territories, under the law of 1808, can be made only on the militia returns, which is indispensible in distributing the number due. In the absence of such returns, and that the Territory may have a resource in case of need, I would respectfully suggest that a suitable place be selected and a deposition of arms, accoutrements and ammunition be made, the whole to remain in the custody of the United States subject to the order of the Governor of the Territory, in certain contingencies to be specified. It appears to me, that any other disposi-

tion of public arms would lead to disappointment in case they were relied upon for our future service. Some central point on the Mississippi is named is a proper location for the depository of arms. Fort Armstrong and Prairie du Chien, would both be safe places, and are under the control of the government. My limited knowledge of that part of the country forbids the attempt to name at once a more suitable place."

The foregoing report was addressed to the Secretary of War, and dated 3d of August, 1839. It contains the views of the ordnance department on the subject of public arms: but I have received no further communications from the Secretary of War on the subject of the enquiries made of the department, in my letter of the 9th of August last.

The foregoing statements and correspondence is respectfully submitted for the information and consideration of the Legislative Assembly. It must convince them of the necessity of perfecting the organization of the militia of the Territory as speedily as practicable.

In pursuance of the militia law, the Territory has been divided into three divisions, six brigades and twelve regiments. The general and field officers have been appointed, and in all the regiments (except the regiment composed of the counties of Henry and Jefferson, from which no company officers have been reported,) company officers have been recommended and commissioned. Some of the regiments are organized entire, and others partially so; but no return of the numerical strength of the militia of any of the regiments have yet been received by the adjutant general. By reference to the report of the ordnance department, it will be seen that no arms can be drawn from the United States until our militia organization is completed, and the numerical strength reported to the adjutant general of the army of the United States. The tardiness in completing the organization of the militia may in a great measure be attributed to a want of a correct knowledge of the militia laws of the Territory. I therefore suggest the propriety of causing the militia laws of the last session of the Legislative Assembly, together with such parts of the Wisconsin laws as are still in force, to be printed in pamphlet form, and distributed among the militia officers of the Territory; and that additional provisions be made to cause prompt and full returns of the numerical strength of each regiment, to be transmitted to the adjutant general of the Territory, to be by him transmitted to the adjutant general of the United States, so that in apportioning the public arms under the act of 1808, the Territory of Iowa will receive her full portion of the same.

The attention of the Legislative Assembly is solicited to the subject of adopting a regular system of finance for the Territory. To effect this, it will become necessary to create the office of Auditor of Public Accounts, whose duty it shall be to audit all claims against the Territory, and on whose warrant all moneys appropriated by law shall be drawn from the treasury of the Territory. By our present laws, the office of Territorial treasurer is created, but there is no law in force to define his duties, or to point out the manner in which public moneys are to be paid into the Territorial Treasury; or where money may be in the treasury how it may be drawn out of it.

The first section of the supplementary act to locate the seat of government declares that a sale of lots in the town at the seat of government,

shall be held under the direction of the commissioners, the proceeds of which shall go into the Territorial treasury to be expended as may be hereafter directed by law.

I respectfully recommend the passage of a law regulating a system of finance within the Territory, in which the powers and duties of the treasurer may be defined. In which he would be required to receive and disburse all public funds belonging to the Territory, as well those appropriated by Congress for erecting public buildings, as the funds that may be collected under the Territorial laws. A well regulated system of finance would relieve the Territory from embarrassment in its fiscal operations, and would lead to economy in public disbursements, which is an object that should never be lost sight of, by all public functionaries.

The act of the last session, to prevent gambling, approved 25th of December, 1838, contains efficient provisions, and if faithfully executed must ultimately tend to check those pernicious practices within the Territory. But the demon of intemperance, appears to stalk through our land unmolested, and indeed fortified in many respects behind the license law of the country. The principle of raising a revenue from license to vend or retail intoxicating drinks, appears to me to partake much of the character of legalizing indulgences to commit crime. The vender of ardent or other intoxicating drinks, though it may be legalized by license, is, in my opinion, morally accountable for all the crimes and wretchedness produced by the use of such ardent spirits, or other intoxicating drinks vended by them, whether wholesale or retail. The philanthropist and statesman have of late years considered intemperance one of the greatest evils that pervade our land. It is considered the cause of more wretchedness, crime and death, than any other cause whatsoever, and many of the states have interposed the strong arm of the law to check its progress. But when we consider that our government and laws are under the control of public opinion, I have, after much reflection, been led to the conclusion that the most effectual mode to suppress this greatest of all evils (intemperance) would be to submit it entirely to the control of public opinion. I therefore seriously solicit the attention of the Legislative Assembly to the subject and recommend to their consideration the passage of a law repealing all laws now in force in the Territory, that authorize granting license to vend or retail ardent spirits, and to leave the subject entirely under the control of public opinion, holding the keepers of public houses and groceries accountable under heavy penalties for permitting drunkenness or disorder about their respective houses. This, in my opinion, would give a fatal check to the practice. The whole moral influence of the community would in a short time be brought to bear upon it, and being without the support of legal license, would ultimately sink under the weight of public opinion. But should the foregoing recommendation be deemed inexpedient, I would suggest an alteration in the laws, so that no license to retail ardent spirits or other intoxicating drinks, should be granted by any authority in any county within the Territory of Iowa, unless a majority of the legal voters in such county, should vote in favor of granting such license at their respective annual elections. This principle has been adopted by some of the states, and has been spoken of as highly beneficial in its effects. It is in strict accordance with the spirit of our institutions,

that a majority of the qualified voters in the respective counties should determine on questions of policy that are so intimately connected with their interests and future prosperity.

The foregoing suggestions are most respectfully submitted to your consideration, under a confident belief that you will give them the consideration that is due to the importance of the subject.

By the provision of the act of Congress, approved June 18, 1838, entitled "An act to authorise the President of the United States to cause the southern boundary line of the Territory of Iowa, to be ascertained and marked, "the President of the United States, was authorised to cause to be surveyed, ascertained and distinctly marked, the southern boundary of the Territory of Iowa west of the Mississippi river, which divides it from the State of Missouri; and that for that purpose he was authorised to appoint a Commissioner on the part of the United States, who should unite or act in conjunction with a Commissioner to be appointed by the Governor of Missouri, and a commissioner to be appointed by the Governor of the Territory of Iowa, in running, marking and ascertaining said boundary line; and it was made the duty of the Commissioner to be appointed by the President to make a full report of his proceedings in the premises to the Secretary of State of the United States. Under the provisions of said act, Albert M. Lee, Esq., was appointed a Commissioner on the part of the United States and Dr. James Davis was appointed a Commissioner on the part of the Territory of Iowa. The Governor of the State of Missouri declined to appoint a Commissioner on the part of that state. The law declares that if the State of Missouri and Territory of Iowa should fail to appoint Commissioners, or if the Commissioner appointed by either or both should fail to attend to the duty after reasonable notice, that the Commissioner on the part of the United States should proceed to execute the duties enjoined with either of said Commissioners, who might attend, or without the attendance of either or both of said Commissioners. The law further declares, that the line so run, ascertained and marked, should not be deemed to be finally established and ratified by the United States until the map or plat and descriptions aforesaid, and also, the said report of the Commissioners, should be submitted to, and the boundary as thus ascertained and marked approved of and ratified by the Congress of the United States.

The Commissioner appointed on the part of the United States, in conjunction with the Commissioner on the part of the Territory of Iowa, proceeded to the discharge of their duties, and submitted their reports in accordance with the requisition of the law, and in obedience to a resolution of the House of Representatives, on the 30th day of January last. The report of the Commissioner on the part of the United States, was submitted to Congress by the Secretary of State, but not being finally acted upon before the adjournment of Congress, it now awaits the final action of Congress thereon at the ensuing session. After this report was submitted to Congress, the Legislature of the State of Missouri passed an act declaring the line run by their own Commissioners in 1837, to be the northern boundary of that State. This act was dated, according to the Proclamation of the Governor of Missouri, the 16th of July, 1839.

This Missouri act appears to have been passed in defiance of the proceedings of Congress, and in direct contravention of their acts, and under the provisions of which the authorities of that State have attempted to obtain a tortuous jurisdiction over a portion of this Territory within the county of Van Buren, and on which the Territory of Iowa has since its organization exercised an unmolested jurisdiction.

The unwarrantable and unjustifiable proceedings of the authorities of Missouri, and their attempt to levy and collect taxes from the citizens of the United States, residing within the organized boundaries of this Territity, has caused an excitement of feeling that may ultimately lead to the effusion of blood.

It becomes our duty to maintain the jurisdiction of the United States over all the Territory embraced within the boundaries of the Territory of Iowa at the time of its organization, until Congress establish the line. This duty cannot be dispensed with by the authorities of this Territory, acting as they do under the laws of the United States. They are bound to maintain their supremacy, and cannot compromise or yield the jurisdiction of the United States in any way or manner whatever.

In order that the Legislative Assembly may have a full view of this exciting subject, I transmit, with this message, to the House of Representatives, all documents in possession of the Executive, that can cast light on the subject, with a request that they may be communicated to the Council, and receive the prompt attention of the Legislative Assembly, more especially the report of the Adjutant General, contained in No. 16. (Having no copies, I send the original, and request that they may be preserved by the Legislative Assembly, to wit: Documents No. 1 to No. 18, inclusive.)

In concluding this communication, I will suggest to the Legislative Assembly the propriety of again memorializing Congress to grant to this Territory for literary purposes a quantity of land equal to the grant made to Wisconsin. It seems to me that Congress will not withhold from Iowa, the same liberality that has been bestowed upon the other territories, if properly pressed upon their consideration.

That your deliberations on all subjects touching the general interests of our country, and the prosperity and happiness of our constituents, may be crowned with success, is the ardent wish of

Your Obedient Servant,

ROBERT LUCAS.

On motion of Mr Summers,

Ordered, That one thousand copies of the Governor's message be printed for the use of the House.

On motion of Mr Bailey,

The documents accompanying the Governor's message were laid upon the table.

On motion of Mr Hastings,

Resolved, That a select committee of one from each election district be appointed to draft a memorial to Congress on the subject of mail routes, Messrs Hastings, Langworthy, Cox, Robertson, Owen, Biggs, Coop, Mintun, Walworth and Ross were appointed said committee.

On motion of Mr Clark,

The House adjourned until to-morrow morning at 10 o'clock.

Wednesday Morning, Nov. 6, 1839.

The Speaker announced the following named gentlemen, to compose the several standing committees.

On the Judiciary.—Messrs Hastings, Rich, Churchman, Leffler and Hawkins.

On Common Schools.—Messrs Bailey, Hawkins, Myers, Langworthy and Hall.

On Internal Improvements.—Messrs Cox, Fleenor, Robertson, Mintun and Lash.

On the Militia.—Messrs English, Hall, Coop, Cox and Hastings.

On Claims.—Messrs Leffler, Langworthy, Lash, Fleenor and Ross.

On Enrollments.—Messrs Brewer and Walworth.

On Expenditures.—Messrs Patterson, Bailey, Summers, Biggs and Wheeler.

On Territorial Affairs.—Messrs Churchman, Rich, Cox, Summers and Walworth.

On Roads and Highways.—Messrs Biggs, Clark, Coop, Owen and Mintun.

On Elections.—Messrs Clark, English, Patterson, Coop and Lash.

On Township and County Boundaries.—Messrs Summers, Ross, Brewer, Robertson and Owen.

On Corporations.—Messrs Rich, Bailey, Langworthy, Fleenor and Leffler.

On Engrossed Bills.—Messrs Myers and Wheeler.

On motion Mr Bailey,

Ordered, That so much of the Govornor's Message as relates to the passage of a law authorizing the election of a Public Printer, be referred to a select committee of three. Messrs Bailey, Hastings and Churchman, were appointed said committee.

On motion of Mr Bailey,

The House adjourned.

Thursday Morning, Nov. 7, 1839.

The Speaker announced the death of the Hon. Wm. B. Conway, Secretary of the Territory, with remarks suited to the occasion.

On motion of Summers,

The following resolutions were adopted:

Resolved, That one of the members of this House, from the county of Scott, accompany the remains of the Secretary of the Territory, to his late residence at Davenport.

Resolved, That as a mark of respect, for the memory of the Hon. Wm. B. Conway, Secretary of the Territory, the members of this House, will wear the usual badge of mourning for thirty days.

Resolved, That a committee of two be appointed in conjunction with a similar committee on the part of the Council, to address a letter of condolence, to the widow of the Hon. Wm. B. Conway, on the subject of the death of her husband.

Mr Robertson was appointed a committee on the part of the House under the first resolution, and Messrs Summers and Hawkins, were appointed a committee on the part of the House under the third resolution.

On motion of Mr Summers.

The House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Summers, from the committee appointed to prepare rules for the government of the House, made a report which was read and adopted.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker: I am directed to inform the House, that the Council have adopted the following resolution:

Resolved, That Mr J. W. Parker of the Council, be appointed on the part of the Council to accompany the remains of the Hon. Wm. B. Conway, to Davenport, and to attend his funeral.

The Council have also, in compliance with the resolution of the House, appointed Messrs Inghram and Lewis a committee on the part of the Council to act in conjunction with the committee appointed on the part of the House, to address a letter of condolence to the widow of the Hon. Wm. B. Conway, on the subject of the death of her late husband.

I am also instructed to inform the House that the Council have adopted the joint rules for the government of the two Houses, as reported by the committee. And then he withdrew.

Mr Hastings, from the joint committee appointed to report rules to regulate the intercourse between the two Houses of the Legislative Assembly, made a report which was read and adopted.

On motion of Mr Summers,

Ordered, That the rules of the House of Representatives, and the joint rules regulating the intercourse between the two Houses of the Legislative Assembly be printed, and that each member of the House of Representatives be furnished with one copy of each, and that twenty extra copies be furnished for the use of the House.

On motion of Mr Robertson,

Resolved, That Jesse Williams be requested to furnish each member of this House with one copy of Judson's Sectional Map of Iowa.

On motion of Mr Clark,

Ordered, That the clerk of this House be directed to cause locks and keys to be affixed to each of the desks in this hall, which are not already furnished.

Mr Hastings moved that the House now go into committee of the whole on the message of the Governor, which motion was lost.

Mr Brewer offered the following resolution:

Resolved, That the Speaker of this House shall take the message of his Excellency under consideration and assign the several topics therein contained to appropriate committees, which

On motion of Mr Patterson, was laid on the table.

Mr Williams the private secretary of the Governor being announced, delivered the following message, which was read.

rehed after adjournment

EXECUTIVE DEPARTMENT, I. T.
BURLINGTON, Nov. 6, 1839.

To the Honorable House of Representatives
of the Legislative Assembly:

GENTLEMEN:—On the evening of the 25th of January last, after the Legislative Assembly had closed its session, and many of the members left the city; the following described enrolled bills were presented to me for approval, but being objectionable in some of their provisions, the adjournment of the Legislative Assembly, deprived me of the opportunity of making my objections known to that body.

Consequently the bills were filed in the Executive office without my signature, and are now transmitted to the House of Representatives, the branch of the Legislative Assembly in which they originated, in order that such proceedings may be had thereon as may be deemed advisable by the present Legislative Assembly.

The first is a bill entitled "An act concerning the repeal of statutes." The bill if it had been approved, would have repealed all laws of a general nature heretofore passed by the Legislative authorities of Michigan and Wisconsin, and now in force in this Territory, which would have left us without law in many important cases to wit: The law regulating marriages would have been repealed and we would have had no law in force in this Territory on that as well as many other important subjects. The second is a bill entitled "An act to provide for the compensation of printers of the Legislative Assembly and for other purposes."

On an examination of this act, it appears to be a general appropriation bill, in which are contained some appropriations, that in my opinion, are in contravention of the laws of the United States, and consequently could not receive the approval of the Executive.

The 3d section of the act of Congress making appropriations for the civil and diplomatic expenses of the government for the year 1839, declares "That no officers in any branch of the public service; or any other person, whose salary or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatsoever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law." The objections of the Executive are confined to such allowances as he believes to be in violation of the aforesaid acts of Congress. These suggestions together with the bills, are respectfully submitted to the consideration of the Legislative Assembly. Any

special objections are deemed inadvisable at this time, as the bills will consequently be acted upon *de novo* by the Legislative Assembly.

Very respectfully,
Your ob't servant,
ROBERT LUCAS.

On motion of Mr Bailey,

The message was referred to the committee on the judiciary.

Mr Summers made a motion, that that part of the Governor's message which relates to the subject of a state government be referred to a committee of one from each electoral district.

Mr Biggs moved to amend as follows:

Ordered, That so much of the Governor's message as relates to the formation of a state in this Territory be referred to the committee on Territorial affairs with leave to report by bill or otherwise. The amendment was accepted by Mr Summers and adopted by the House.

On motion of Mr Summers,

Ordered, That so much of the Governor's message as relates to the organization of townships be referred to the committee on townships and county boundaries.

On motion of Mr Hall,

Ordered, That so much of the Governor's message as refers to the printing of the laws of last session, be referred to a select committee.

Whereupon, Messrs Hall, Wheeler, Patterson, Mintun and Myers were appointed said committee.

On motion of Mr Hall,

Ordered, That so much of the Governor's message as refers to the Territorial library, be referred to the committee on the Judiciary.

On motion of Mr Hastings,

Ordered, That so much of the Governor's message as relates to the difficulties on the southern boundary line be referred to the committee on the militia.

On motion of Mr Patterson,

Ordered, That so much of the Governor's message as refers to the seat of government, be referred to the committee on Territorial Affairs.

On motion of Mr Hawkins,

Ordered, That a standing committee on public buildings be appointed, also, a standing committee on the finances.

Whereupon the Speaker appointed, on public buildings, Messrs Hawkins, Summers, Hastings, Walworth and Mintun.

On finances, Messrs Ross, Bailey, Churchman, Brewer and Lash.

On motion of Mr Bailey,

Ordered, That so much of the Governor's message, as refers to the Finances be referred to the committee on the finances.

On motion of Mr Hastings,

Ordered, That so much of the Governor's message as relates to a system of common schools be referred to the committee on schools.

On motion of Mr Langworthy,

Ordered, That so much of the Governor's message, as relates to the militia, be referred to the committee on the militia.

On motion of Mr Biggs,

Ordered, That so much of the Governor's message, as relates to memorializing Congress on the subject of the grant of land, for the site of the seat of government, be referred to the committee on Territorial Affairs.

Mr Hall offered the following resolution:

Ordered, That that part of the Governor's message which refers to intemperance, be referred to the committee on townships and county boundaries.

Mr Bailey moved to amend by referring the subject to the committee on the judiciary.

Mr Hastings moved to amend by referring it to a committee of one from each electoral district.

Mr Langworthy moved to lay the subject on the table. Mr Biggs called for the yeas and nays, which were ordered and were as follows:

Yeas—Messrs Brewer, Churchman, Cox, Hawkins, Langworthy, Lash, Mintun, Myers, Owen, and Johnston, Speaker, 10.

Nays—Messrs Bailey, Biggs, Clark, Coop, English, Fleenor, Hall, Hastings, Leffler, Patterson, Rich, Robertson, Ross, Summers and Wheeler, 15.

So the question to lay on the table was decided in the negative.

The question then recurred on the amendment offered by Mr Hastings, which was taken and determined in the affirmative.

Messrs Biggs, Patterson, Ross, Coop, Mintun, Clark, Robertson, Cox, Wheeler and Walworth, were appointed said committee.

On motion, the House adjourned until to-morrow, at 10 o'clock.

Friday Morning, Nov. 8, 1839.

The Speaker laid before the House the following communication:

To the Speaker of the House of Representatives
of the Territory of Iowa:

Sir,—It may not be unimportant to the House of Representatives, to be informed, that out of the many resolutions and memorials, that passed that body at its last session, one only reached me at Washington, or otherwise, until I found them in your journal, a copy of which has recently been placed in my hands, all of which, I shall take pleasure in presenting to Congress at the earliest opportunity.

Respectfully, your ob't.
W. W. CHAPMAN,
Delegate from Iowa.

The Speaker also laid before the House, a communication from Jesse Williams accompanied with twenty-six maps for the use of the members.

On motion of Mr Hastings,

Ordered, That so much of the message of the Executive as refers to the

election of sheriffs, judges of probate, justices of the peace and county surveyors, be referred to the committee on Territorial Affairs.

On motion of Mr Bailey,

Ordered, That that part of the message of the Governor, that relates to the transmission of convicts to the Penitentiary, be referred to the committee on the Judiciary.

On motion of Mr Hastings,

Ordered, That the documents accompanying the annual message of the Executive, be referred to the committee on Territorial Affairs.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am directed to inform the House, of the adoption of the following resolution by the Council:

Resolved, By the Council, that the House of Representatives be requested to send to the Council, the documents accompanying the Governor's Message. And then he withdrew.

Mr Bailey, from the select committee, to whom was referred so much of the Governor's Message as relates to the passage of a law, authorizing the election of Public Printer, reported a bill on that subject which was read a first and second time.

Mr Churchman from the same committee, reported a bill of the minority, which was read a first and second time.

On motion of Mr Wheeler,

Ordered, That the bills be recommitted.

On motion of Mr Churchman,

Ordered, That two members be added to said committee, and that they be instructed to bring in but one bill on the subject. Whereupon, Messrs Leffler and Summers were added to the committee.

Mr Coop, offered the following:

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a Territorial Road, commencing at Iowa City, the Seat of Government of this Territory, thence to Washington, the seat of justice of Washington county, thence to Fairfield, the seat of justice of Jefferson county, thence to Keokuk's old village on the Des Moines river, thence to the southern boundary line of this Territory, in a direction to the Platte purchase, in the State of Missouri.

Mr Biggs moved to amend, by striking out all after the words "Jefferson county," and insert "from Fairfield, to Portland, thence in a direction towards Jefferson City, Mo., to the northern boundary of said State. The question being taken on the amendment, it was lost; the question then recurred on the adoption of the Resolution which was decided in the negative.

On motion of Mr Hall,

The House adjourned until Monday morning, at 10 o'clock.

Monday Morning, Nov. 11, 1839.

On motion of Mr Mintun,

Ordered, That the committee on roads and highways be instructed to inquire into the expediency of establishing a Territorial road, commencing at Iowa City, the seat of Government of this Territory, thence to Virginia Grove, in Louisa county, thence to Burlington, in the county of Des Moines.

On motion of Mr Leffler,

Ordered, That so much of the Governor's message as relates to memorializing Congress for a grant of lands for literary purposes, in this Territory, be referred to the committee on common schools, and that the said committee have leave to report by memorial or otherwise.

On motion of Mr Hastings,

Ordered, That all bills, after their first reading, be printed, unless the House shall otherwise direct.

Mr Summers, from the committee on Township and County boundaries, reported No. 1, H. R. file, entitled "A bill for the incorporation of townships, and for other purposes."

Mr Hastings, from the select committee, appointed for that purpose, reported No. 2, H. R. file, "A memorial to Congress on the subject of post roads in Iowa."

Mr Hastings, from the committee on the judiciary, reported No. 3, H. R. file, entitled "A bill to provide for the appointment of librarian, and for other purposes."

Said bills were severally read a first time.

Mr Hastings gave notice that he would, on to-morrow, or some day thereafter, introduce a bill to amend "An act fixing the terms of the Supreme and District courts, and for other purposes;"

"A bill concerning marriages;"

"A bill to provide for the support of illegitimate children, and for other purposes."

Messrs Hastings, Churchman and Rich were appointed a committee to prepare the first named bill.

Messrs Leffler, Brewer and Myers were appointed a committee to prepare the second named bill.

Messrs Hastings, Summers and Langworthy were appointed a committee to prepare the third named bill.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House of Representatives of the adoption by the Council of the following resolution, and ask their concurrence to the same:

Whereas, the Territory of Iowa is deprived of a Secretary by the recent death of the Hon. W. B. Conway, late Secretary of this Territory;

and whereas no provision is made by the Organic Law, or by any act of Congress, to meet such contingency: Therefore,

Be it Resolved, by the Council and House of Representatives, That Charles Weston be appointed a fiscal agent, and that he be authorized to take charge of all public funds, drafts or bills of exchange properly belonging to this department; and that he be required to make such disbursements as legally pertain to his appointment as aforesaid, taking proper vouchers for the same. And then he withdrew.

Mr Bailey, from the select committee appointed for that purpose, reported No. 4, H. R. file, entitled "A bill to provide for the election of public printer, and defining his duties," which was read a first time.

Mr Hastings presented the credentials of George H. Walworth, member elect from the counties of Cedar, Jones and Linn; and on motion of Mr Hastings, was sworn into office and admitted to his seat.

On motion of Mr Hastings,

Ordered, That the credentials of Mr Walworth be referred to the committee on elections.

The preamble and joint resolution received from the Council this morning, was,

On motion of Mr Bailey,

Taken from the table and read a first time.

Mr Bailey offered the following preamble and resolutions, which were read a first time.

Whereas the country purchased of the Sac and Fox Indians, in the month of October, 1837, is rapidly populating by a respectable and industrious class of citizens, making large farms, building towns, and constructing extensive machinery, which must necessarily be divided and subdivided by the future surveys of the government of the United States; the result of which will be loss, litigation and serious difficulty, the never failing check to such laudable industry, Therefore,

Be it Resolved by the Council and House of Representatives of the Territory of Iowa, that our delegate in Congress be requested to solicit and use his best exertions to obtain an appropriation for the survey of all the unsurveyed lands in the Territory of Iowa, to which the Indian title has been extinguished.

And be it further Resolved, that the Governor of the Territory, be requested to forward three copies of these resolutions, one to our delegate in Congress, one to the Speaker of the House of Representatives and one to the President of the United States.

On motion of Mr Coop,

Ordered, That the committee on Internal Improvements, be instructed to inquire into the expediency of memorializing Congress, for an appropriation sufficient for the removal of the obstructions of the Des Moines and Rock river rapids, in the Mississippi river, and that they report by memorial or otherwise.

On motion of Mr Hastings,

Ordered, That a select committee of one from each electoral district be appointed to draft a memorial to Congress for the establishment of another land district in this Territory.

Whereupon, Messrs Hastings, Patterson, Leffler, Biggs, Lash, Mintun, Robertson, Cox, Wheeler and Walworth were appointed said committee.

On motion of Mr Biggs,

Ordered, That so much of the Governor's message, as relates to the providing by law for the appointment of Auditor of public accounts, and regulating the duties of Territorial Treasurer be referred to the committee on finance.

On motion of Mr Langworthy,

Ordered, That the committee on Roads and Highways, be instructed to inquire into the expediency of locating a Territorial road from Iowa city, by way of the seats of justice of Linn and Delaware counties, and the mouth of Elk creek in Clayton county to the Mississippi river, opposite Prairie du Chien.

On motion of Mr Brewer,

Ordered, That the hour to which this House shall stand adjourned from day to day, be ten o'clock, A. M., unless otherwise specially directed by the House.

On motion of Mr Summers.

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr Hastings,

Ordered, That all memorials to any department of the general Government; and all joint resolutions, of a general nature, be printed after their first reading.

Mr Hall offered the following resolution:

Resolved, That a select committee, consisting of one member from each electoral district be appointed, to inquire into the expediency of memorializing Congress to authorize the Marshal of this Territory, to cause the census to be taken, in said Territory by the tenth day of July next, in order that the apportionment may be made by the Council and House of Representatives, as may hereafter be provided by law.

Mr Coop moved to amend by striking out the tenth day of July, and insert the first day of June.

Mr Cox moved to lay the resolution and amendment on the table, subject to the order of the House, which motion was agreed to.

Mr Langworthy asked leave, at some future day, to introduce "A bill to incorporate the town of Du Buque," and asked that the delegation from Du Buque county be appointed a committee to prepare said bill.

Leave being granted, Messrs Langworthy, Wheeler and Churchman were appointed said committee.

On motion of Mr Hastings,

Ordered, That a select committee be appointed to draft a memorial to Congress for an appropriation to improve the navigation of the Iowa and Red Cedar rivers.

Messrs Hastings, Walworth, Robertson and Cox were appointed said committee.

On motion of Mr Bailey,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of memorializing Congress on the subject of appropriations for the purpose of opening and completing such of the territorial roads, chartered during the last session of the Legislature, as in their discretion their importance seems to demand.

On motion of Mr Biggs,

Resolved, That a select committee be appointed, to memorialize Congress on the subject of improving the navigation of the Des Moines river; Messrs Biggs, Patterson, Coop, Hall and Myers were appointed said committee.

Mr Hastings, from the committee on the Judiciary, reported No. 6, H. R. file, entitled "A bill to provide for the election of county treasurers, and defining their duties," which was read a first time.

On motion of Mr Coop,

Resolved, That a select committee be appointed to draft a memorial to Congress, for an appropriation to open and improve the navigation of Skunk river; Messrs Coop, English, Fleenor, Lash and Clark were appointed said committee.

Mr Biggs, from the committee to whom was referred that part of the Governor's message relating to intemperance, reported No. 7, H. R. file, entitled "A bill to regulate Grocery licenses," which was read a first time.

Mr Churchman moved that the House reject the bill.

On this motion, the yeas and nays being called for, were ordered, and were as follow:

Mr Churchman voted in the affirmative.

Nays—Messrs Bailey, Biggs, Brewer, Clark, Coop, Cox, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 24.

So the motion to reject the bill was decided in the negative.

Mr Churchman, from the committee on Territorial Affairs, to whom was referred that part of the Governor's message which recommends the "early passage of a memorial to Congress respectfully asking of that body the passage of an act at their ensuing session, granting to the inhabitants of Iowa Territory the right to form a constitution and State government, and to provide for their admission into the Union upon an equal footing with the original States," made a report, which was read, and on motion of Mr Hall, laid on the table until Wednesday next.

On motion of Mr Bailey, the House adjourned.

Tuesday Morning, Nov. 12, 1839.

On motion of Mr Summers,

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of memorializing Congress for an appropriation sufficient to construct a bridge across the Wabesipinica river, at or near Doolittle's ferry.

On motion of Mr Wheeler,

Resolved, That a committee be appointed, composed of the entire delegation from the county of Du Buque, and that they be instructed to draft a memorial to Congress, requesting that body to order the survey of the landing at the town of Du Buque.

On motion of Mr Langworthy,

Resolved, That the Sergeant-at-arms procure the necessary seats for all persons invited to take seats within the bar of this House.

Mr Ross, from the committee on finance, to whom was referred so much of the Governor's message as relates to the providing for the appointment of auditor of public accounts, and regulating the duties of territorial treasurer, reported No. 8, H. R. file, entitled "A bill providing for the appointment and duties of auditor of public accounts, and regulating the duties of territorial treasurer."

Mr Hastings, from the committee on the judiciary, reported No. 9, H. R. file, entitled "A bill to prevent kidnapping." Said bills were severally read a first time.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," was read a second time, and on motion of Mr Hall, referred to committee of the whole House, and made the order of the day for Thursday next.

On motion of Mr Hawkins,

The forty-fourth rule of the House was suspended, so as to permit bill No. 3, H. R. file, to be read a second time by its title.

No. 3, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," was then read a second time.

The House then resolved itself into a committee of the whole House for the consideration of said bill, Mr Bailey in the chair.

The committee, after some time, rose and by their chairman reported the bill with amendments, in which the House concurred.

On motion of Mr Cox,

The following section was added to the bill:

"Sec. 12. And the librarian shall keep a catalogue of all books in the library, for the inspection of all concerned. This act to be in force from and after its passage."

On motion of Mr Churchman,

The words "close" and "the" in the first line of the 11th section, were stricken out, and the words "commencement of each annual" inserted.

Mr Bailey moved to recommit the bill with instructions, which motion was lost.

On motion of Mr Hastings,

The bill was ordered to be engrossed, and made the order of the day for Thursday next.

On motion of Mr Hastings,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

No. 4, H. R. file, entitled "A bill to create the office of public printer, and to define his duties," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, Mr Cox in the chair, for the consideration of said bill.

The committee, after some time, rose and reported the bill to the House with amendments, which were concurred in.

On motion of Mr Hawkins,

The following section was added to the bill:

"Sec. 9. That nothing in this act shall be so construed as to prohibit the present legislature from employing other persons to do the whole or any part of the incidental printing of the present session."

On motion of Mr Hastings,

The bill was ordered to be engrossed and read a third time on Thursday next.

On motion of Mr Churchman, the House adjourned.

Wednesday Morning, Nov. 13, 1839.

Mr Biggs, from the select committee appointed for that purpose, reported the following preamble and joint resolutions which were read a first time:

Whereas the Des Moines river seems to demand the attention, both of the Legislative Assembly and of Congress, for the following reasons, to wit:

First, on account of its position in the Territory of the United States, and also forming the boundary of a portion of the State of Missouri.

It will enter the probable limits of the State of Iowa, in the north western part and running a south easterly course, through the interior of said limits, enters the Mississippi, at the extreme south easterly point of the same. Its central position, between those two great rivers, Mississippi and Missouri, which must necessarily form the eastern and western boundaries of the state, points it out as the natural channel for imports and ex-

ports, for the extensive and fertile country in the interior of Iowa, and a portion of the State of Missouri.

Secondly, on account of its affording but few facilities for navigation, without that improvement, of which it is peculiarly susceptible: being admirably adapted to the building of dams, for the purpose of slack water navigation.

The channel and banks, every where afford suitable stone, for the foundation and structure of such dams, as would be necessary for said improvement.

Added to the importance of the navigation of said stream, would be the vast quantity of hydraulic powers obtained by the construction of dams; which alone would be of incalculable value to the country through which it passes, being almost destitute of those advantages from other sources; Therefore,

Resolved by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress, be requested to use his best exertions to obtain an appropriation by Congress, for the purpose of paying the expenses for a survey of said river by a corps of engineers, under the authority of the United States, and also a grant of land, equal to five miles in width on each side of said stream along the whole line of said contemplated improvement, to make the same. And be it further

Resolved, That the Governor of this Territory, be requested to forward two copies of the above preamble and resolutions, one to our delegate in Congress, and one to the Governor of the State of Missouri, with a request that he lay the same before the Legislature of that State for their concurrence.

Mr Bailey, from the committee on common schools, reported No. 11, H. R. file, entitled "A memorial for a donation of land for literary purposes," which was read a first time.

The joint resolution relative to the appointment of a fiscal agent, was read a second time, and on motion of Mr Biggs, referred to the committee on finance.

No. 2, H. R. file, A memorial on the subject of post roads in Iowa, was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, for the consideration of said memorial, Mr Hawkins in the chair. After some time, the committee rose and by their chairman, reported the memorial to the House with amendments which were concurred in.

On motion of Mr Ross,

The following was inserted after the 43d line in said memorial. From Burlington by Augusta, Denmark, West Point and thence to St Francisville, Mo.

On motion of Mr Rich,

The word Denmark was inserted before the word Baltimore, in 17th line.

On motion of Mr Summers,

The memorial was ordered to be engrossed and read a third time, on to-morrow.

No. 5, H. R. file, entitled "Preamble and Joint Resolution relative to unsurveyed lands," was read a second time.

Mr Hastings moved to amend by inserting "and one to the Commissioner of the General Land Office;" which was agreed to.

On motion of Mr Summers,

The word three was stricken out, and the word four inserted.

On motion of Mr Langworthy,

The Preamble and Joint Resolutions were ordered to be engrossed and read a third time, on to-morrow.

Mr Hawkins gave notice that he should on to-morrow offer the following as an additional rule of this House.

52. That all bills on their second reading shall be read by their title, unless the reading of said bills shall be called for, by a member of the House.

No. 6, H. R. file, entitled "A bill to provide for the election of County Treasurers, and to define their duties," was read a second time.

The House then resolved itself into a committee of the whole House for the consideration of said bill, Mr Churchman in the chair. After some time the committee rose and by their chairman reported the bill to the House with amendments, which were concurred in, with the exception of the amendment made to the 4th line of the 8th section.

On motion of Mr Hawkins,

The first line of the 7th section was amended by inserting after the word merchandize, the words, "within any county" and in the second line of the same section after the word Treasurer, by inserting the words "of said county."

On motion of Mr Rich,

The following section was added to the bill.

Sec. 11. Any person who shall violate the provisions of the eighth section of this act shall be prosecuted before any justice of the peace and fined any sum not less than twenty-five nor more than fifty dollars.

On motion of Mr Hall,

The fifth line of the second section, was amended by inserting after the word "every" the word "regular."

On motion of Mr Churchman,

The words "bail and" in the third line of the first section were stricken out and the words "bond with" inserted.

Mr Cox moved to recommit the bill, which motion was lost.

On motion of Mr Walworth,

The third line in the tenth section was amended by striking out the word "may" and inserting the word "shall."

On motion of Mr Hastings,

The bill was ordered to be engrossed and read a third time on Friday next.

Mr Wheeler from the committee on engrossments, reported No. 3, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," as correctly engrossed.

On motion of Mr Hastings,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 7, H. R. file, entitled "A bill regulating Grocery License," was read a second time.

On motion of Mr Cox,

A call of the House was had, whereupon it appeared that Messrs Churchman, Clark, Langworthy and Leffler, were absent. The Sergeant-at-arms, was directed by the Speaker to cause the attendance of the absentees who, after a short time appeared.

On motion of Mr Hastings,

The House then resolved itself into a committee of the whole House for the consideration of the above mentioned bill, Mr Hall in the chair. After some time, the committee rose and by their chairman, reported the bill to the House with amendments, which were concurred in by the House.

Mr Hastings moved to amend by striking out the word "retailed" in the 2d line of the 5th section, and inserting "drank." The motion was lost.

Mr Hastings moved that the bill be engrossed and read a third time on Friday next, and on his motion the yeas and nays were called for and were as follow:

Yeas—Messrs Bailey, Biggs, Brewer, Clark, Coop, Cox, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 24.

Mr Churchman voted in the negative.

So the question was determined in the affirmative.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House of Representatives that the Council have passed the following entitled act, memorial and joint resolution, viz:

An act to authorize the Legislative Assembly to punish for contempt, and to privilege the members from arrest.

Also, the memorial of Jeremiah Smith, jr., to the Congress of the United States praying for relief, &c.

Resolved by the Council and House of Representatives of the Territory of Iowa, That the acts of the twenty-fifth Congress, in possession of the Governor, shall be distributed in the following manner, viz: one copy to the Governor, one copy to the Secretary of the Territory, one copy to each of the Judges of the Supreme Court, one copy to the District Attorney of the Territory, one copy to the Marshal of the Territory, one copy to the Clerk of the Supreme Court, eleven copies for the use of the Council, and twenty copies for the use of the House of Representatives.

In all of which the concurrence of the House is requested. And then he withdrew.

Mr Hall gave notice that he would on to-morrow or some day thereafter, ask leave to introduce a memorial to Congress for an appropriation to build a bridge across the Des Moines river, at the point where the nation-

al road from Du Buque, via Iowa city to the northern boundary of Missouri, crosses said river.

Messrs Hall, Coop and Bailey were appointed a committee to prepare said memorial.

On motion of Mr Brewer, the House adjourned.

Thursday Morning, Nov. 14, 1839.

On motion of Mr Leffler,

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of asking an appropriation from Congress to construct a bridge across Flint river, in Des Moines county, where the Territorial road from Du Buque via Burlington to the Missouri boundary crosses said river.

On motion of Mr Hastings,

Resolved, That fifty copies of all bills be printed, and that each member of the Council be furnished with one copy of every bill that is printed for the House.

Mr Hawkins offered the following:

Resolved, That the chief clerk be, and he is hereby directed to give the incidental printing of this House, during the present session, to James G. Edwards, editor and publisher of the Hawk-Eye and Iowa Patriot.

Mr Hastings moved to lay the resolution on the table, subject to the order of the House.

On which motion Mr Summers called for the yeas and nays, which were ordered, and were as follows:

Yeas—Messrs Bailey, Biggs, Coop, Cox, English, Fleenor, Hastings, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 20.

Nays—Messrs Brewer, Churchman, Clark, Hall, Hawkins and Rich, 6.

So the question was decided in the affirmative.

On motion of Mr Lash,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of memorializing Congress on the subject of an appropriation to build a bridge across Skunk river, where the Territorial road established by Congress crosses said river.

Mr Ross, from the committee on finance, to whom was referred the joint resolution, No. 4, Council file, entitled "A resolution relative to the appointment of a fiscal agent," reported the same to the House with an amendment which was read a first time.

Mr Wheeler, from the committee on engrossed bills, reported H. R. file, Nos. 2, 4 and 5, as correctly engrossed.

Mr Hastings, from the select committee appointed for that purpose, reported a memorial to the Congress of the United States, H. R. file, No. 12, entitled "A memorial to Congress for the improvement of the navigation of the Cedar and Iowa rivers."

Mr Hastings, from the committee on the judiciary, also reported No. 13, H. R. file, "A bill to amend an act entitled 'an act fixing the terms of the Supreme and District courts, and for other purposes,' " which were severally read a first time.

Council file, No. 1, entitled "A memorial to Congress for the benefit of Jeremiah Smith, jr.," No. 2, entitled "A bill to authorize the Legislative Assembly to punish for contempt, &c."

Also, a joint resolution from the Council, relative to the distribution of the acts of the 25th Congress, were severally read a first time.

No. 8, H. R. file, entitled "A bill providing for the appointment and duties of Auditor of Public accounts, and regulating the duty of Territorial Treasurer, was read a second time, and,

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, Mr Hastings in the chair, for the consideration of said bill.

After some time, the committee rose, and by their chairman reported progress, and asked leave to sit again—leave was granted.

No. 9, H. R. file, entitled "A bill to prevent kidnapping," was read a second time; the House then resolved itself into a committee of the whole House, Mr Patterson in the chair.

After some time, the committee rose and reported progress, and asked leave to sit again—leave was granted.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker: I am instructed to inform the House of Representatives that the Council have passed

"An act to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar fork of Skunk river, in Henry county."

Also, "A joint resolution upon the subject of printing the laws of this session, as they are passed and approved, in the several newspapers published in this Territory.

In which the concurrence of the House of Representatives is requested. And then he withdrew.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships, &c.," was read a second time.

The House then resolved itself into a committee of the whole House, Mr Wheeler in the chair, for the consideration of said bill.

After some time, the committee rose, and by their chairman reported the bill to the House without amendment.

On motion of Mr Lash,

The bill was referred to a select committee consisting of one from each electoral district.

Messrs Hastings, Summers, Lash, Patterson, Hawkins, Bailey, Mintun, Cox, Wheeler, and Walworth, were appointed said committee.

On motion, the House adjourned.

Friday Morning, Nov. 15, 1839.

On motion of Mr Robertson,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of establishing a territorial road from Rockingham, in Scott county, via Centre Grove, and Moscow, in Muscatine county, to Iowa city, in Johnson county, and report to this House by bill or otherwise.

On motion of Mr Hall,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of establishing a territorial road commencing at Iowa city the seat of government of this Territory, thence to Washington, the seat of justice of Washington county, thence to Fairfield, the seat of justice of Jefferson county, thence to Portland, in Van Buren county, thence to the Indian boundary, in a direction to the Platte country, in the State of Missouri, and that the said committee have leave to report by bill or otherwise.

Mr Rich gave notice that he would on to-morrow or some day thereafter, ask leave to introduce a bill providing for the election of Sheriffs, Justices of the Peace, and other county officers.

Mr Summers gave notice that he would on Monday next, or some day thereafter, ask to introduce "A bill to regulate the practice of Physicians in this Territory."

Mr Coop, from the select committee appointed for that purpose, reported H. R. file, No. 14, entitled "A memorial to Congress for the survey of Skunk river," which was read a first time.

Mr Myers, from the committee on engrossed bills, reported H. R. file, No. 7, as correctly engrossed.

Mr Hawkins in accordance with previous notice, offered the following as an additional standing rule of this House.

LII. That all bills, resolutions and memorials on their second reading, shall be read by their title, unless the reading be called for by some member of the House, which was adopted.

The House then proceeded to the orders of the day.

No. 2, H. R. file, entitled "A memorial to Congress on the subject of post roads in Iowa."

No. 3, H. R. file, entitled "A bill to provide for the appointment of a Librarian, and for other purposes."

No. 4, H. R. file, entitled "A bill to create the office of public printer, and to define his duties."

No. 5, H. R. file, entitled "A preamble and joint resolution, relative to the unsurveyed lands."

No. 7, H. R. file, entitled "A bill regulating grocery license," were severally read a third time, passed, and the titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 1, C. F. entitled "A joint resolution on the subject of printing."

No. 3, C. F. entitled "A bill to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk river, &c." were severally read a first time.

C. F. No. 1, entitled "A memorial for the benefit of Jeremiah Smith, jr.," was read a second time, and on motion of Mr Summers, was made the order of the day for a third reading on to-morrow.

C. F. No. 2, entitled "A bill to authorize the Legislative Assembly to punish for contempt, &c." was read a second time, and on motion of Mr Hastings, the House resolved itself into a committee of the whole House, Mr Summers in the chair, for the consideration of said bill; after some time the committee rose, and by their chairman, reported the bill to the House without amendment.

On motion, the bill was ordered to be read a third time on to-morrow.

C. F. No. 4, entitled "Joint resolutions relative to the appointment of a fiscal agent," was read a second time, and on motion of Mr Patterson, was considered in committee of the whole House, Mr Brewer in the chair, after some time the committee rose and by their chairman reported the same with amendments, in which the House concurred.

Ordered, That the bill be read a third time on Monday next.

C. F. No. 5, entitled "A joint resolution relative to the distribution of the acts of the 25th Congress," was read a second time, and

On motion of Mr Summers,

The resolution was referred to a select committee; whereupon Messrs Summers, Cox and Biggs, were appointed said committee.

No. 10, H. R. file, entitled "A preamble and joint resolution relative to the improvement of the Des Moines river," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole, Mr Leffler in the chair for the consideration thereof, after some time the committee rose, and by their chairman reported the same to the House without amendment.

On motion of Mr Biggs, the preamble and joint resolution were ordered to be engrossed and read a third time on Monday next.

No. 11, H. R. file, entitled "A memorial to Congress for a donation of land for literary purposes," was read a second time and considered in committee of the whole House, Mr Biggs in the chair.

After some time, the committee rose, and by their chairman reported the memorial to the House with amendments, in which the House concurred.

Mr Rich moved to recommit the memorial, which was agreed to.

Mr Hall, according to previous notice, moved that a committee be appointed to revise the standing rules of the House, which was agreed to.

Messrs Hall, Churchman, Hawkins, Wheeler, and Rich, were appointed said committee.

On motion of Mr Biggs,

The House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

No. 12. H. R. file, entitled "A memorial to the Congress of the United States, on the subject of the improvement of the navigation of the Iowa and Cedar rivers," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, for the consideration of said memorial, Mr Langworthy in the chair, and after some time, the committee rose and by their chairman reported the memorial to the House with an amendment, in which the House concurred. The memorial was ordered to be engrossed and read a third time on Monday next.

No. 13, H. R. file, entitled "A bill to amend an act entitled 'an act fixing the terms of the supreme and district courts, and for other purposes,'" was read a second time, and,

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, Mr Bailey in the chair; after some time, the committee rose, and by their chairman reported the bill to the House without amendment.

On motion of Mr Hastings,

Ordered, That the bill be referred to a select committee consisting of one from each judicial district.

Messrs Hastings, Churchman and Rich, were appointed said committee.

The report of the committee on territorial affairs to whom was referred so much of the Governor's message as relates to the application of this territory for admission as a State into the Union, was,

On motion of Mr Summers,

Taken from the table, and one thousand copies ordered to be printed, and made the order of the day for Friday next.

On motion of Mr Cox,

Resolved, That the committee on the judiciary be directed to examine the Michigan and Wisconsin Laws, and report to this House what laws in those statutes are in force in this territory.

On motion of Mr Biggs,

Ordered, That the number of copies required in each memorial and joint resolution to be transmitted by the Governor to Congress, or other authority which originates in this House, be furnished the Executive by the chief clerk of this House.

On motion of Mr Summers,

The House adjourned.

Saturday Morning, Nov. 16, 1839.

On motion of Mr Cox,

Ordered, That the committee on Territorial affairs be instructed to bring in a memorial, asking Congress for an additional appropriation to complete the Territorial road leading from Du Buque to the Missouri line.

On motion of Mr Walworth,

Ordered, That the committee on Territorial affairs be requested to inquire into the expediency of calling the attention of Congress, by memorial or otherwise, to the importance of a speedy negociation with the Sac and Fox Indians, for an additional purchase of lands lying west of the tract recently purchased of said Indians by Congress.

On motion of Mr Wheeler,

Ordered, That the committee on Territorial affairs be instructed to inquire into the expediency of organizing the county of Delaware, and providing for the location of the county seat.

On motion of Mr Hastings,

Ordered, That Charles Weston, be requested to provide the necessary conveniences for the House of Representatives, during the present session.

Mr Hall, from the select committee, appointed to revise the standing rules of the House, reported sundry amendments thereto, which were concurred in by the House, with the exception of that substitute offered for the 47th Rule.

Mr Bailey, from the committee on Common Schools, reported No. 15, H. R. file, entitled "A memorial for a donation of land for literary purposes," which was read a first time.

Mr Hastings, from the select committee to whom was referred No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," reported the same back to the House, with amendments, which were read a first time, when

Mr Langworthy, moved to reject the bill, and on this motion Mr Summers called for the yeas and nays; which were ordered, and were as follow:

Mr Langworthy, voted in the affirmative.

Nays—Messrs Bailey, Biggs, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker, 25.

So the motion to reject the bill, was lost. The bill then passed to a second reading.

Mr Myers, from the committee on engrossed bills, reported No. 6, and 12, H. R. file, as correctly engrossed.

On motion of Mr Hastings,

The resolution offered some time since by Mr Hall, relative to the expediency of memorializing Congress, upon the subject of taking the census of this Territory, was taken from the table and read.

The question was taken on the amendment offered by Mr Coop, which was lost.

The question was then taken on the adoption of the original resolution; the yeas and nays being called for, were ordered, and were as follow:

Yeas—Messrs Biggs, Brewer, Coop, English, Hall, Hastings, Lash, Mintun, Myers, Owen, Patterson and Walworth, 12.

Nays—Messrs Bailey, Churchman, Clark, Cox, Fleenor, Hawkins, Langworthy, Leffler, Rich, Robertson, Ross, Summers, Wheeler, and Johnston, Speaker, 14.

So the question was decided in the negative.

Mr Myers moved that the House adjourn, which motion was lost.

No. 14, H. R. file, entitled "A memorial to the Congress of the United States on the subject of the improvement of the navigation of Skunk river," was read a second time and considered in committee of the whole House, Mr Coop in the chair.

After some time the committee rose, and by their chairman reported the memorial to the House with amendments, to which the House agreed.

On motion of Mr Summers,

The memorial was ordered to be engrossed and read a third time on Monday next.

No. 1, Council file, "A joint resolution relative to printing," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House, Mr Ross in the chair, for the consideration of the same.

After some time the committee rose, and by their chairman reported the resolution stricken out, excepting the enacting clause, and asked the concurrence of the House.

On this question, Mr Hastings called for the yeas and nays, which were ordered, and were as follow:

Yeas—Messrs Bailey, Churchman, Coop, Cox, English, Fleenor, Hall, Hawkins, Lash, Mintun, Myers, Owen, Patterson, Rich, Walworth and Johnston, Speaker, 16.

Nays—Messrs Biggs, Brewer, Clark, Hastings, Langworthy, Leffler, Robertson, Ross, Summers and Wheeler, 10.

So the question was decided in the affirmative,

Mr Bailey moved to commit the enacting clause to a select committee.

On which motion Mr Hastings called for the yeas and nays, which were ordered, and were as follow:

Yeas—Messrs Bailey, Brewer, Hastings, Lash, Mintun, Myers, Owen, Patterson, Ross, Walworth and Wheeler, 11.

Nays—Messrs Biggs, Churchman, Clark, Coop, Cox, English, Fleenor, Hall, Hawkins, Langworthy, Leffler, Rich, Robertson, Summers and Johnston, Speaker, 15.

So the motion to commit was decided in the negative.

Mr Cox moved that the subject be indefinitely postponed, which was lost.

On motion of Mr Biggs,

The enacting clause was laid on the table, subject to the order of the House.

On motion, the House adjourned.

Monday Morning, Nov. 18, 1839.

Mr Summers offered the following:

Resolved by the Council and House of Representatives of the Territory of Iowa that Andrew Logan, editor of the Iowa Sun, at Davenport, be requested to publish in said paper, all laws of a general nature, that may be passed at the present session of the Legislature, as soon after their approval, as he possibly can, and that he be allowed the same prices as are paid him for publishing the acts of Congress. Which was read a first time.

On motion of Mr Coop,

Ordered, That the committee on Internal Improvements be instructed to inquire into the expediency of memorializing Congress, for an appropriation to build a bridge across the Cedar fork of Skunk river, where the road leading from Fort Madison to Fairfield, crosses said stream, and that they have leave to report by memorial or otherwise.

Mr English gave notice that he would on to-morrow or some day thereafter introduce a bill to exempt conscientious persons from performing military duty in time of peace.

Mr Rich offered the following:

Resolved, That his Excellency the Governor, be requested to furnish this House with the dates of the several sheriffs' commissions, by him issued throughout the Territory.

Which under the rule lies on the table one day.

Mr Langworthy gave notice, that he would on to-morrow, or some day thereafter, ask leave to bring in a memorial, praying Congress to construct a rail road from Lake Michigan, to the Mississippi river.

Mr Robertson gave notice, that he would on to-morrow, or some day thereafter, ask leave to introduce a memorial to the Congress of the United States, praying that body so to amend the Organic Law, as to extend the jurisdiction of justices of the peace to one hundred dollars.

Mr Leffler gave notice, that he would on to-morrow, or some subsequent day, introduce a bill to regulate the institution of suits by foreign executors, administrators and guardians within this Territory.

Mr Rich gave notice, that he would on to-morrow, or some day thereafter, ask for leave to introduce a bill to encourage the destruction of wolves.

Mr Hastings, from the select committee appointed for that purpose, reported No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this Territory,"

Which was read a first time.

Mr Summers, from the select committee to whom was referred No. 5, Council file, entitled "A joint resolution relative to the distribution of the acts of the 25th Congress," reported the same with amendments; which were read a first time.

Mr Hall, from the select committee to whom was referred the subject of the printing of the laws passed at the first session of the Legislative Assembly of the Territory of Iowa, made the following report:

The select committee to whom was referred the subject of the printing of the laws passed at the first session of the Legislative Assembly of the Territory of Iowa, have had the same under consideration, and after a full investigation thereof, beg leave to report as follows:

That it appears from documents on file, that a resolution was adopted by the Legislative Assembly, on the 23d day of November, 1839, employing Russell and Reeves publishers of the Iowa News at Du Buque, to print the Laws passed at the first session of the Legislative Assembly of the Territory of Iowa.

It also appears that on the 1st day of January, 1839, said Russell and Reeves entered into bonds to the Secretary, according to the requisitions of said resolution.

The first section of an act regulating the publication and distribution of the Laws and Journals of the Legislative Assembly of the Territory of Iowa, approved, January 21, 1839, says that it shall be the duty of the Secretary of the Territory, to make an index and marginal notes to the acts and joint resolutions, passed at the present session of the Legislative Assembly, as soon as possible, and as early as convenient, furnish the Territorial Printer with true copies of said acts and joint resolutions, together with the index and marginal notes thereto, who shall thereupon proceed without delay, agreeably to his contract to print two thousand copies of the laws, to which shall be added joint resolutions, also the local acts passed by the Legislative Assembly as hereinafter mentioned, and when so printed, they shall by him be put up in half binding and called the Statute Laws of Iowa Territory, and there shall be prefixed to the volume of acts a complete table of contents, the Declaration of Independence, articles of confederation and perpetual union, constitution of the United States, with the amendments thereto, the Ordinance of Congress, July 13, 1787, and the organic law of the Territory of Iowa, &c.

It further appears from receipts on file, that the first copies were received on the fourth day of March, first ensuing.

The second copies were received at Davenport per order March 17.

The third were received at Davenport per order on the 28th March.

The fourth were received by John B. Russell, at Davenport, April 6.

The fifth were received per Mr Mitchell, on the 15th day of April.

The last receipt is as follows:

DU BUQUE, July 19, 1839.

Received of Wm. B. Conway, Secretary of Iowa Territory, the manuscript copy of the index to the Statute Laws of Iowa Territory, from page 99 to 132, both inclusive and being the balance of the general index to the Laws. RUSSELL & REEVES.

Your committee for further information on this subject, were referred to Mr J. W. Parker of the Council, whose statements are herewith transmitted.

BURLINGTON, NOVEMBER 18, 1839.

To the Chairman of the Committee of the House of Representatives, to whom was referred that part of the Governor's message which relates to the publication of the Laws of Iowa, passed at the last session.

SIR:—I am desired by Mr John B. Russell, to address to you answers to the following interrogatories:

1st. Was it your understanding at the time of the passage of the resolution appointing Russell and Reeves, printers of the Laws, that the copy was to be furnished immediately after the passage of the acts, in order that the printing of the same might be in progress while the Legislature was in session?

Answer to 1st. interrogatory. To the best of my recollection, it was.

2nd. Whether the copy was furnished us by the Secretary as soon as possible after the adjournment, and whether, to your knowledge, it was delayed for want of a written demand or order for the same, from said printers to the Secretary?

Answer to 2nd interrogatory. It was not furnished as soon as possible after the adjournment, inasmuch as after some copy was ready for the printers the Secretary required a written order from the printers for it. In obedience to that requirement an order was sent to him from said printers, by me, on the 21st or 22nd February, 1839, and handed to the Secretary on the 27th or 28th, who gave me copies of Statutes, which I sent by a mail carrier, who was paid for carrying them by said printers.

3rd. At what time did said printers receive the first copy from the the Secretary?

Answer to 3rd interrogatory. I believe said copies could not have been received before the 3rd or 4th of March by said printers.

4th. After the receipt of copies was the progress of the work delayed for want of further copy? If so, how long?

Answer to 4th interrogatory. It was. I was sometime in April, I think, entrusted with copy to carry up on a steamboat, and when I arrived at the office of said printers in Du Buque, I found they were out of copy and waiting, and learned they had been waiting a week or more.

5th. Did or did not said printers evince by words or action a desire to obtain copy and prosecute the work as fast as possible?

Answer to 5th interrogatory. I am confident that the printers were extremely anxious to finish the work as soon as possible. They manifested a great degree of impatience at the delay in receiving copy.

6th. Was the first copy furnished said printers by the Secretary, or were they obtained at the expense of the printers?

Answer to the 6th interrogatory. Is embraced in the answer to 2nd interrogatory.

7th. Did you not as agent for Russell and Reeves, present an order for all the copies of the Laws? Were they not withheld? and for what cause?

Answer to 7th interrogatory. I did; but they were withheld with the exception of the number mentioned in answer to 2nd interrogatory, because they were not ready.

Very respectfully,

J. W. PARKER.

From the above recited facts, it appears that the contract entered into by the said Russell & Reeves, pursuant to the resolution above referred to, required the Laws to be ready for distribution on or before the first day of May A. D. 1839, the law above recited it will be seen seemed to anticipate the speedy preparation and delivery of the manuscript copy of the Laws to the printers, as therein provided for, it further appears from the last receipt given above, that the last copy was not received until the 19th day of July, 1839, near two months after the time the work was to have been completed.

With a view of these facts your committee are of opinion, that the delay in printing the Laws which has been a matter of so much interest throughout the Territory, is not attributable to any neglect or disposition on the part of the printers not to perform their duty agreeably to their contract, but that the same would have been performed had copies been received as was anticipated by the act of the Legislative Assembly above alluded to.

Your committee would therefore recommend the passage of the following resolution.

Resolved by the Council and House of Representatives of the Territory of Iowa, That Russell & Reeves, publishers of the Laws of the Territory of Iowa, be and they are hereby entitled to the balance due on said work as though the same had been done by the first day of May 1839.

The resolution was read a first time.

No. 3, C. file, entitled "A bill to authorize Vinson H. Wamsley and Barnet Ristine to erect a dam across the Cedar fork of Skunk river, &c." was read a second time.

The House then resolved itself into a committee of the whole House, on the above entitled bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported the same to the House without amendment; which was agreed to, and ordered the bill to be read a third time to-morrow.

No. 15, H. R. file, entitled "A memorial for a donation of land for literary purposes," was read a second time, and

On motion of Mr Summers,

Was ordered to be engrossed and read a third time on Wednesday next.

No. 1, C. file, entitled "A memorial for the benefit of Jeremiah Smith, Jr."

No. 2, C. file, entitled "A bill to authorize the Legislative Assembly to punish for contempt."

No. 4, C. file, entitled "Joint resolutions relative to the appointment of a fiscal agent."

No. 6, H. R. file, entitled "A bill to provide for the election of county treasurers, and to define their duties."

No. 12, H. R. file, entitled "A memorial for the improvement of the Iowa and Cedar rivers," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," was read a second time.

The House then resolved itself into a committee of the whole House on the above entitled bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had had the said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

Mr Walworth moved to strike out all before the word "that," in the 5th line of the 14th section, which was determined in the negative.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Friday next.

On motion, the House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Wheeler, from the committee on engrossed bills, reported No. 10, H. R. file, entitled "Preamble and joint resolution relative to the improvement of the Des Moines river," as correctly engrossed.

Mr Speaker presented the petition of Joseph Webster, a contractor on the Penitentiary, praying for relief, &c., which was,

On motion of Mr Rich,

Referred to the committee on public buildings.

On motion of Mr Hastings, the House adjourned.

Tuesday Morning, Nov. 19, 1839.

On motion of Mr Leffler,

Ordered, That a select committee of three be appointed to inquire into the expediency of memorializing Congress, for a grant of land or an appropriation in money, for the construction of a McAdamized turnpike road, from the city of Burlington, in Des Moines county, by way of Augusta, in said county, to the town of West Point, in Lee county, thence to the town of Bentonsport, on the Des Moines river, in Van Buren county:

said road to be laid out under the direction of the Government of the United States.

Messrs Leffler, Owen, and Biggs, were appointed said committee.

On motion of Mr Bailey,

Ordered, That the committee on public buildings be instructed to inquire into the expediency of altering that part of the law providing for the erection of a Penitentiary, and establishing and regulating prison discipline for the same, which relates to the compensation of the directors.

On motion of Mr Walworth,

Ordered, That the committee on Internal Improvements, be instructed to inquire into the expediency of memorializing Congress, on the subject of an appropriation to build a bridge across the south fork of the Makoqueta river, where the Territorial road, as established by an act of the last Congress crosses said river, and that they have leave to report by memorial or otherwise.

On motion of Mr Mintun,

Ordered, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a territorial road, commencing at the county seat of Louisa county, and thence to the county seat of Washington county, and report by bill or otherwise.

The resolution offered by Mr Rich, on yesterday, calling upon the Executive for information relative to the dates of the several Sheriffs' commissions issued by him, was taken from the table and adopted.

Mr Cox gave notice that he would on some future day, bring in a bill to regulate conveyances.

No. 5, Council file, entitled "A joint resolution relative to the distribution of the acts of the 25th Congress, was read a second time, and ordered to be read a third time on to-morrow.

No. 16, H. R. file, entitled "A joint resolution relative to the printing of the laws in the Iowa Sun," was read a second time, and

On motion of Mr Cox,

Laid on the table, subject to the order of the House.

No. 18, H. R. file, entitled "A joint resolution relative to Russell & Reeves, printers of the Laws of the last session," was read a second time.

The House then resolved itself into a committee of the whole House, on the above entitled resolution: After some time spent therein, Mr Speaker resumed the chair, and Mr Biggs reported that the committee had had said resolution under consideration, and directed him to report the same to the House without amendment.

Pending the question of agreeing to the report of the committee of the whole, a call of the House was had,

On motion of Mr Hawkins,

When it appeared that Messrs Hall, Hastings, Langworthy and Wheeler, were absent.

The Sergeant-at-arms, was directed by the Speaker to compel the attendance of the absentees, who after a short time, gave their attendance.

The question was then taken upon agreeing to the report of the committee; and decided in the affirmative.

The resolution was ordered to be engrossed and read a third time on to-morrow.

No. 10, H. R. file, entitled "Preamble and joint resolution relative to the improvement of the Des Moines river."

No. 3, Council file, entitled "A bill to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar fork of Skunk river, &c." were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Churchman, from the committee on territorial affairs, reported No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," which was read a first time.

Mr Patterson gave notice, that he would on to-morrow, or some day thereafter, ask leave to bring in a bill to prevent firing woods and prairies.

On motion of Mr Bailey,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Myers, from the committee on engrossed bills, reported No's. 14 and 15, H. R. file, as correctly engrossed.

No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this Territory," was read a second time.

The House then resolved itself into a committee of the whole House on the said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had had the memorial under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

And on motion of Mr Hastings,

Ordered, That the memorial be engrossed and read a third time on Thursday next.

Mr Hastings, from the committee on the judiciary, to whom was referred the resolution of the House, requiring them to report to the House what laws contained in the Michigan and Wisconsin statutes were in force in this Territory, made the following report:

The committee on the judiciary, who were instructed to report what laws in the Revised Statutes of the Territory of Michigan and also what laws in the statute of Wisconsin unincorporated in the statute of Iowa, are now in force in this Territory, report the following acts:

1. An act to authorize the board of supervisors to ascertain township lines in certain cases.
2. An act to aid the raising of sheep.
3. An act respecting marks and brands, for horses, cattle, sheep and hogs.
4. An act to provide for the appointment of supreme court commissioners in certain counties, and to define their powers and duties.
5. An act to authorize justices of the peace and notaries public, to administer oaths.

6. An act concerning the powers of sheriffs and constables in certain cases.

7. An act prescribing the manner of devising lands, tenements and hereditaments.

8. An act to provide for the partition of lands.

9. An act to abolish entails and to regulate the mode of conveyances to joint tenants

10. An act concerning deeds and conveyances.

11. An act to authorize aliens to hold real estate.

12. An act concerning mortgages.

13. An act for the filing and recording of wills proven without this Territory, &c.

14. An act to enable grantees of reversion and lessees mutually to avail themselves of covenants and conditions.

15. An act making certificates of purchase of the public lands, evidence of possession.

16. An act in relation to affidavits and other judicial proceedings held in other states and foreign countries.

17. An act regulating marriages.

18. An act for speedy assignment of dower, and for the prevention of strip and waste by tenants therein.

19. An act for the support and maintenance of illegitimate children.

20. An act for the prevention of frauds.

21. An act to amend an act for the limitation of suits on penal statutes criminal prosecution and actions at law.

22. An act for regulating references and determining controversies by arbitration.

23. An act to prevent damages by mischievous dogs.

24. An act to enforce the observance of the Sabbath.

25. An act concerning habitual drunkards and to protect their estate.

26. An act for the punishment of idle and disorderly persons.

27. An act for providing and regulating prisons.

28. An act declaring the law concerning the escape of prisoners in certain cases.

29. An act concerning fines, penalties and forfeitures.

30. An act for the better apprehending of felons and other offenders.

31. An act for the limitation of suits on penal statutes, criminal prosecutions and actions at law.

32. An act to provide for the collection of fees in certain cases.

33. An act to incorporate medical societies for the purpose of regulating the practice of physic in the Territory of Michigan.

34. An act to prevent the exercise of foreign jurisdiction within the limits of the Territory of Michigan.

On motion of Mr Biggs,

Ordered, That fifty copies of the report be printed.

No. 14, H. R. file, entitled "A memorial to Congress for the Survey of Skunk river," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hastings,

Ordered, That a select committee of the delegations from Muscatine and Johnson, Louisa and Washington counties, be appointed to inquire into the propriety of memorializing Congress, for an appropriation to improve the road from Bloomington to Drury's Mills, Illinois, and also for bridging the Muscatine slough,

And also to improve the Territorial road, from Bloomington to Iowa City.

On motion of Mr Patterson,

Ordered, That James Clarke & Co., editors of the Gazette, be employed to do the incidental printing of the House of Representatives, during the present session, and that they be allowed the same price as the printers to Congress for similar work.

Mr Langworthy, by leave and in accordance with previous notice, introduced

No. 20, H. R. file, entitled "A memorial to Congress for an appropriation to construct a rail road from Lake Michigan to the Mississippi river," which was read a first time.

On motion of Mr Owen, the House adjourned.

Wednesday Morning, Nov. 20, 1839.

Mr Langworthy, presented the petition of George W. Jones, praying for a ferry privilege at Du Buque, which was read and referred to the committee on incorporations.

Mr Walworth, presented the petition of sundry inhabitants of Cedar county, praying for the re-location of the seat of justice of said county; which was read and referred to a select committee.

Messrs Walworth, Robertson and Cox, were appointed said committee.

Mr Wheeler, presented the petition of sundry citizens of Clayton county, praying for the re-location of the county seat of said county, which was read, and referred to the committee on townships and county boundaries.

On motion of Mr Owen,

Ordered, That James Clarke & Co., editors of the Gazette, be requested to print the journals in pamphlet form, for the use of the members of the House of Representatives.

On motion of Mr Robertson,

Ordered, That the committee on roads and highways, be instructed to inquire into the expediency of locating a Territorial road from Camanche,

in Clinton county, via the seat of justice for Cedar county, to Iowa City.

Mr Walworth, gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce a bill to amend the existing law regulating the qualifications of voters in this Territory.

Mr Biggs, from the committee on roads and highways, reported No. 21, H. R. file, entitled "A bill establishing certain Territorial roads therein named.

Mr Robertson, in accordance with previous notice reported No. 22, H. R. file, entitled "A memorial to the Congress of the United States, on the subject of amending the organic law of the Territory of Iowa."

The said bills were severally read a first time.

Mr Bailey gave notice, that he would on some future day, ask leave to bring in a bill, repealing a portion of the law entitled "An act to provide for laying out and opening Territorial roads."

Mr Rich, from the minority of the committee to whom was referred so much of the "Governor's message as relates to the admission of this Territory into the Union as a state;" made a report, which was read, and

On motion of Mr Hawkins,

Ordered, That five hundred copies be printed, and that the report be made the order of the day for Friday next.

Mr Myers, from the committee on engrossed bills, reported No. 18, H. R. file, as correctly engrossed.

Mr Patterson, in accordance with previous notice, introduced No. 23, H. R. file, entitled "A bill to prevent firing of woods and prairies," which was read a first time.

Mr Hall, gave notice that he would on to-morrow or some day thereafter introduce a bill relative to the incompatibility of offices.

Also, a bill for the benefit of the sheriff of Van Buren county.

Mr English, in accordance with previous notice introduced No. 24, H. R. file, entitled "A bill to exempt conscientious persons from performing militia duty in time of peace;" which was read a first time.

The Speaker laid before the House a communication from the Executive, in answer to a resolution of the House on yesterday, which was read, and on motion,

Ordered, That Mr Rich have leave to withdraw the same from the table.

Mr Leffler, in accordance with previous notice, introduced No. 25, H. R. file, entitled "A bill to regulate the institution of suits by foreign executors, administrators and guardians."

Mr Hawkins, from the committee on public buildings, reported No. 26, H. R. file, entitled "A bill to amend an act to provide for the erection of a penitentiary and establishing and regulating prison discipline for the same;" which were severally read a first time.

The House then adjourned—the orders of the day were consequently postponed until to-morrow.

Thursday Morning, Nov. 21, 1839.

On motion of Mr Cox,

Ordered, That the committee on the militia be instructed to bring in a memorial asking Congress to grant to the rangers of the late war one quarter section of land.

On motion of Mr Brewer,

Ordered, That Messrs Clarke and McKenny be instructed to print a sufficient number of the journals of this House, to furnish the members of the Council with a copy of the same, and also, to reprint in pamphlet form, the journals of this House from the commencement of the present session.

On motion of Mr Brewer,

Ordered, That the standing committee on roads and highways, be instructed to inquire into the expediency of establishing a Territorial road from Wapello, the county seat of Louisa county, to Moscow, in the county of Muscatine.

Mr Summers gave notice,

That he would on to-morrow, ask leave to introduce a bill for the relief of the administrators of the late Benjamin W. Clark, of Scott county.

Mr Hawkins, from the committee on public buildings, to whom was referred the petition of Joseph Webster, made a report, which was read and on motion of Mr Rich, laid upon the table.

Mr Hawkins, from the committee on the judiciary, reported No. 27, H. R. file, entitled "A bill regulating marriages," which was read a first time.

Mr Myers, from the committee on engrossed bills, reported No. 1, and No. 17, H. R. file, as correctly engrossed.

Mr Cox, in accordance with previous notice, reported No. 28, H. R. file, entitled "A bill to regulate conveyances," which was read a first time.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker: I am instructed to inform the House of Representatives, that the Council have passed bills,

No. 9, C. F. "An act to authorize evidence by the oath of parties."

No. 7. C. F. "An act for the benefit of settlers, &c. on the half breed lands."

No. 2, C. F. "A memorial on the subject of an appropriation on the Territorial road, leading from Du Buque to the northern boundary of Missouri, &c."

No. 5, H. R. file, "A preamble and joint resolutions relative to the unsurveyed lands," with amendments, also,

No. 12, H. R. file, "A memorial for the improvement of the Iowa and Cedar rivers," with an amendment.

In all of which the concurrence of the House is requested. And then he withdrew.

Mr Rich, in accordance with previous notice, introduced No. 29, H. R. file, entitled "A bill to encourage the destruction of wolves."

Mr Hastings, from the committee on the judiciary, reported No. 30, H. R. file, entitled "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa;" said bills were severally read a first time.

Mr Hastings gave notice that he would at some future day ask leave to introduce the following entitled bills:

A bill to repeal a part of the 86th section of the act entitled "an act relative to proceedings in chancery," approved January 23d, 1839.

A bill to alter and repeal a part of the 9th section of an act entitled "an act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings;" approved January 25, 1839.

A bill to repeal a part of an act entitled "an act regulating the issuing of writs of *ne exeat* and *injunctions*."

A bill supplemental to an act entitled "an act regulating practice in the district courts of the Territory of Iowa."

Mr Walworth gave notice,

That he would on to-morrow or some subsequent day, ask leave to introduce a bill to provide for the location of the seat of justice in Jones county.

No. 5, C. F., entitled "A joint resolution relative to the distribution of the acts of the 25th Congress."

No. 15, H. R. file, entitled "A memorial to Congress for a donation of land for literary purposes."

No. 18, H. R. file, entitled "A joint resolution relative to Russell & Reeves, printers of the laws, were severally read a third time and passed, and their titles agreed to,

Ordered, That the clerk acquaint the Council therewith.

No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had had the said bill under consideration and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Langworthy,

Ordered, That the bill be engrossed and read a third time on to-morrow.

No. 20, H. R. file, entitled "A memorial to Congress, for an appropriation to construct a rail road from Lake Michigan to the Mississippi river," was read a second time, and

On motion of Mr Hawkins,

Ordered, That the memorial be engrossed and read a third time on to-morrow.

No. 21, H. R. file, entitled "A bill establishing certain Territorial roads therein named," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had had the said bill under consideration, and directed him to report the same to the House, with amendments, to which the House disagreed.

On motion of Mr Summers,

Ordered, That the bill be recommitted to the committee on roads and highways.

Mr Bailey gave notice,

That he would on to-morrow or some day thereafter introduce a memorial, asking Congress to make an additional appropriation for the completion of the road located by Congress at its last session; commencing at Burlington and terminating at the Agency, on the Des Moines river.

On motion of Mr Owen,

The House adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this Territory," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 22, H. R. file, entitled "A memorial to the Congress of the United States, on the subject of amending the organic law of the Territory," was read a second time; and on motion of Mr Summers, the House resolved itself into a committee of the whole House, on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had had the memorial under consideration and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Summers,

Ordered, That the memorial be engrossed and read a third time on to-morrow.

No. 23, H. R. file, entitled "A bill to prevent firing woods and prairies," was read a second time; and

On motion of Mr Owen,

Was laid on the table until the fourth day of July next.

No. 24, H. R. file, entitled "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace," was read a second time. The House then resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen, reported that the committee had had the said bill under consideration, and directed him to report the same to the House, with amendments, to which the House agreed.

Mr Biggs moved to strike out all after the enacting clause, and on this

motion Mr Hastings called for the yeas and nays, which were ordered, and were as follow :

Yeas—Messrs Bailey, Biggs, Brewer, Churchman, Clark, Hall, Hawkins, Langworthy, Lash, Leffler, Ross and Wheeler, 12.

Nays—Messrs Coop, Cox, English, Fleenor, Hastings, Mintun, Myers, Owen, Rich, Robertson, Summers, Walworth and Johnston, Speaker, 13.

So the question was decided in the negative.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Monday next.

Mr Churchman gave notice that he would on to-morrow, introduce "A bill to provide for the execution of title deeds to lots in Iowa City, and for other purposes."

On motion of Mr Biggs,

Leave of absence until Monday next, was granted Mr Patterson.

On motion the House adjourned.

Friday Morning, Nov. 22, 1839.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker : I am instructed to inform the House that the Council have passed

No. 14, H. R. file, "Memorial for a survey of Skunk river," with an amendment;

No. 8, C. F. "A bill to authorize the incorporation of Lyceums :

In which the concurrence of the House is requested.

I also herewith present for your signature

No. 1, C. F. "Memorial of Jeremiah Smith;"

No. 2, C. F. "An act to authorize the Legislative Assembly to punish for contempt, &c."

No. 3, C. F. "An act to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk river, &c." also,

No. 3, C. F. "Joint resolution relative to the appointment of a fiscal agent." And then he withdrew.

The Speaker signed the bills, memorial and resolution above mentioned.

Mr Summers in accordance with previous notice, introduced No. 31, H. R. file, entitled "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark."

Mr Robertson gave notice that he would, on to-morrow or some day subsequent thereto, ask leave to introduce a bill authorizing aliens and foreigners to hold real estate in this Territory.

Mr Walworth, from the select committee appointed for that purpose, reported No. 32, H. R. file, entitled "A bill to re-locate the seat of justice in and for the county of Cedar."

Mr Hall in accordance with previous notice, introduced No. 33, H. R. file, entitled "A bill relative to the incompatibility of offices."

Said bills were severally read a first time.

On motion of Mr Hastings,

Ordered, That the majority and minority reports of the committee to whom was referred so much of the Governor's message as relates to the admission of this Territory into the Union as a state, and which were the order of the day for to-day, be postponed, and made the order of the day for Monday next.

Mr Wheeler, from the committee on engrossed bills reported No's 19 and 20, H. R. file, as correctly engrossed.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," was read a third time, passed, and the title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 5, H. R. file, entitled "A preamble and joint resolutions relative to the unsurveyed lands," as amended by the Council, was then taken up, and

On motion of Mr Summers,

The first amendment was concurred in.

On motion of Mr Bailey,

The second amendment was disagreed to.

No. 12, H. R. file, entitled "A memorial for the improvement of the Iowa and Cedar rivers," as amended by the Council, was taken up, and

On motion of Mr Bailey, was disagreed to.

No. 9, C. F. entitled "A bill to authorize evidence by the oath of parties;"

No. 7. C. F. entitled "A bill for the benefit of settlers, &c. on the Half Breed lands," were severally read a first time.

On motion of Mr Hawkins,

No. 9, H. R. file, entitled "A bill to prevent kidnapping," was taken from the table and considered in committee of the whole House.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the House had had the said bill under consideration and instructed him to report the same to the House without amendment.

On motion of Mr Hawkins,

Ordered, That the further consideration of the above named bill be indefinitely postponed.

No. 25, H. R. file, entitled "A bill to regulate the institution of suits by foreign executors, administrators and guardians within this Territory," was read a second time, and

On motion of Mr Hall,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the chair and Mr Hawkins reported that the committee had had the same under consideration, and instructed him to report the bill to the House with amendments, to which the House agreed.

On motion of Mr Leffler,

Ordered, That the bill be engrossed and read a third time on Wednesday next.

No. 26, H. R. file, entitled "A bill to amend an act to provide for the erection of a Penitentiary, &c." was read a second time, and

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Cox reported that the House had had said bill under consideration and instructed him to report the same to the House with amendments, to which the House agreed.

Mr Bailey called for the yeas and nays on agreeing to the question of allowing the Superintendent the sum of $1000 per annum, which were ordered, and were as follows:

Yeas—Messrs Biggs, Brewer, Churchman, Clark, Cox, Fleenor, Hall, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Rich, Robertson, Ross, Summers, Walworth, Wheeler and Mr Speaker, 21.

Nays—Messrs Bailey, Coop, English and Lash, 4.

On motion of Mr Coop,

Ordered, That the bill be engrossed and read a third time on Tuesday next.

Mr Fleenor gave notice, that he would on to-morrow, or some day thereafter introduce a bill concerning public roads.

On motion of Mr Hastings,

The House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr Bailey moved that a call of the House be had, which was ordered, Whereupon it appeared that Messrs Brewer, Churchman, Clark, Hawkins, Mintun, Owen, Rich and Ross, were absent.

On motion of Messrs Cox and Bailey,

Leave of absence until Monday next, was granted Messrs Brewer and Owen.

The Speaker then despatched the Sergeant-at-arms, in search of the absentees, who gave their attendance, when on motion of Mr Hastings the further call of the House was suspended.

Mr English moved that the House adjourn until Monday next.

Upon this question Mr Hastings called for the yeas and nays which were ordered.

Those who voted in the affirmative, were Messrs Cox, English and Hastings, 3.

Those who voted in the negative, were Messrs Bailey, Biggs, Coop, Fleenor, Hall, Langworthy, Leffler, Myers, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 14.

So the question was decided in the negative.

No. 14, H. R. file, entitled "A memorial for a survey of Skunk river," as amended by the Council was taken up, and the amendment disagreed to.

No. 8, Council file, entitled "A bill to authorize the incorporation of Lyceums," was read a first time.

No. 27, H. R. file, entitled "A bill to regulate marriages," was read a second time, and

On motion of Mr Hall,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair and Mr Ross reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments.

The House agreed to the amendments with the exception of striking out the tenth section.

On motion of Mr Langworthy,

The tenth section was amended by striking out all before the word "that" in the fifth line.

On motion of Mr Hastings,

The word "June" was stricken out in the eleventh section, and the word "March" inserted.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Tuesday next.

On motion of Mr English,

The House adjourned till Monday.

Monday Morning, Nov. 25, 1839.

Mr Langworthy presented the petition of the Trustees of the Town of Du Buque on the subject of the Ferry privileges at said town, which,

On motion of Mr Langworthy,

Was referred to the committee on Incorporations.

Mr Hastings, from the committee on the Judiciary, reported No. 34, H. R. file, entitled "A Bill in relation to the safe custody of persons arrested for crimes and misdemeanors," which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th Rule of the House be suspended so as to permit No. 34, H. R. file, to be read a second and third time to-day.

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House on said Bill. After some time spent therein, Mr Speaker resumed the Chair and Mr Hall reported that the House had had the said bill under consi

eration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the said bill be considered as engrossed and read a third time now.

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr Myers from the committee on Engrossed Bills reported Nos. 22, 24, 25, 26, 27, H. R. file, as correctly engrossed.

Mr Churchman, in accordance with previous notice, reported No. 35, H. R. file, entitled "A Bill to provide for the execution of title Deeds to lots in the city of Iowa and for other purposes."

Mr Robertson, in accordance with previous notice introduced No. 36, H. R. file, entitled "A Bill authorizing aliens and foreigners to hold real Estate in this Territory." Said bills were severally read a first time.

Mr Hastings gave notice that he would on some future day introduce a bill to authorize Lewis McKee to build a dam across the Muscatine Slough.

The House then passed to the several orders of the day.

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on the Report of the majority and minority of the committee on Territorial Affairs, to whom was referred so much of the Governor's Message as relates o the admission of the Territory of Iowa into the Union as a State.

After some time spent therein Mr Speaker resumed the Chair and Mr Biggs reported that the committee had had the said Reports under consideration and made some progress therein and asked leave to sit again. Leave was granted.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 34, H. R. file, entitled "A Bill in relation to the safe custody of persons arrested for crimes and misdemeanors," and have made sundry amendments thereto, in which the concurrence of the House is requested. And then he withdrew.

Said bill was then taken up and the amendments of the Council agreed to.

On motion of Mr Hall,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr Hawkins,

The House again in committee of the whole House resumed the consideration of the majority and minority reports of the committee on Territorial affairs to whom was referred so much of the Governor's message as relates to the admission of the Territory of Iowa into the Union as a State.

After some considerable time spent therein Mr Speaker resumed the chair and Mr Biggs reported that the committee had had said reports under

consideration, and had made some progress therein, and asked leave to sit again. Leave was granted.

Mr Walworth from the committee on enrollments, reported "An act in relation to the safe custody of persons arrested for crimes and misdemeanors," as correctly enrolled.

The Speaker signed the above entitled act.

And then the House adjourned.

Tuesday Morning, Nov. 26, 1839.

Mr Robertson gave notice that he would, on Wednesday next or some subsequent day, ask leave to introduce a bill making certificates of the purchase of public lands evidence of possession.

Also, a bill for the speedy assignment of dower, and to prevent strip and waste by tenants thereon.

No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof."

No. 20, H. R. file, entitled "A memorial to Congress, for an appropriation to construct a rail road from Lake Michigan to the Mississippi river," were severally read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 24, H. R. file, entitled "A bill to exempt conscientious persons from performing militia duty in time of peace;" was read a third time, and pending the question of the passage of the bill,

Mr Biggs called for the yeas and nays, which were ordered.

Those who voted in the affirmative were Messrs Coop, English, Lash, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker—13.

Those who voted in the negative were Messrs Bailey, Biggs, Churchman, Clark, Cox, Fleenor, Hall, Hawkins, Langworthy, Leffler and Wheeler—11.

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

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hall,

The House again, in committee of the whole House, resumed the consideration of the majority and minority reports of the committee on territorial affairs, to whom was referred so much of the Governor's message as relates to the admission of the territory of Iowa into the Union as a state.

After some considerable time spent therein, Mr Speaker resumed the chair, and Mr Biggs reported that the committee had again had said re-

ports under consideration and made some progress therein, and asked leave to sit again.

Leave was granted.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker—I am instructed to inform the House that the Council have disagreed to the amendment made by the House to the resolution of the Council relative to the distribution of the acts of the 25th Congress; and have passed

No. 18, H. R. file, "A joint resolution relative to Russell & Reeves printers of the laws of last session," without amendment.

And then he withdrew.

Mr Brewer, from the joint committee on enrollments, reported that the said committee did, on yesterday, present to the Governor for his approval, the following entitled acts, viz:

No. 3, C. F. "An Act to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar fork of Skunk river."

No. 2, C. F. "An act to authorize the Legislative Assembly to punish for contempt, and to privilege the members from arrest."

Also, the "memorial of Jeremiah Smith."

"A Joint Resolution relative to the appointment of a Fiscal Agent."

Also, on this day "An Act in relation to the safe custody of persons arrested for crimes and misdemeanors."

On motion of Mr Hall,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the Council insist upon their amendments to

No. 5, H. R. file, "A Preamble and joint resolutions relative to the unsurveyed lands."

No. 12, H. R. file, "A memorial for the improvement of the Iowa and Cedar rivers."

No. 14, H. R. file, "Memorial for a survey of Skunk river."

Which amendments have been disagreed to by the House.

And then he withdrew.

On motion of Mr Hastings,

The House again in committee of the whole House resumed the consideration of the majority and minority reports of the committee on Territorial affairs to whom was referred so much of the Governor's message as relates to the admission of the Territory of Iowa into the Union as a State.

After some considerable time spent therein, Mr Speaker resumed the Chair and Mr Biggs reported that the committee had had the said reports under consideration and directed him to report the report of the majority of the committee on Territorial affairs with the following amendment:

"Your committee therefore, submit for adoption, the following resolution:

Resolved, That it is inexpedient to take any preparatory steps for admission into the Union at the present session of the Legislative Assembly."

Pending the adoption of this amendment, Mr Langworthy called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Biggs, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Owen, Robertson, Ross, Summers, Walworth and Wheeler, 21.

Those who voted in the negative, were Messrs Hall, Patterson, Rich and Johnston, Speaker, 4.

So the amendment was adopted.

Said Reports are as follows:

The committee on Territorial Affairs to whom was referred that part of the Governor's Message which recommends the "early passage of a memorial to Congress, respectfully asking of that body the passage of an act at their ensuing session, granting to the inhabitants of Iowa Territory the right to form a Constitution and State Government, and to provide for their admission into the Union upon an equal footing with the original States," ask leave to report: That they have had the matter so referred under due consideration, and with all due deference and respect for the views and opinions of the Executive upon the subject, your committee have come to the conclusion that any steps taken at so early a period as the present, for our admission as a State, would not be beneficial, if not detrimental, to the best interests of the people.

We are yet very young, as a Territory, and although possessing the requisite number of inhabitants to entitle us to admission as a State, your committee have taken into consideration the fact that scarcely any, or but a tithe of the public lands within our boundaries have yet been sold; and some considerable time must yet elapse before the people can become holders of real property, upon which to levy taxes for the support of a State Government.

During the period that the public lands are being brought into market and sold, a constant drain of their pecuniary means is and will be kept up upon the people, to meet their payments in the several land offices, and to secure to themselves and their families the benefits of the time, labor and money which have been expended in making their respective claims and improvements. Our population consists chiefly of enterprising, industrious and hardy citizens, of limited means, who in the opinion of your committee would be oppressed, not benefited, by the heavy taxation consequent upon our coming into the Union as a State, and onerous indeed must be such drafts upon their means, at a time when all their resources are required to give them a beginning in the world and to provide themselves a home.

Your committee have also taken into consideration the subject of our Territorial expenses being now defrayed by the General Government, and our whole system of affairs both civil and military being sustained at little or no cost to the people—while on the other hand there is but one of two alternatives for defraying the expenses contingent upon our commence-

ment of a State Government. The one an immediate contraction of a heavy public debt by negotiating loans from abroad, which must keep us long under embarrassment in our State affairs: The other an immediate assessment of heavy rates upon personal property, or a levy of a heavy poll tax upon individuals; which must render the new State Government burthensome as well as odious to the people.

Nor can your committee conceive of any direct benefit or advantage that would result to the people from so early a change of our system of police. It could not add to the prosperity of the agriculturist, the merchant, the miner, or the mechanic; nor could it render any more fruitful the sources of profit which are open to honest industry and application.

True it is that in times past, the citizens of the Territories subject to the United States, have labored under severe restrictions as to the power and privilege of self government; the Legislative privileges of those Territories, having been confined to the Governor and Council, or as in case of the Territory of Michigan, to the Governor and Judges of the courts, with no power to originate laws, but confined exclusively to the adoption of such laws, from the codes of the different States, as in their judgment seemed proper.

But this system of policy has by the General Government, been long since abandoned, and in the organization of the Territory of Iowa, the people are invested with the full power of self government in nearly as plenary form as that of any State in the Union. We are guaranteed the privilege of electing members to a Council and House of Representatives, corresponding in their powers and duties, with the Senate and House of Representatives of the several States. And although in the passage of our laws, in regard to their force and validity, we are subject to the revision and approval or disapprobation of Congress, yet this supervisory power has seldom or never been exercised to our prejudice, and there is little reason to suppose it ever will.

Your committee can therefore see but little accession to the powers or privileges of the people, to be gained by changing our Territorial for a State form of government, while much accession would be created in point of trouble and expense.

Your committee therefore submit for adoption the following resolution:

Resolved, That it is inexpedient to take any preparatory steps for admission into the Union at the present session of the Legislative Assembly.

The minority of the committee on Territorial Affairs to whom was referred that part of the Governor's Message which recommends the "early passage of a memorial to Congress, respectfully asking of that body the passage of an act at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a constitution, and state government, and to provide for their admission into the Union upon an equal footing with the original States," respectfully reports; that he has had the subject so referred under consideration, and with all due respect for the arguments of the majority of your committee, has come to the conclusion that the present Legislative Assembly ought to make some provisions allowing the people to hold a convention, and to frame a constitution, as

soon as it can be ascertained that a majority of them are in favor of entering the Union as an independent State.

The propriety of forming a constitution, and asking for admission into the Union, is a question that properly belongs to the people.

It is the people's right to decide, and no course of Legislation should be adopted that would tend to interrupt the free exercise of this right. The infancy of our Territory, and the fact of but a small portion of the public lands having been sold, are urged as arguments against taking any steps towards becoming a State.

In answer to these arguments it may be said, that it is old in natural advantages and in enterprize: possessing the means of supporting a dense population, and a prosperous State;—and it is but reasonable to conclude that all the surveyed lands in the Territory, will be owned by actual settlers, and cultivators of the soil, before our Territory is completely organized as a State.

It is true that a drain of their pecuniary means may be kept up upon the people for a time,—but this drawing upon their resources by the general government, will not be so great as to render the people incapable of bearing the necessary expenses of an economical State. The new states which present to the world empty coffers and bankruptcy have been reduced to that condition, not by the necessary expenses of government, but by impolitic measures, and by unauthorized and visionary schemes of internal improvements. The minority of your committee is aware, as has been urged by the majority, that the expenses of the Territory are defrayed by the general government, and that the foundation of a state government would place additional burdens upon the citizens. These are important facts which should be properly understood by the people, before they act upon this subject.

It is true that the general government has always been liberal towards her Territories—that the purse of the nation has always been open to supply our wants, and advance our welfare, and that it has been from the birth of our Territory, the policy of the United States to cherish and promote the interest of Iowa.

But if the people of Iowa elect to take upon their own shoulders the responsibilities of self government, and to surrender these pecuniary advantages, as the price of independence and sovereignty, no one has a right to question their course.

It may in truth be said, that the sooner the people of Iowa pass through the scene of confusion from a territorial to a state government, the sooner they will be able to present to the world a civil organization worthy of the country in which they live. In our judiciary, the most important branch of government we cannot expect any thing like perfection, until the whole system is placed under the control of an independent State.

The minority of your committee has also taken into consideration, the standing that would be given to our State upon its admission into the Union. It is the received opinion that in Territories, there is less certainty in the laws, and less security for persons and property, than in State governments. By admission into the Union capital and enterprize would be brought into the State, commerce would receive an impetus, and new en-

couragement would be given to the agriculturist, and to the mechanic. The amount of taxable personal property would be greatly increased, and the value of property greatly enhanced. In addition to these arguments it may be said that the people by admission, would secure to themselves many and important political privileges. They would then have a right to organize their judiciary and fill the offices of the State with selections from among the citizens of the country.

So far as present pecuniary advantages are concerned it is perhaps the policy of the country to remain a Territory; but the future prosperity of the country, would no doubt be promoted by becoming a State.

If our citizens wish to enjoy all the rights and privileges which appertain to freemen, and give to their Territory the attributes of sovereignty; if they wish to enjoy the elective franchise without dictation from a superior; and if they wish to enact their own laws independent of a supervisory power from abroad, they must ask for and obtain admission into the Union.

The minority of your committee would therefore respectfully recommend the passage of a memorial asking Congress to pass a law authorizing the people of the Territory to elect delegates to a convention, which convention when assembled shall be authorized to decide, whether it be, or be not expedient, to form a constitution and state government for the Territory.

The question was then taken upon the adoption of the report as amended.

Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Biggs, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Owen, Robertson, Ross, Summers, Walworth and Wheeler—21.

Those who voted in the negative, were Messrs Hall, Patterson, Rich and Johnston, Speaker—4.

So the report as amended was adopted.

And then the House adjourned.

Wednesday Morning, Nov. 27, 1839.

On motion of Mr Summers,

Ordered, That the committee on common schools be instructed to inquire into the expediency of establishing a seminary of learning at Parkhurst, in Scott county, and report to this House by bill or otherwise.

On motion of Mr English,

Ordered, That a select committee be appointed of one member from each electoral district in the Burlington Land District, to take into consideration the propriety of memorializing the President of the United States to further postpone the sale of the public lands in the Burlington District, and report by memorial or otherwise. Messrs English, Patterson, Bailey, Myers, Mintun, Clark, and Robertson were appointed said committee.

On motion of Mr Lash,

Ordered, That the committee on Roads and Highways be instructed to inquire into the expediency of establishing a Territorial road from Mount Pleasant, in Henry county, to the seat of justice in Washington county, and report by bill or otherwise.

Mr Bailey, in accordance with previous notice, introduced No. 37, H. R. file, entitled "A memorial to Congress for an additional appropriation to complete the road from Burlington to the Indian Agency," which was read a first time.

Mr Biggs gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a bill providing for districting Van Buren county, for the election of county commissioners, and repealing the sixth and seventh sections of "An Act to district the several counties in this Territory for the election of county commissioners."

Mr Hastings, in accordance with previous notice, introduced No. 38, H. R. file, entitled "A Bill to provide for the support of illegitimate children," which was read a first time.

No. 25, H. R. file, entitled, "A Bill to regulate the institution of suits by foreign executors and administrators, within this Territory."

No. 26, H. R. file, entitled, "A Bill to amend an act relative to the Penitentiary."

No. 27, H. R. file, entitled, "A Bill regulating marriages," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A message from the Council by Mr Wallace, their secretary :

Mr Speaker :—I am instructed to inform the House that the Council have passed No. 2, C. F. "A memorial on the subject of an appropriation for the Territorial road from Du Buque to the northern boundary of Missouri."

Also, No. 4, C. F. A Bill concerning Deeds and mortgages and to prevent frauds ;

In which the concurrence of the House is requested.

And then he withdrew.

The message from the Council of yesterday was then taken up.

Mr Cox moved that the House recede from their vote, disagreeing to the amendments of the Council to Nos. 5, 12, and 14, H. R. file,—which motion was lost.

On motion of Mr Hawkins,

Ordered, That a committee of conference be appointed to confer with the Council in relation to the disagreeing vote of the two Houses on said

bills. Messrs Hawkins, Langworthy and Bailey were appointed said committee.

No. 5, C. F., as amended by the House, and disagreed to by the Council, was taken up, and

On motion of Mr Summers,

Ordered, That the House insist on their amendment.

No. 28, H. R. file, entitled, "A bill to regulate conveyances," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Wheeler reported that the committee had had said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed.

On motion of Mr Hall,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Hall from the committee on the militia reported No. 39, H. R. file, entitled "A memorial for the benefit of the Rangers of the late war," which was read a first time.

No. 29, H. R. file, entitled "A bill to encourage the destruction of wolves," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr English reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Rich,

Ordered, That the bill be engrossed and read a third time on Friday next.

No. 31, H. R. file, entitled "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark," was read a second time,

And on motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the chair, and Mr Brewer reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Summers,

The above bill was referred to the committee on the judiciary.

No. 32, H. R. file, entitled "A bill to re-locate the seat of justice in and for the county of Cedar," was read a second time, and

On motion of Mr Walworth,

Ordered, That the bill be referred to a select committee, to be composed of members not residents of the electoral district in which Cedar county is situated. Messrs Robertson, Clark and Biggs were appointed said committee.

On motion of Mr Fleenor,

The House adjourned.

Thursday Morning, Nov. 28, 1839.

Mr Leffler presented the petition of James Davis, "Commissioner on the part of the Territory of Iowa to ascertain and mark the southern boundary line of Iowa Territory," praying for compensation for services rendered as such commissioner: which was

On motion of Mr Leffler,

Referred to the committee on expenditures.

On motion of Mr Summers,

Ordered, That the committee on Internal Improvements be instructed to inquire into the expediency of memorializing Congress for an appropriation to build a bridge across the Maquoketa river, where the United States mail crosses said river, on the route between Burlington and Du Buque.

Mr Hall introduced No. 40, H. R. file, entitled "A joint resolution relative to the supervision of the printing of the Laws of the present session of the Legislative Assembly," which was read a first time.

On motion of Mr Mintun,

Ordered, That the committee on Roads and Highways be instructed to inquire into the expediency of establishing a Territorial road, commencing at Washington, the county seat of Washington county, thence on the nearest and best ground to intersect the Territorial road leading from Burlington, in Des Moines county, to Mount Pleasant, in Henry county, at or near John Sleeth's, in Des Moines county; and report by bill or otherwise.

On motion of Mr Ross,

Ordered, That the use of the lobby of this House be granted to the Sabbath School, on each Sabbath during the session, from nine to eleven o'clock, A. M.

Mr Robertson, from the select committee to whom was referred No. 32, H. R. file, reported the said bill to the House with amendments; which were read a first time.

Mr English, from the select committee appointed for that purpose, reported No. 41, H. R. file, entitled "A memorial to the President of the United States, on the subject of postponing the sales of the public lands in the Burlington land district."

Mr Bailey, from the committee on common schools, reported No. 42, H. R. file, entitled "A bill to establish a seminary of learning at Parkhurst, in Scott county."

Mr Biggs, in accordance with previous notice, introduced No. 43, H. R. file, entitled "A bill to district the county of Van Buren for the election of county commissioners."

Mr Hastings, from the committee on the Judiciary, reported No. 44, H. file, entitled "A bill to repeal a part of the 86th section of an act relative to proceedings in chancery."

Also, No. 45, H. R. file, entitled "A bill to repeal a part of an act entitled 'An act regulating the issuing of writs of *ne exeat* and injunctions."

Mr Robertson, in accordance with previous notice, introduced No. 46, H. R. file, entitled "A bill making certificates of the purchase of public lands evidence of possession."

Also No. 47, H. R. file, entitled "A bill for the speedy assignment of dower and for the prevention of strip and waste therein."

Mr Fleenor, in accordance with previous notice, introduced No. 48, H. R. file, entitled "A bill concerning public roads."

Said bills were severally read a first time.

Mr Clark gave notice that he would on some future day introduce a bill to divide the county of Muscatine into three districts for the purpose of electing the county commissioners thereof.

No. 2, C. F. entitled "Memorial on the subject of an appropriation on the Territorial road from Du Buque to the northern boundary of Missouri."

No. 4, C. F. entitled "A bill concerning deeds and mortgages, and to prevent frauds;" were severally read a first time.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House that the Council have passed

No. 15, H. R. file, "Memorial for a donation of land for literary purposes," with amendments;

In which the concurrence of the House is requested.

The Council insist upon their disagreeing vote upon the resolution relative to the distribution of the acts of the 25th Congress, and have appointed Messrs Clark, Hepner and Payne, a committee of conference on the part of the Council, in relation thereto.

The Council have also appointed Messrs Clark, Parker and Hepner, a committee of conference on the part of the Council, to act with a similar committee appointed on the part of the House, in relation to the disagreeing vote of the two Houses upon memorials Nos. 5, 12, and 14, H. R. file.

And then he withdrew.

No. 30, H. R. file, entitled "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, on said bill. After some time spent therein Mr Speaker resumed the Chair, and Mr Cox reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Churchman,

The bill was amended by striking out the words "at hard labor," in the 9th line of the 1st section; and in the same line, the word "five" was stricken out, and the word "two" inserted. Also, in the 4th line of the 2d section, the word "five" was stricken out and the word "two" inserted.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on to-morrow.

On motion of Mr Ross,

The House again, in committee of the whole House, resumed the consideration of No. 8, H. R. file, entitled "A bill providing for the appointment and duties of Auditor of public accounts and regulating the duties of Territorial Treasurer." After some time spent therein, Mr Speaker resumed the Chair, and Mr Hastings reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments.

Mr Patterson moved that the bill be recommitted to the committee on Finance. And before the question was taken,

The House adjourned until three o'clock, P. M.

THREE O'CLOCK, P. M.

Mr Patterson withdrew the motion pending when the House adjourned this morning.

Mr Hastings renewed the motion to recommit No. 8, H. R. file, to the Committee on Finance. To which the House agreed.

Mr Brewer, from the committee on enrollments, reported, No. 18, H. R. file, entitled Joint Resolution relative to Russell and Reeves printers of the Laws of the last session," as correctly enrolled.

The Speaker signed the above entitled Resolution.

No. 33, H. R. file, entitled "A Bill relative to the incompatibility of of officers" was read a second time, and

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair and Mr Langworthy reported that the committee had had said Bill under consideration, and directed him to report the same to the House, with an amendment.

On motion of Mr Hall,

Ordered, That the above entitled Bill be referred to the committee on Elections.

Mr Hastings from the committee on the Judiciary to whom was refer-

red, No. 31, H. R. file, entitled "A Bill for the relief of the administrators of the late Benjamin W. Clark, reported the same to the House with amendments, which was read a first time.

On motion of Mr Summers,

Ordered, That the 44th rule of the House be suspended, and the bill be read a second time now.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the Chair and Mr Leffler reported that the committee had had said bill under consideration and directed him to report the same to the House with an amendment.

To which the House agreed.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on to-morrow.

On motion of Mr Hall,

Ordered, That one thousand copies of the report of the committee to whom was referred that part of the Governor's message which related to the printing of the Laws of the last session of the Legislative Assembly be printed.

Leave was given Mr Hall to withdraw from the Clerk's table the documents accompanying the above named report.

On motion of Mr Summers,

The House adjourned.

Friday Morning, Nov. 29, 1839.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House that the Council have passed the following bills of the House with amendments,

No. 3, H. R. file, "A bill to provide for the appointment of a Librarian and for other purposes."

No. 4, H. R. file, "An act to create the office of Public Printer and to define his duties."

No. 6, H. R. file, "A bill to provide for the election of County Treasurers and to define their duties."

In which the concurrence of the House is requested.

And then he withdrew.

Mr Bailey introduced No. 49, H. R. file, entitled "Preamble and Reso-

lution relative to an appropriation by Congress for the improvement of a Territorial road to the Des Moines River," which was read a first time.

Mr Myers, from the Committee on Engrossments, reported Nos. 28, 29 and 31, H. R. file, as correctly engrossed.

Mr Ross, from the Committee on Finance, to whom was recommitted No. 8, H. R. file, entitled "A bill providing for the appointment and duties of Auditors of Public Accounts, &c." reported the same to the House with amendments which were read a first time.

Mr Churchman gave notice that he would on to-morrow or some future day ask leave to introduce a Memorial to the Congress of the United States in relation to a division of the Sioux Half Breed reservation on Lake Pepin.

No. 22, H. R. file, entitled "Memorial to Congress for amending the Organic Law," was read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No 35, H. R. file, entitled "A bill to provide for the execution of title deeds to lots in the city of Iowa and for other purposes," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Mintun reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments.

To which the House agreed.

Mr Hall moved to amend the Bill by inserting in 2nd line of the 3rd section after the word "Iowa" "and as soon as the title to said lands is *bona fide* obtained from the General Government," and upon this question,

Mr Ross called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Biggs, Brewer, English, Fleenor, Hall, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Ross and Johnston, Speaker, 14.

Those who voted in the negative, were Messrs Bailey, Churchman, Clark, Cox, Hastings, Langworthy, Robertson, Summers, Walworth and Wheeler, 10.

So the House adopted the amendment.

Mr Summers moved that the bill be engrossed and read a third time on Monday next, and upon this question Mr Hawkins called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Brewer, Churchman, Clark, Cox, Fleenor, Hall, Hastings, Langworthy, Mintun, Owen, Patterson, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker, 17.

Those who voted in the negative, were Messrs Biggs, English, Hawkins, Lash, Leffler, Myers and Ross, 7.

So the question was decided in the affirmative.

On motion of Mr Brewer,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Brewer, from the Joint Committee on enrollments, reported the following:

EXECUTIVE DEPARTMENT, I. T.
BURLINGTON, Nov. 29, 1839.

Received of Mr Brewer member of the H. R., a Joint Resolution relative to Russell & Reeves, Printers of the Laws of last session which was this day submitted for my consideration.

ROBERT LUCAS.

No. 2, H. R. file, entitled "A bill to regulate conveyances, was taken up, and

On motion of Mr Hastings,

The 44th rule of the House was suspended in order that the bill might be read a third time now.

The bill was then read a 3d time, passed and the title agreed to.

No. 29, H. R. file, entitled "A bill to encourage the destruction of Wolves," was read a third time and pending the question of the passage of the bill, Mr Biggs called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Brewer, Churchman, Clark, Cox, English, Fleenor, Hall, Hastings, Lash, Leffler, Mintun, Myers, Patterson, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 19.

Mr Biggs voted in the negative.

So the bill passed and its title was agreed to.

No. 31, H. R. file, entitled "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark," was read a third time, passed and its title was agreed to.

Ordered, That the Clerk acquaint the Council of the passage of the three last named bills.

Mr Summers moved that a call of the House be had, which was ordered.

Whereupon it appeared that Messrs Bailey, Hawkins, Langworthy, and Owen, were absent.

The Speaker despatched the Sergeant-at-Arms to compel the attendance of the absentees.

On motion of Mr Churchman,

The House adjourned until Monday next.

Monday Morning, Dec. 2, 1839.

Mr Summers gave notice, that he would on to-morrow, ask leave to introduce a bill regulating descents, distribution and dower.

Mr Hastings gave notice, that he would on to-morrow, introduce a bill to incorporate the Bloomington Education Society.

On motion of Mr Robertson,

Ordered, That the Committee on Internal Improvements, be instructed to inquire into the expediency, of asking Congress for an appropriation, to improve the Mail route from Davenport to Du Buque on route 2963.

Mr Hastings, from the Select Committee appointed for that purpose reported No. 50, H. R. file, entitled "A memorial to Congress for the improvement of the roads therein mentioned."

Mr Langworthy in accordance with previous notice, reported No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque."

Mr Hastings, in accordance with previous notice, reported No. 52, H. R. file, entitled "A bill to alter and repeal a part of the 9th section of An act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings."

Said memorial and bills were severally read a first time.

Mr Wheeler, from the committee on engrossed bills reported Nos. 30 and 33, H. R. file, as correctly engrossed.

No. 15, H. R. file, entitled "Memorial for a donation of land for Literary purposes," as amended by the Council, was then taken up.

The House agreed to the 1st amendment made by the Council, and disagreed to the 2nd amendment.

No. 5, C. F. entitled "Joint resolution relative to the distribution of the acts of the 25th Congress," in which the Council insist upon their vote, disagreeing to the amendments made by the House, was taken up.

Mr Summers, moved that a committee of conference be appointed on the part of the House, to confer with the Council, in relation to the disagreeing vote of the two Houses.

The motion was lost.

On motion of Mr Brewer,

Ordered, That the House recede from their amendments to said Resolution.

No. 3, H. R. file, entitled "A bill to provide for the appointment of a Librarian and for other purposes," as amended by the Council, was taken up, and the amendments agreed to.

No. 44, H. R. file, entitled "A bill to create the office of Public Printer and to define his duties," was taken up, the House agreed to 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 9th amendments, and disagreed to the 3rd.

On motion of Mr Patterson,

The 6th amendment of the Council, was amended by adding after the word "Governor," in the 6th section the words "and filed in the office of the Secretary of the Territory."

On motion of Mr Brewer,

The amendment made by the Council to the 8th section, was amended by striking out the words "shall be allowed."

No. 6, H. R. file, entitled "A bill to provide for the election of County Treasurers and to define their duties," as amended by the Council, was taken up, the 2nd, 3rd, 5th, 6th, 8th, 9th amendments of the Council were agreed to, and the 1st, 4th, 8th and 10th amendments were disagreed to by the House.

Ordered, That the clerk acquaint the Council therewith.

No. 36, H. R. file, entitled "A bill authorizing Aliens and Foreigners to hold real estate in the Territory of Iowa," was read a second time, and

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, when Mr Fleenor reported that the committee had had said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Robertson,

Ordered, That the bill be engrossed, and read a third time on Wednesday next.

No. 35, H. R. file, entitled "A bill to provide for the execution of title deeds to lots in the city of Iowa, and for other purposes," was read a third time.

Mr Biggs moved to postpone the passage of the bill until Monday next, which motion was lost.

Pending the question of the passage of the bill, Mr Biggs called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Brewer, Churchman, Clark, Cox, Fleenor, Hastings, Langworthy, Owen, Patterson, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker, 15.

Those who voted in the negative, were Messrs Biggs, English, Lash, Leffler, Rich and Ross, 6.

So the bill passed, and

On motion of Mr Hastings,

The title was amended by striking out the words "the city of," and inserting after Iowa the word "city."

Ordered, That the Clerk acquaint the Council therewith.

Message from the Council by Mr Wallace, their secretary :

Mr Speaker: I am instructed to inform the House of Representatives that the Council have passed

No. 1, C. F. "A bill relative to landlords and tenants."

No. 4, C. F. "Memorial on the subject of the disputed boundary with Missouri."

No. 14, C. F. "A bill to provide for the appointment of Notaries Public, and to prescribe their duties."

No. 6, C. F. "Resolution relative to memorials and resolutions passed at the last session of the Legislative Assembly." They have also passed with amendments :

No. 2, H. R. file, "Memorial to Congress on the subject of Post roads in Iowa."

No. 10, H. R. file, "A preamble and joint resolution relative to the improvement of the Des Moines river."

No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware, aud to locate the county seat thereof."

In all of which the concurrence of the House is requested. And then he withdrew.

No, 32, H. R. file, entitled "A bill to relocate the seat of justice in and for the county of Cedar," was read a second time, and

On motion of Mr Walworth,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, when Mr Owen reported, that the committee had had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Wednesday next.

Mr Rich, by the unanimous consent of the House, offered the following resolution, which was adopted.

Resolved, That the supreme court be allowed the use of this hall in the afternoon of each day during the present term of said court.

No. 37, H. R. file, entitled "A memorial to Congress for an additional appropriation to complete the road from Burlington to the Indian Agency, on the Des Moines river," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial. After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the House had had said memorial under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Summers,

Ordered, That the memorial be engrossed and read a third time on Thursday next.

And then the House adjourned.

Tuesday Morning, Dec. 3, 1839.

On motion of Mr Biggs,

Resolved, That the acting commissioner of the board of commissioners appointed to locate and establish the permanent seat of government of this Territory, be required to report to this House:

First. The proceedings with regard to the location of the same, with a plat and description of the city, together with a statement specifying the amount paid to each individual employed in the surveying, locating and establishing the same.

Second. A statement of the lots sold, with the amount paid on each lot, together with the conditions on which they were sold, and also a statement of the aggregate amount of money received on the lots sold, and the disposition that has been made of the funds received.

Third. Whether the said board of commissioners have or have not reported the section on which the seat of government is located, to the register of the land office at Du Buque, with a view of claiming the same, under the restrictive conditions of the act of Congress of the 3d of March last, and if so to point out by what authority this was done.

Fourth. That said commissioners be required to report a draft of the plan for the erection of the public buildings at the seat of government, adopted by the board of commissioners, together with a copy of the contracts entered into with individuals for erecting said buildings; and also, the general plan of operations adopted by said commissioners.

On motion of Mr Walworth,

Ordered, That the use of this hall be granted Mr S. B. Brophy on Wednesday evening next, for the purpose of delivering a lecture on the practice of building Tapia and Pise walls.

Mr Brewer asked leave of absence till Thursday next for Mr Mintun. Leave was granted.

Mr Coop asked leave of absence for Mr English. Leave was granted.

Mr Biggs gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a bill for the relief of Van Buren county.

Mr Hastings in accordance with previous notice, reported No. 53, H. R. file, entitled "A bill to incorporate the Bloomington education society."

Mr Summers, in accordance with previous notice, reported No. 54, H. R. file, entitled "A bill regulating descents, distributions and dower," which, together with

No. 1. C. F. entitled "A bill relative to landlords and tenants," were read a first time.

No. 4, C. F. entitled "memorial on the subject of the disputed boundary with Missouri," was read a first time, and

On motion of Mr Langworthy,

Ordered, That the 44th rule of the House be suspended, and the memorial be read a second and third time to-day.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Myers reported, that the committee had had said memorial under consideration, and directed him to report the same to the House without amendments; to which the House agreed.

Mr Hawkins moved to strike out the name of the "Hon. W. W. Chapman," in said memorial, which motion was lost. The memorial, was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 14, C. F. entitled "A bill to provide for the appointment of notaries public, and to prescribe their duties."

No. 6, C. F. entitled "Resolution relative to memorials and resolutions passed at the last session." Said bill and resolution were severally read a first time.

No. 2, H. R. file, entitled "memorial to Congress on the subject of post roads in Iowa," as amended by the Council, was then taken up. The House agreed to all the amendments made by the Council, with the exception of the 1st, 5th, 10th and 15th, to which the House disagreed.

No. 10, H. R. file, entitled "Preamble and joint resolution relative to the improvement of the Des Moines river," as amended by the Council was taken up, and the amendments made by the Council were agreed to

No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," as amended by the Council, was taken up.

The House agreed to all the amendments of the Council, with the exception of the first and second, to which the House disagreed.

Ordered, That the clerk acquaint the Council therewith.

No. 7, C. F. entitled "A bill for the relief of settlers, &c. on the Half Breed lands," was read a second time; the House then resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, when Mr Coop reported that the committee had had said bill under consideration, and directed him to report the same to the House with an amendment, to which the House agreed.

Mr Rich moved to amend the bill by inserting in the third line of the first section after the word "purchased," the words "or who may hereafter purchase," to which the House agreed.

Mr Hawkins moved to strike out the word "and," in the third line of the seventh section, and insert "or;" the motion was lost.

On motion of Mr Rich,

Ordered, That the bill be read a third time on to-morrow.

No. 8, C. F. entitled "A bill to authorize the incorporation of Lyceums," was read a second time, and on motion, the House resolved itself into a committee of the whole House on said bill, after some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported, that the committee had had said bill under consideration, and directed him t

report the same to the House without amendment, to which the House agreed.

On motion of Mr Cox,

Ordered, That the enacting clause of the above bill be stricken out.

No. 19, C. F. entitled "A bill to authorize evidence by the oath of parties," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported, that the committee had had said bill under consideration and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Langworthy,

Ordered, That the bill be read a third time on Thursday next.

On motion of Mr Biggs,

The House adjourned.

Wednesday Morning, Dec. 4, 1839.

Mr Churchman, in accordance with previous notice, introduced No. 55, H. R. file, entitled "A memorial to the President of the United States, in relation to a division of the Sioux half breed reservation on Lake Pepin."

Mr Biggs, in accordance with previous notice, introduced No. 56, H. R. file, entitled "A bill for the relief of Van Buren county;" said memorial and bill were severally read a first time.

Mr Wheeler, from the committee on Engrossed Bills, reported Nos. 32, 36 and 37, H. R. file, as correctly engrossed.

No. 30, H. R. file, entitled "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa."

No. 7, C. F. entitled "A bill for the benefit of settlers, &c., on the half breed lands." Said bills were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House of Representatives, that the Council have passed;

No. 3, C. F. A memorial to Congress for an additional appropriation for the completion of the Penitentiary.

No. 12, C. F. "A bill relative to Coroners and their duties."

No. 17, C. F. "A bill to district the county of Henry into three commissioners' districts."

In which the concurrence of the House is requested.

The Council have receded from their second amendment to memorial No. 15, H. R. file, for a donation of land for literary purposes.

They have also receded from their amendment to the first section of No. 6, H. R. file, "A bill to provide for the election of county treasurers, &c.," and insist upon their amendments to the 7th, 8th and 13th sections of said bill.

They have also receded from their amendment to the 4th section of No. 4, H. R. file, An act to create the office of Public Printer, and have concurred in the amendments made by the House to the amendments of the Council to the 6th and 8th sections of said bill.

And then he withdrew.

No. 38, H. R. file, entitled "A bill to provide for the support of illegitimate children," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, when Mr Rich reported that the committee had had said bill under consideration, and directed him to report the same to the House, without amendment. To which the House agreed.

Mr Churchman moved to strike out the words "on oath" in the 10th line of the first section, which motion was lost.

Mr Mintun moved to insert the word "unmarried" in the 1st line of the second section before the word "woman."

The motion was lost.

Mr Churchman moved to strike out the first syllable of the word "unmarried" in the 3d line of the 1st section.

The motion was lost.

Mr Churchman then moved to strike out the enacting clause. And on this motion Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative, are

Messrs Churchman, Coop, Fleenor, Langworthy, Summers and Wheeler—6.

Those who voted in the negative, are

Messrs Bailey, Biggs, Brewer, Clark, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Walworth and Johnston, Speaker—18.

So the motion was lost.

Mr Langworthy moved to recommit the bill to the committee on the Judiciary. Which motion was lost.

On motion of Mr Hastings,

Ordered, That the bill be engrossed and read a third time on Friday next.

Mr Coop moved that the House adjourn.

On this motion, Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative, are

Messrs Biggs, Churchman, Clark, Coop, Fleenor, Hall, Langworthy, Mintun, Owen, Rich, Robertson, Summers, Wheeler and Johnston, Speaker—14.

Those who voted in the negative, are

Messrs Bailey, Brewer, Hastings, Hawkins, Lash, Leffler, Myers, Patterson, Ross, and Walworth—10.

So the House adjourned, the further orders of the day were consequently postponed.

Thursday Morning, Dec. 5, 1839.

Mr Summers presented the petition of various citizens of Scott and Clinton counties, praying the Legislative Assembly to memorialize Congress for an appropriation to construct a bridge across the Wabesipinica river, which was referred to the committee on internal improvements.

Mr Summers also presented the petition of sundry citizens of Scott county, praying for the location of a Territorial road from the town of Parkhurst, in Scott county, to Iowa city, in Johnson county; which was referred to the committee on roads and highways.

Mr Coop presented the petition of sundry citizens of the counties of Henry and Des Moines, praying the establishment of a road from the city of Burlington, via New London to Mount Pleasant, in Henry county, and thence to Fairfield, in Jefferson county.

Said petition was referred to the committee on roads and highways.

Mr Hastings presented the remonstrance of sundry inhabitants of the county of Muscatine, remonstrating against any change of the lines of said county; which was referred to the committee on township and county boundaries.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House that the Council have receded from their 1st, 5th, 10th and 11th amendments to

No. 2, H. R. file, "A memorial on the subject of post roads in Iowa," and insisted upon their 15th amendment to said memorial.

The Council have receded from their amendments to

No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware, &c." and have passed

No. 22, H. R. file, "A memorial to Congress for amending the Organic Law," and,

No. 31, H. R. file, "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark," without amendment; and have passed

No. 25, H. R. file, "A bill to regulate the institution of suits by foreign executors and administrators within this Territory," with amendments, in which the concurrence of the House is requested.

I also herewith present for your signature

No. 4. C. file, "A memorial on the subject of the disputed boundary line with Missouri."

No. 7, C. file, "An act for the relief of settlers, &c. on the Half Breed land."

No. 5, C. file, A memorial; and then he withdrew.

The Speaker signed the act and memorials as above.

Mr Hastings gave notice, that he would on to-morrow introduce "A bill to incorporate the Bloomington insurance company."

Mr Mintun gave notice, that he would on to-morrow or some day thereafter, ask leave to introduce a bill making the county treasurer of each county in this Territory, county collector, and prescribing their duties.

Mr Patterson, from the committee on expenditures, to whom was referred the petition of Dr James Davis, made a report, accompanied by a a joint resolution; which was read a first time.

Mr Clark, from the committee on elections to whom was referred No. 53, H. R. file, entitled "A bill relative to the incompatibility of offices," reported the same to the House with amendments; which were read a first time.

Mr Biggs presented the certificate of election of Mr Bailey, which, on motion, was referred to the committee on elections.

No. 32, H. R. file, entitled "A bill to relocate the seat of justice in and for the county of Cedar."

No. 36, H. R. file, entitled "A bill authorizing aliens and foreigners to hold real estate in the Territory of Iowa."

No. 37, H. R. file, entitled "Memorial to Congress for an additional appropriation to complete the road from Burlington to the Indian Agency on the Des Moines river."

No. 9, C. F. entitled "A bill to authorize evidence by the oath of parties." Said bills and memorial were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 3, C. F. entitled "A memorial to Congress for an additional appropriation for the completion of the Penitentiary."

No. 12, C. F. entitled "A bill relative to coroners and their duties."

No. 17, C. F. entitled "A bill to district the county of Henry into three county commissioners' districts."

Said memorial and bills were severally read a first time.

No. 6, H. R. file, entitled "A bill to provide for the election of county Treasurers and to define their duties," in which the Council insist upon their amendments, was then taken up.

And on motion, the House receded from their disagreeing vote to all the amendments made by the Council.

No. 2, H. R. file, entitled "Memorial to Congress on the subject of Post Roads in Iowa," in which the Council insist upon their amendments, was taken up.

On motion of Mr Hastings,

Ordered, That the House adhere to their disagreeing vote.

Messrs Summers and Hastings were appointed a committee of conference on the part of the House, in relation to the disagreeing vote of the two Houses, on said memorial.

No. 25, H. R. file, entitled, "A bill to regulate the institution of suits by foreign executors and administrators within this Territory," as amended by the Council, was taken up.

The House agreed to the amendments made by the Council.

Ordered, That the Clerk acquaint the Council therewith.

No. 39, H. R. file, entitled "A memorial to Congress for the benefit of the Rangers of the late war," was read a second time, and

On motion of Mr Summers,

Ordered to be engrossed and read a third time on Saturday next.

No. 40, H. R. file, entitled "Resolution relative to a supervisor to the printing of the Laws of the present session," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said Resolution.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Robertson reported the same to the House with amendments.

Mr Mintun moved to lay the resolution on the table. Which motion was lost.

Mr Bailey moved that the resolution be referred to a select committee. The motion was lost.

The report of the committee of the whole House was agreed to.

Mr Hawkins moved to amend the resolution by inserting after the word "thereto," in the 4th line, the words "together with marginal notes," to which the House agreed.

On motion of Mr Summers,

Ordered, That the resolution be engrossed, and read a third time on tomorrow.

No. 41, H. R. file, entitled "Memorial to the President of the United States, for the postponement of the land sales in the Burlington land district," was read a first time, and,

On motion of Mr English,

Ordered, That said memorial be engrossed, and read a third time on Monday next.

No. 42, H. R. file, entitled, "A bill to establish a seminary of learning at Parkhurst, in Scott County," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; Mr Ross

reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment, to which the House agreed.

On motion, the bill was ordered to be engrossed and read a third time on Monday next.

No. 43, H. R. file, entitled "A bill to district the county of Van Buren, for the election of county commissioners," was read a second time.

On motion of Mr Biggs,

Ordered, That said bill be referred to a select committee to consist of one from each electoral district. Messrs Biggs, Owen, Fleenor, Lash, Mintun, Clark, Robertson, Cox, Wheeler and Walworth, were appointed said committee.

No. 44, H. R. file, entitled "A bill to repeal a part of the 86th section of an act entitled 'An act relative to proceedings in chancery,'" was read a second time, and

On motion of Mr Coop,

The bill was ordered to be engrossed and read a third time on Monday next.

No. 2, C. F. entitled "Memorial on the subject of an appropriation for the Territorial road from Du Buque to the northern boundary of Missouri," was read a second time, and on motion said memorial was ordered to be read a third time on to-morrow.

No. 4. C. F. entitled, "A bill concerning deeds and mortgages and to prevent frauds," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be referred to the committee on the judiciary.

Mr Lash moved that the House adjourn, and on this motion the yeas nays were called for and ordered.

Those who voted in the affirmative, are Messrs Fleenor, Lash, Mintun, Myers, Summers, Walworth and Johnston, Speaker, 7.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Churchman, Coop, English, Hall, Hastings, Hawkins, Langworthy, Leffler, Owen, Patterson, Rich, Robertson, Ross and Wheeler, 17.

So the motion to adjourn was lost.

No. 45, H. R. file, entitled, "A bill to repeal a part of an act regulating the issuing of writs of ne exeat and injunctions," was read a second time, and

On motion of Mr Rich,

Was referred to the committee on the judiciary.

Mr Owen moved to adjourn.

The motion was lost.

No. 46, H. R. file, entitled "A bill making certificates of the purchase of public lands evidence of possession," was read a second time, and

On motion of Mr Robertson,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

Mr Fleenor moved that the House adjourn,

And on this motion Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative are

Messrs Biggs, Churchman, Clark, Coop, English, Fleenor, Leffler, Mintun, Myers, Owen, and Robertson—11.

Those who voted in the negative are

Messrs Bailey, Brewer, Hall, Hastings, Hawkins, Langworthy, Lash, Patterson, Rich, Ross, Summers, Wheeler, and Johnston, Speaker—13.

So the motion to adjourn was lost.

No. 47, H. R. file, entitled "A bill for the speedy assignment of dower and for the prevention of strip and waste by tenants therein," was read a second time and on motion

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Summers reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Robertson,

The bill was referred to the Committee on the Judiciary.

Mr Patterson, moved that the House adjourn.

And on this motion, Mr Clark called for the yeas and nays, which were ordered.

Those who voted in the affirmative, are Messrs Brewer, Patterson, and Robertson—3.

Those who voted in the negative, are Messrs Bailey, Biggs, Churchman, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Rich, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker—22.

So the motion was lost.

Mr Hastings gave notice that he would on to-morrow or some day thereafter introduce a Bill to re-locate the seat of Justice of the county of Johnson.

No. 48, H. R. file, entitled "A bill concerning Public Roads," was read a second time and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the Chair when Mr Walworth reported that the committee had had said Bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Fleenor,

Ordered, That said bill be referred to the committee on Roads and Highways.

Mr Brewer moved that the House adjourn.

And on this motion Mr Walworth called for the yeas and nays which were ordered.

Those who voted in the affirmative are Messrs Brewer, Coop, Fleenor, Langworthy and Patterson—6.

Those who voted in the negative, are Messrs Bailey, Biggs, Churchman, Clark, English, Hall, Hastings, Hawkins, Lash, Leffler, Myers, Owen, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker—18.

So the motion to adjourn was lost.

No. 49, H. R. file, entitled "Preamble and Resolution relative to an appropriation by Congress, for a Territorial Road," was read a second time, and

On motion of Mr Bailey,

Ordered to be engrossed and read a third time on Saturday next.

Mr Mintun moved that the House adjourn,

And on this motion the yeas and nays were called for, and ordered.

Those who voted in the affirmative, are Messrs Bailey, Brewer, Langworthy, Mintun and Wheeler—5.

Those who voted in the negative, are Messrs Biggs, Churchman, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker—20.

So the motion to adjourn was lost.

No. 50, H. R. file, entitled "Memorial to Congress for the Improvement of the Roads therein mentioned," was read a second time.

And on motion the House resolved itself into a committee of the whole House, on said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Clark reported, that the committee had had said memorial under consideration, and directed him to report the same to the House with amendments.

Pending the question of agreeing to the Report of the committee of the whole House,

The House adjourned.

Friday Morning, Dec. 6, 1839.

Mr Summers gave notice, that he would on Monday next, or some day thereafter, ask leave to introduce a bill to incorporate the Upper Mississippi hydraulic company.

On motion of Mr Coop,

Ordered, That a committee of one from each electoral district be appointed for the purpose of enquiring into the expediency of making a reapportionment of the representation of this Territory, and that they have leave to report by bill or otherwise.

Messrs Coop, Rich, Ross, Hall, Brewer, Hastings, Summers, Cox, Langworthy and Walworth were appointed said committee.

Mr Myers, from the committee on engrossments, reported Nos. 38 and 40, H. R. file, as correctly engrossed

Mr Hastings, from the committee on the judiciary, to whom was referred No. 45, H. R. file, entitled "A bill to repeal a part of the act entitled 'an act regulating the issuing of writs of ne exeat and injunctions,'" reported the same to the House without amendment.

Mr Hastings, in accordance with previous notice, introduced No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson," which was read a first time.

The Speaker announced a communication from C. Swan, acting commissioner for the location of the seat of government and the erection of public buildings, in answer to a resolution of the House; the communication, together with the accompanying documents, were read, and are as follows:

To the Honorable the House of Representatives
of the Territory of Iowa:

GENTLEMEN:—Having had the honor to receive from your body a copy of a resolution, in the following words, to wit:

Resolved, That the Acting Commissioner of the Board of Commissioners appointed to locate and establish the permanent seat of government of this Territory, be required to report to this House,

First. The proceedings with regard to the location of the same, with a plat and description of the city, together with a statement specifying the amount paid to each individual employed in the surveying, locating and establishing the same.

I, therefore, hasten to answer the first part of the above resolution.

First. A majority of the commissioners appointed in the supplement to an act entitled "A act to locate the seat of government for the Territory of Iowa, and for other purposes," approved January the first, A. D. 1839, met pursuant to such act, at the town of Napoleon, in Johnson county, and having taken the oath, as by law required, two of the said commissioners to wit: John Ronalds, Esq. and myself, proceeded to examine the county of Johnson, with a view to select the most eligible point for said location; and on the fourth day of May of the year aforesaid, the location was made, and on the sixth day of said month, the Honorable Robert Ralston arrived at Napoleon, and agreed to the proceedings of the majority of the commissioners.

A report was made to His Excellency, the Governor of the Territory, by the said three commissioners, in accordance with the first part of section first, of an act entitled "An act supplementary to 'An act to locate the seat of government for the Territory of Iowa, and for other purposes,'" approved January the first, A. D. 1839.

On the seventh of May, an election was held for Acting Commissioner, in accordance with the fourth section of the act to locate the seat of government for the Territory of Iowa, and Chauncey Swan, from the third judicial district, was appointed and received his certificate agreeable to law; which certificate has been filed in the office of the Secretary of the Territory.

By the second section of the supplementary act to locate the seat of government, it becomes the duty of the Acting Commissioner to give bonds

to the United States in the penal sum of forty thousand dollars, which bond was given and approved by the Governor, and filed in the office of the Secretary of the Territory, according to the provisions of the above mentioned section.

On the twenty-seventh day of June, A. D. 1839, it was ordered by the board of locating commissioners, that Thomas Cox and John Frierson should be employed to survey Iowa city, and L. Judson to draw the necessary plats.

I am required by the foregoing resolution, to furnish your honorable body a plat of said city. If I mistake not, a plat of Iowa city has been furnished to each and every member of the Council and House of Representatives.

I am also requested to give a description of the city. Iowa city is located on a section of land lying in the form of an amphitheatre. There is an eminence on the west near the river, running parallel with it.

From this eminence, which declines towards the river, at an inclination of twenty-five degrees for about five hundred feet, we come on to a bench extending from the foot of Dillon's Island to the south line of the city.

The above bench is of sufficient width to admit of two streets one hundred feet wide each, and one tier of blocks three hundred and twenty feet square.

At the western edge of said bench, we descend about ten feet toward the river, on to the bench which forms the bank of the river: which bench is about two hundred feet in width, and the bank is four feet above high water mark.

At the northern extremity of this bench commences the quarry from which we propose to take the material for the buildings.

It will be seen by reference to the plat, that the ground next to the river is reserved for public purposes, and is designated as the promenade.

At the centre of the eminence above mentioned, it is proposed to erect the future capitol.

The ground from the public square east to Ralston's creek, has a beautiful inclination of from five to seven degrees descending eastward.

The reservation which is designated as the park, on the plat, is covered with a beautiful growth of oak and hickory timber, as well as the north and south parts of the city.

The west, south, north, north-west and south-east parts of the city, overlook the whole location, forming as before stated a kind of an amphitheatre, the lower part of which is drained and kept dry by Ralston's creek.

College Green and the Governor's square, are on an eminence near the south east corner of the city, and are both washed at the foot by said stream.

Two hundred feet from College Green on Ralston's creek, are the Mineral Springs, the improvement of which as well as the improvement of Iowa Avenue, would enhance the value of that part of the city and would increase the price of lots, in at least one third of the city, five hundred per cent.

There are several reservations made for Church and Market purposes,

that if not taken for the purposes for which they were reserved, will be valuable property to the Territory, and at any time by a law of the Legislative Assembly, may be subdivided and sold as city lots.

The requisitions of the latter part of the foregoing resolution, as well as the second requisition will appear in my report made under the provisions of the third section of an act entitled "An act supplementary to 'an act, to locate the seat of government,'" which is in the following words, to wit:

"Be it further enacted that the acting commissioner shall annually render to the Legislative Assembly, a true account of all moneys received and paid out by him."

Which report I would have made immediately after closing the contracts for the capitol, but on examination of the papers which I brought with me for that purpose, I find important papers were left at Iowa city through mistake, occasioned by severe indisposition on my part, not being able to attend to it myself, and not being sufficiently able to examine my papers until I arrived at this place.

The above mentioned report I *shall make immediately* on my return to Iowa city, which will be in a few days; and if able to return myself to this place I shall do so, but if not I shall send all papers necessary by a *faithful messenger*.

I would however remark, with regard to the terms on which the lots that have been sold, were disposed of, viz: The purchaser was required to pay one fourth down in cash; the remainder in six, twelve, and eighteen months, notes were required in every case, payable to the acting commissioner or his successor at Iowa city.

A certificate of purchase given to purchasers, in all cases, giving the number of the block, the number of the lot, and pledging the faith of the Territory for the execution of a deed in fee simple, so soon as the title shall be procured by the Territory from the General Government.

I am indebted to his Excellency Governor Lucas, for the procuring the above mentioned certificates, and forwarding them to me at Iowa city.

By an order of the board of commissioners, no deed can be given until all arrears are paid, and on neglect or refusal to pay either instalment the lot or lots become forfeited to the Territory, and the purchaser loses all that he has paid.

Thirdly, I am requested to answer an interrogatory in the following words, to wit:

"Whether the said board of commissioners have, or have not reported the section on which the Seat of Government is located to the Register of the Land Office at Du Buque, with a view of claiming the same under the restrictive conditions of the act of Congress of the third of March last, and if so, to point out by what authority this was done."

In answer to the above interrogatory, I would here state that at the second sale of lots in Iowa city, two of the commissioners being present, to wit: John Ronalds, Esq, and myself, did then and there give notice to the Register of the Land Office at Du Buque, that the seat of Government of Iowa Territory was located on section ten, Township seventy-nine north, and Range six west of the fifth principal meridian.

The above notice was given with the view of having the said section

reserved from sale, in case it required any action on the part of Congress, or an order for the sale of lands in Johnson county, should be made before such action could be had.

The commissioners considered that they held a delegated power from the Governor and Legislative Assembly, to locate and establish the permanent seat of Government for the Territory of Iowa, and felt it their duty (as being under oath to locate and establish said seat of Government in Johnson county, to the best of their skill, abilities, and judgment) to make the said mentioned report on the grounds as above stated.

I am next required to point out by what authority this was done.

It will be necessary to mention in this place that the board of commissioners unanimously agreed, after making the location on the fourth of May, to forward duplicate memorials to the President of the United States, which they did, setting forth the difficulties under which the commissioners labored, having made the location agreeable to the law of the Territory they found that by the act of Congress of March the 3d, A. D. 1839, the location was to be made under the last mentioned act on surveyed lands.

The said memorial respectfully requested of the President a special survey of two Townships in Johnson county, embracing the seat of Government, the object of which was to enable the commissioners to make the location as perfect as possible under the act of Congress as well as that of the Territory.

The said memorial, I am since informed was signed by his Excellency, Governor Lucas.

Accompanying the duplicate which I forwarded from Du Buque was a request from the surveyor General's office at that place, that in addition to the two townships above mentioned there might be an order issued for the survey of twelve other townships.

The commissioner of the general Land Office in his answer to the request for the survey of the last mentioned townships, regretted exceedingly that for the want of an appropriation, the request could not be granted; but that he had ordered the survey of the two townships, as requested by the commissioners in their memorial, to enable them to make their report in accordance with the act of Congress of March the third.

The survey of the said two townships was immediately commenced, and township seventy-nine north, in which the seat of Government is located, was surveyed before the survey of the city was finished, and the bounds of the city were closed on the Government lines, as established by the surveyor appointed to survey the said Townships.

That part of the act of Congress to which I would call your attention, is contained in section first of an act entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon," to wit:

That there be and is hereby appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory for the purpose of erecting thereon the public buildings for the use of the Executive and Legislative departments of the Government of the said Territory.

Provided, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the Register of the Land Office in the district in which the land is situated, within one year from the passing of this act."

I find by reference to the acts of the last Legislature a joint resolution which reads as follows, to wit:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Hon. William W. Chapman our delegate in Congress, be instructed to ask a donation of at least four sections of land on which to locate the seat of government of the Territory of Iowa, to be selected by the commissioners appointed by the Legislative Assembly to locate the seat of government of said Territory." Approved January 21st, 1839.

It will be perceived that the above act of Congress was passed with reference to the foregoing resolution.

Under these circumstances, and in view of the above facts, the commissioners understanding, and believing as they did, that they held a full and delegated authority under the law of the Territory by which they were appointed (in connection with the act of Congress granting the donation) deemed it their duty to make their report to the Land Office at Du Buque as aforementioned.

Fourthly, I am required to report a draft of the plan for the erection of the public buildings at the seat of government.

A draft of the plan for the erection of the public buildings, is in the hands of the Architect, Mr Rague, of Springfield, Illinois.

As he is the contractor for the erection of the capitol, it was thought necessary by the board of commissioners, as well as by himself, that he should retain the plan which was adopted by the board, to enable him to draw a bill of items, and form his models in accordance with the specifications.

Lastly, I am requested to give a general plan of operations, as adopted by me, as commissioner.

To this part of the resolution I would merely reply, that I know of no plan in particular but to acquiesce with all orders and plans which may be adopted by the board of commissioners, (of which I am a member,) providing such orders do not interfere with the law locating the seat of government; and feel it my duty to carry out the views of all laws which may be passed from time to time by the Legislative Assembly, with regard to the seat of government of Iowa Territory.

All of which is respectfully submitted.

I am, gentlemen,

Respectfully your most obed't serv't.

C. SWAN, Acting Commissioner.

Burlington, Dec. 6, 1839.

I send with this communication a certificate from Charles Weston, Esq., relative to the papers on file in the Secretary's office.

C. SWAN.

TERRITORY OF IOWA, ss.

I hereby certify that at the instance of C. Swan Esq., acting commissioner for the erection of public buildings at the seat of government of this Territory, I have searched the files of the Secretary's office and find the following papers therein, and no other, in relation to the commissioners for locating said seat of government, to wit:

1st. The oath of Chauncey Swan to discharge his duty as commissioner to erect the public buildings as provided in the "Act to locate the seat of government of the Territory of Iowa, &c." bearing date the 15th of April, 1839, and endorsed as filed in the Secretary's office, May 9, 1839.

2d. The oath of John Ronalds to the same purport. Executed May 1st, 1839, and filed in the office of the Secretary, May 9, 1839.

3rd. The like oath of Robert Ralston, dated May 6, 1839, and filed as above, May 9, 1839.

4th. The certificate of Robert Ralston and John Ronalds of the appointment by them, of Chauncey Swan to be acting commissioner agreeably to the act, &c., filed May 9, 1839.

5th. A bond executed by Chauncey Swan as principal, and the requisite securities in the sum of $40,000, for the faithful discharge of his duties as "Acting Commissioner" under the above act. Dated June 5, 1839, and conditioned that he the said C. Swan, should well and truly perform the duties of such acting commissioner, and faithfully disburse and account for all moneys that shall come to his hands as commissioner under the aforesaid act.

Executed June 5, 1839, and endorsed, approved by the Governor of the Territory, June 21, 1839.

CHARLES WESTON.

Burlington, Dec. 5, 1839.

On motion of Mr Langworthy,

Ordered, That the communication and documents be laid upon the table, subject to the order of the House, and that one thousand copies thereof be printed.

No. 50, H. R. file, "Memorial to Congress for the improvement of the roads therein mentioned," which was unfinished by reason of the adjournment on yesterday, was taken up, and the House agreed to the report of the committee.

On motion,

Ordered, That the bill be engrossed and read a third time on Monday next.

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

No. 40, H. R. file, " Resolution relative to a supervisor to the printing of the Laws of the present session."

No. 2, C. F. "Memorial on the subject of an appropriation for the Territorial road from Du Buque to the northern boundary of Missouri;" said bill, resolution and memorial were read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 1, C. file, entitled "A bill respecting landlords and tenants," was read a second time, and,

On motion,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Brewer reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Hawkins,

The bill was referred to the committee on the Judiciary.

No. 6, C. F. "Resolution relative to memorials and resolutions passed at the last session," was read a second time, and,

On motion,

Ordered, That the resolution be read a third time on Monday next.

No. 14, C. F. entitled "A bill to provide for the appointment of notaries public, and to prescribe their duties," was read a second time and on motion

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, when Mr Hawkins reported that the committee had had said bill under consideration, and directed him to report the same to the House, with an amendment. To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the bill be engrossed and read a third time on Tuesday next.

Mr Hall, in accordance with previous notice, and on leave being granted, introduced No. 59, H. R. file, entitled "A bill for the benefit of the sheriff of Van Buren county," which was read a first time.

No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque," was read a second time, and,

On motion of Mr Wheeler,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Leffler reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Langworthy,

Ordered, That said bill be laid on the table, subject to the order of the House.

On motion of Mr Hawkins,

Ordered, That the committee on territorial affairs be requested to return to the clerk's table the documents accompauying the Governor's message, that relates to the southern boundary of the Territory.

No. 52, H. R. file, entitled "A bill to alter and repeal a part of the ninth section of an act entitled 'an act to provide for the appointment of

justices of the peace, and to prescribe their powers and duties, and to regulate their proceedings,' " was read a second time, and,

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the Chair, when Mr Lash reported, that the committee had had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

Mr Hawkins moved to amend by offering the following as an additional section to the bill.

Sec. 2. "That jurors before justices of the peace shall be allowed on the trial of each cause the sum of fifty cents each, to be taxed in the bill of costs and to be collected in the same manner that others are collected.

Mr Biggs moved to amend the amendment offered by Mr Hawkins, by inserting after the word "jurors" in the first line, the words "and witnesses."

Mr Rich, moved to strike out the enacting clause. And on this motion the yeas and nays were called for and ordered.

Those who voted in the affirmative, are Messrs Bailey, Biggs, Coop, Fleenor, Hall, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Rich, Robertson, Summers, Wheeler and Johnston, Speaker—16.

Those who voted in the negative, are Messrs Brewer, Clark, English, Hastings, Owen, Patterson, Ross and Walworth—8.

So the motion to strike out the enacting clause was decided in the affirmative.

No. 53, H. R. file, entitled, "A bill to incorporate the Bloomington education society," was read a second time, and on motion was ordered to be engrossed and read a third time on Tuesday next.

No. 54, H. R. file, entitled, "A bill regulating descents, distribution and dower," was read a second time, and

On motion of Mr Summers,

Was referred to the committee on the judiciary.

No. 55, H. R. file, entitled "Memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin," was read a second time, and

On motion of Mr Walworth,

Ordered, That said memorial be laid on the table, subject to the order of the House.

Mr Coop moved that the House do now adjourn, and on this motion Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Coop, English, Fleenor and Owen—5.

Those who voted in the negative, were Messrs Biggs, Brewer, Clark, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker—18.

So the motion to adjourn was lost.

No. 56, H. R. file, entitled, "A bill for the relief of Van Buren county," was read a second time, and

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; when Mr Myers reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment.

To which the House agreed.

On motion, the bill was ordered to be engrossed and read a third time on to-morrow.

Mr Hall gave notice, that he would on some day hereafter ask leave to introduce a bill making good and valid all deeds made to lands upon the certificates of the general government.

No. 33, H. R. file, entitled, "A bill relative to the incompatibility of offices," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported, that the committee had had said bill under consideration, and directed him to report the same to the House without amendment.

Mr Brewer moved to strike out the first section of said bill, which motion he subsequently withdrew in order that Mr Rich might offer the following preamble and resolution:

Whereas we have recently received intelligence, that a certain set of men acting under color of authority from the state of Missouri, have been committing outrages upon the persons and property of our citizens. And, Whereas, companies of armed men are infesting our southern border, plundering our citizens and stopping our mails. And further, it is expected that a portion of our Territory will shortly be invaded by a hostile force,

Therefore, Resolved, That it is the duty of this House to adjourn to some subsequent day, giving the members of the Legislature time to aid in protecting the rights of our citizens.

On motion of Mr Hall,

The preamble and resolution were laid on the table until to-morrow.

Mr Hastings moved that the House adjourn, and on this motion Mr Coop called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Biggs, Brewer, Clark, Hastings, Langworthy, Leffler, Mintun, Patterson, Rich, Robertson, Ross, Walworth, Wheeler and Johnston, Speaker—14.

Those who voted in the negative, were Messrs Bailey, Coop, English, Fleenor, Hall, Hawkins, Lash, Myers, Owen and Summers—10.

So the motion to adjourn was decided in the affirmative.

Saturday Morning, Dec. 7, 1839.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House of Representatives, that the Council have appointed Messrs Parker and Hepner a committee of conference, to act with a similar committee appointed on the part of the House in relation to the disagreeing vote of the two houses upon

No. 2, H. R. file, entitled "Memorial to Congress on the subject of Post Roads in Iowa," and have amended the amendment of the House to

No. 9, C. file, "An act to authorize evidence by the oath of parties," in which the concurrence of the House is requested. And then he withdrew.

On motion of Mr Biggs,

The House adjourned.

Monday Morning, Dec. 9, 1839.

Mr English presented the petition of sundry citizens of Des Moines county, praying for the relocation of the seat of justice of said county.

On motion of Mr English,

Ordered that said petition be referred to a select committee.

Messrs English, Hawkins, Coop, Fleenor and Lash, were appointed said committee.

Mr Bailey offered the following:

Resolved, That James G. Edwards be allowed the sum of two hundred and fifty dollars, for publishing in Pamphlet form at the last session of the legislature, the laws in relation to justices of the peace and constables, and that our Fiscal Agent be required to pay said sum.

On motion of Mr Bailey,

The Resolution was referred to the committee on expenditures.

Mr Summers in accordance with previous notice, introduced No 60, H. R. file, entitled "A bill to incorporate a medical society, and to regulate the practice of physicians," which was read a first time.

Mr Walworth from the committee on enrollments reported "An act for the relief of the administrators of the estate of the late Benjamin W. Clark," Also,

Preamble and Joint Resolution, relative to the improvement of the Des Moines river, as correctly enrolled. The Speaker then signed the above mentioned Act and Preamble and Joint Resolution.

Mr Myers, from the committee on engrossed bills, reported No's. 39, 41, 42, 44, 46, 49, 50, 53, 56, H. R. file, as correctly engrossed.

Mr Summers, from the committee of conference appointed on the part of the House, to act with a similar committee appointed to act on the part of the Council, in relation to the disagreement of the two Houses, to the 15th amendment of the Council, to No. 2, H. R. file, entitled A "memorial to Congress on the subject of post roads in Iowa:" reported, That the committee of conference have agreed to the first clause of the amendment of the Council, and have receded from the second clause of said amendment.

The House agreed to the report of the committee.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 1, C. file, entitled "A bill relative to landlords and tenants," reported the same back to the House without amendment.

And No. 13, H. R. file, entitled "A bill to amend an act entitled 'An act fixing the terms of the supreme and district courts, and for other purposes,'" with amendments; said bills were severally read a first time.

No. 6, C. file, entitled "Resolution relative to memorials and resolutions passed at the last session," was read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 33, H. R. file, entitled "A bill relative to the incompatibility of offices," was,

On motion of Mr Hastings,

Taken up, when Mr Brewer renewed his motion to strike out the 1st section of the bill; which motion was lost.

Mr Summers moved to amend the first section of the bill by inserting after the words "Justices of the Peace" the words "county surveyors," to which the House agreed.

Mr Mintun moved to strike out the enacting clause.

And before the question was taken, Mr Walworth moved to lay the bill on the table subject to the order of the House; which motion was lost.

The question then recurred to the motion to strike out the enacting clause, and on this motion, Mr Lash called for the yeas and nays which were ordered.

Those who voted in the affirmative were Messrs Brewer, Churchman, Mintun and Johnston, Speaker—4.

Those who voted in the negative, are

Messrs Bailey, Biggs, Clark, Coop, English, Fleenor, Hastings, Hawkins, Langworthy, Lash, Leffler, Myers, Owen, Patterson, Robertson, Ross, Summers, Walworth, and Wheeler—19.

So the question was decided in the negative.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on to-morrow.

No. 9, C. file, entitled "An act to authorize evidence by the oath of

parties," as amended by the Council, was taken up and the amendment of the Council concurred in.

No. 39, H. R. file, entitled "A memorial to Congress for the benefit of the Rangers of the late war."

No. 42, H. R. file, entitled, "A bill to establish a seminary of learning at Parkhurst, in Scott County."

No. 41, H. R. file, entitled "Memorial to the President of the United States, for the postponement of the land sales in the Burlington land district."

No 44, H. R. file, entitled "A bill to repeal a part of the 86th section of an act entitled 'An act relative to proceedings in chancery.' "

No. 49, H. R. file, entitled "A Preamble and Resolutions to the Congress of the United States, asking for an appropriation for the improvement of a Territorial Road, on the Des Moines river."

No. 50, H. R. file, entitled "A Memorial to Congress for the Improvement of the Roads therein mentioned."

No. 56, H. R. file, entitled "A bill for the relief of Van Buren county;" said memorial, preamble, and resolutions, and bills were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Churchman, on leave of the House being granted, introduced No. 61, H. R. file, entitled "Memorial for the relief of settlers upon school sections;" which was read a first time.

No. 3, C. F. entitled "A memorial to Congress for an additional appropriation for the completion of the Penitentiary," was read a second time.

On motion of Mr Coop,

Ordered, That said memorial be read a third time on Thursday next.

No. 12, C. F. entitled "A bill relative to Coroners and their duties," was read a second time, and

On motion of Mr Robertson,

The House then resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Robertson,

Ordered, That the bill be read a third time on to-morrow.

No. 45, H. R. file, entitled "A bill to repeal a part of an act regulating the issuing of writs of *ne exeat* and injunctions," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 57, H. R. file, entitled "A resolution relative to a compensation to Dr James Davis," was read a second time, and on motion,

Ordered, That said resolution be engrossed and read a third time on Wednesday next.

No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson was read a second time, and on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Coop reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Robertson,

Ordered, That the bill be engrossed and read a third time on Wednesday next.

On motion of Mr Churchman,

No. 55, H. R. file, entitled "A memorial to the President of the United States, relative to the Sioux half breed reservation on Lake Pepin," was taken from the table, and ordered to be engrossed, and read a third time on Wednesday next.

No. 59, H. R. file, entitled "A bill for the benefit of Van Buren county," was read a second time; and

On motion of Mr Biggs,

Ordered, That the bill be engrossed, and read a third time on Monday next.

No. 17, C. F. entitled "A bill to district the county of Henry into three county commissioners' districts," was read a second time.

On motion of Mr Lash,

Ordered, That the bill be read a third time on Wednesday next.

On motion of Mr Bailey,

The House adjourned until 1 o'clock, P. M.

ONE O'CLOCK, P. M.

On motion of Mr Walworth,

A call of the House was ordered.

Whereupon, the Sergeant-at-arms was despatched by the Speaker to compel the attendance of the absentees.

After a short time the absent members appearing, the further call of the House, was on motion of Mr Owen suspended.

Mr Leffler on leave being granted, introduced the following Preamble and Resolutions.

"Whereas, an unfortunate crisis has arrived in the difficulties hitherto existing between the State of Missouri and the Territory of Iowa, in relation to the boundary line between the two governments; and

Whereas, the Territory of Iowa under any circumstances, would deprecate any military collision between the forces of said State and Territory, fully believing that the most friendly feelings exist between the great mass of the citizens of the respective parties; and

Whereas, the organic law of said Territory renders it impossible for the constituted authorities of said Territory, to accede to the propositions hitherto made by the citizens of Missouri, although they fully reciprocate

the kind feelings evinced by the late delegation, from the county court of Clarke county." Therefore,

Resolved by the Council and House of Representatives of the Territory of Iowa, That the officers now on duty on the part of the State of Missouri, be respectfully requested to suspend all further military operations on the part of the said State, until these resolutions can be submitted to his Excellency, Governor Boggs.

Resolved, That his Excellency, Governor Boggs, be requested to authorize a suspension of hostilities on the part of the State of Missouri, until the first day of July next, with a view of having the unfortunate difficulties now existing between the State of Missouri and the Territory of Iowa, adjusted by the action of Congress.

Resolved, That his Excellency, the Governor of Iowa, be requested to suspend all further military operations until the decision of his Excellency Governor Boggs, may be obtained relative to the propositions herein contained.

Resolved, That a committee of three on the part of the House of Representatives, be appointed to act in conjunction with a similar committee on the part of the Council, to submit these resolutions to the civil and military authorities of the State of Missouri, and to confer with the said authorities on the propositions herein contained; the resolutions were read a first time.

On motion of Mr Summers,

Ordered, That the 44th rule of the House be suspended in order that the said preamble and resolutions be read a second and third time to day.

The resolutions were read a second time.

On motion of Mr Churchman,

The House resolved itself into a committee of the whole House on said preamble and resolutions.

After some time spent therein, Mr Speaker resumed the chair, and Mr Langworthy reported that the committee had had said preamble and resolutions under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Robertson,

Ordered, That the preamble and resolutions be considered as engrossed, and be read a third time now.

The preamble and resolutions were read a third time and passed.

Messrs Leffler, Bailey and Patterson were appointed a committee under the fourth resolution.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Brewer,

The House adjourned till 6 o'clock, P. M.

SIX O'CLOCK, P. M.

Mr Brewer, from the joint committee on enrollments, reported, that the committee did on the sixth instant, present to the Governor for his approval,

"A memorial on the subject of the disputed boundary with Missouri."

"A joint resolution relative to the distribution of the acts of the 25th Congress," also, "An act for the benefit of settlers on the half breed lands."

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker—I am instructed to inform the House that the Council have passed preamble and resolution relative to the difficulty between the Territory of Iowa and the State of Missouri, with amendments, in which the concurrence of the House is requested. And then he withdrew.

On motion of Mr Summers,

Ordered, That the House agree to the amendments of the Council to the preamble and resolutions just returned from the Council.

Mr Bailey offered the following:

Whereas, intelligence has just arrived that an armed force in the State of Missouri, consisting of six thousand men strong, are on their march to take possession of the tract of land now in dispute between the State of Missouri and this Territory,

And whereas such intelligence calls loudly on this House for an adjournment in order to assist our citizens in maintaining peace or aiding them in the defence of their rights; therefore,

Resolved by the Council and House of Representatives of the Territory of Iowa, That the Legislative Assembly do now adjourn till the 20th of the present instant.

The Resolution was read a first time.

Mr Bailey moved that the 44th rule of the House be suspended, in order that the preamble and resolution be read a second and third time today.

Which motion was lost, there not being two-thirds of the members present voting in favor thereof.

Mr Langworthy moved that the House adjourn; the motion was lost.

Mr Walworth moved to reconsider the vote, by which the House refused to suspend the 44th rule, to which the House agreed.

The 44th rule was then suspended.

The preamble and resolution were then read a second time, and,

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said preamble and resolution.

After some time spent therein, Mr Speaker resumed the Chair, when Mr Wheeler reported that the committee had had said preamble and resolution under consideration, and directed him to report the same to the House, without amendments. To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the Preamble preceding said resolution be stricken out.

Mr Langworthy moved to strike out of the Resolution "the 20th inst." and insert "the 1st day of April next."

And on this motion the yeas and nays were called for, and ordered.

Those who voted in the affirmative, were Messrs Langworthy and Walworth—2.

Those who voted in the negative, were Messrs Bailey, Biggs, Brewer, Clark, Coop, English, Fleenor, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Robertson, Ross, Summers, Wheeler and Johnston, Speaker—18.

So the question was decided in the negative.

Mr Summers moved to amend by adding the following: That during the adjournment the members and officers of the House shall not receive their per diem, and it shall not be considered a part of the seventy-five days allowed for the Legislative Assembly.

On motion of Mr Leffler,

Ordered, That the resolution and amendment be laid on the table.

Mr Walworth, from the joint committee on enrollments, reported as correctly enrolled, Preamble and Resolutions relative to the difficulties between this Territory and the State of Missouri.

The Speaker signed the above entitled resolution.

On motion of Mr Leffler,

The House adjourned till the 13th inst.

Friday Morning, Dec. 13, 1839.

Mr Summers presented the petition of sundry citizens of Scott county, praying that a charter to keep a ferry be granted to Avery Thomas, at Pinneo's landing, opposite the town of Cordova, Illinois. Said petition was referred to a select committee, viz: Messrs Summers, Wheeler and Clark.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE,
Dec. 13, 1839.

Received of Daniel Brewer, member of the House of Representatives of the Legislative Assembly, "An act for the relief of the administrators of the estate of the late Benjamin W. Clark."

A preamble and joint resolutions relative to the improvement of the Des Moines river;

A preamble and resolutions relative to the difficulty between the Territory of Iowa and the state of Missouri, presented for my consideration and approval.

(Signed.) ROBERT LUCAS.

Mr Hawkins, from the committee on the judiciary reported No. 62, H. R. file, entitled "A bill concerning the supreme and district courts and defining their jurisdiction and powers."

Mr Wheeler in accordance with previous notice reported No. 63, H. R. file, entitled "Memorial for the survey of the harbor at the town of Du Buque," said bill and memorial were severally read a first time.

Mr Leffler asked leave of absence for Messrs Bailey, Biggs and Hall; leave was granted.

Mr Wheeler asked leave of absence for Messrs Rich and Churchman; leave was granted.

Mr Hawkins asked leave of absence for Messrs Patterson and Owen; leave was granted.

Mr Walworth asked leave of absence until Monday next, for Messrs Hastings and Robertson; leave was granted.

No. 46, H. R. file, entitled "A bill making certificates of the purchase of public lands evidence of possession," was read a third time.

On motion of Mr Summers,

Ordered, That said bill be laid on the table subject to the order of the House.

No. 53, H. R. file, entitled "A blll to incorporate the Bloomington Education Society," was read a third time; and on the question being put, shall the bill pass, was decided in the affirmative, yeas 9, nays 6. The yeas and nays being desired by Mr Cox.

Those who voted in the affirmative were Messrs Brewer, English, Fleenor, Hawkins, Lash, Myers, Ross, Summers and Walworth.

Those who voted in the negative were Messrs Cox, Langworthy, Leffler, Mintun, Wheeler and Johnston, Speaker.

So the bill passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 12, C. F. entitled "A bill relative to coroners and their duties."

No. 14, C. F. entitled "A bill to provide for the appointment of notaries public and to prescribe their duties."

No. 17, C. F. entitled "A bill to district the county of Henry into three county commissioners' districts."

No. 3, C. F. "Memorial to Congress for an additional appropriation for the completion of the penitentiary."

Said bills and memorial were severally read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 13, H. R. file, entitled "A bill to amend 'an act fixing the terms of the supreme and district courts, and for other purposes,'" was read a second time, and

On motion of Mr Cox,

Ordered, That said bill be laid on the table subject to the order of the House.

No. 60, H. R. file, entitled "A bill to incorporate a medical society and to regulate the practice of physicians," was read a second time, and on motion the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported, that the committee had according to order said bill under consideration, and directed him to report the same to the House with an amendment, to which the House agreed.

On motion of Mr Langworthy,

Ordered, That the enacting clause be stricken from said bill.

No. 61, H. R. file, entitled "A memorial for the relief of settlers upon school sections," was read a second time, and on motion,

Ordered, That said memorial be engrossed and read a third time on Monday next.

Mr Leffler gave notice, that he would on to-morrow or some subsequent day, introduce "A bill to regulate the practice of attorneys at law and the proceedings in certain cases of the special courts of this Territory."

Mr Mintun asked leave of absence until Monday next, for Mr Clark; leave was granted.

Mr English asked leave of absence until Monday next, for Mr Coop; leave was granted.

Mr Brewer gave notice that he would on some day hereafter introduce "A bill concerning enclosures and trespassing animals."

On motion of Mr Langworthy,

The House adjourned until Monday next.

Monday Morning, Dec. 16, 1839.

Mr Walworth presented the petition of sundry citizens of Linn county, praying that a charter be granted to A. Cowles, to keep a ferry across Cedar river, at Ivanhoe.

Said petition was referred to a select committee, viz: Messrs Walworth, Summers and Cox.

Mr English, from the select committee appointed for that purpose, reported No. 64, H. R. file, entitled "A bill to relocate the seat of justice of Des Moines county;" which was read a first time.

Mr Myers, from the committee on engrossed bills, reported No's. 33, 45, 55, 57, 58, 59, and 61, H. R. file, as correctly engrossed.

Mr Brewer, from the joint committee on enrollments, reported An act to create the office of public printer and to define his duties. Also memorial for a donation of land for literary purposes, as correctly enrolled.

The Speaker signed said Act and Memorial.

No 62, H. R. file, entitled "A bill concerning the supreme and district courts, and defining their jurisdiction and powers," was read a second time, and

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Cox reported that the committee had according to order had said bill un-

der consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Leffler,

Ordered, That said bill be referred to a select committee. Messrs Leffler, Churchman and Hawkins, were appointed said committee.

No. 33, H. R. file, entitled, "A bill relative to the incompatibility of offices," was read a third time, and the question being put shall the bill pass, was decided in the affirmative.—Yeas 9.—Nays 7.

The yeas and nays being desired by Mr Brewer, those who voted in the affirmative, were Messrs English, Fleenor, Hawkins, Langworthy, Lash, Ross, Summers, Walworth and Wheeler.

Those who voted in the negative, were Messrs Brewer, Cox, Leffler, Mintun, Myers, Owen and Johnston, Speaker.

So the bill passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 45, H. R. file, entitled "A bill to repeal a part of the act entitled an act regulating the issuing of writs of *ne exeat* and injunction," was read a third time, passed and its title amended.

No. 55, H. R. file, entitled "A memorial to the President of the United States, relative to the Sioux half breed reservation on Lake Pepin," was read a third time and passed.

Ordered that the clerk acquaint the Council therewith.

No. 57, H. R. file, entitled "Resolution relative to a compensation to Dr James Davis," was read a third time, and

On motion of Mr Langworthy,

Was referred to the committee on claims.

No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson," was read a third time, and

On motion of Mr Cox,

Ordered, That said bill be laid on the table, subject to the order of the House.

No. 59, H. R. file, entitled "A bill for the benefit of the sheriff of Van Buren county," was read a third time, and

On motion of Mr Leffler,

Was laid on the table, subject to the order of the House.

No. 61, H. R. file, entitled "Memorial for the relief of settlers upon school sections," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 63, H. R. file, entitled "Memorial for the survey of the harbor at the town of Du Buque," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair; and Mr Lash reported that the committee had according to order, had said memorial under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Langworthy,

Ordered, That said memorial be engrossed and read a third time on Wednesday next.

No. 1, C. F. entitled "A bill relative to landlords and tenants," was read a second time, and

On moiion of Mr Lash,

Was ordered, to be read a third time on Wednesday next.

Mr Leffler gave notice that he would on to-morrow or some subsequent day introduce a memorial asking Congress for an additional appropriation to improve the road opposite the city of Burlington, in the State of Illinois, across the Mississippi bottom.

On motion of Mr English,

The House adjourned.

Tuesday Morning, Dec. 17, 1839.

Mr Hastings presented the petition of sundry citizens of the counties of Muscatine and Johnson, praying for the construction of a McAdamized road by the Territory, or that a company be chartered to construct a Mac-Adamized road from Bloomington via Boggs ferry and West Liberty, to Iowa city.

Which was referred to the following select committee, viz: Messrs Hastings, Summers, Clark, Walworth and Robertson.

Mr Hastings presented the petition of sundry cttizens of Johnson county, praying for the repeal of the law of Wisconsin, locating the seat of justice of said county, and that the present board of commissioners of said county, may be authorized to locate the seat of justice thereof.

Which was referred to the committee on township and county boundaries.

On motion of Mr Langworthy,

Ordered, That the committee on claims, be instructed to examine the claim of Dr James Davis, and report a memorial to Congress for his relief.

Mr Brewer in accordance with previous notice, introduced No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals."

Mr Hastings in accordance with previous notice, introduced No. 66, H. R. file, entitled "A bill to incorporate the Bloomington Insurance Company."

Said bills were severally read a first time.

The Speaker announced the following communication from the Executive:

EXECUTIVE DEPARTMENT, I. T.
Burlington, Dec. 16, 1839.

To the Honorable the House of Representatives
of the Legislative Assembly:

GENTLEMEN:—On the 13th inst. there was presented to me for my consideration a Preamble and Resolution, entitled "Preamble and Resolutions relative to the difficulty between the Territory of Iowa and the State of Missouri."

I have carefully examined this Preamble and Resolutions and being unable to concur with the Legislative Assembly, I herewith return them to the House of Representatives in conformity to amendment of the organic law, with my objections to the same.

The title of the Resolutions relates to the difficulty between the Territory of Iowa and the State of Missouri. I know of no difficulty between the Territory of Iowa and the State of Missonri, neither can the Territory of Iowa as a Territory, be a party to the controversy. The Territorial government being entirely under the control of the United States, the controversy about the southern boundary of the Territory of Iowa, is between the State of Missouri and the general government.

I concur with the Legislative Assembly, in deprecating any collision between the citizens of the United States residing in the Territory of Iowa, and the citizens of Missouri, and also with the belief that the most friendly feelings exist between the great body of the citizens of Missouri, and those of the United States within this Territory.

I know of no act on the part of the citizens or anthorities of the United States within the Territory of Iowa, that has in the least intruded upon the rights of the citizens of Missouri. We have given that State no cause of offence, and I have reason to believe that the great body of the citizens of the State of Missouri, are opposed to the rash proceedings of the authorities of that State in their intrusion upon the citizens of the United States, residing within the organized limits of this Territory, and I am also of opinion that the great body of the people of Iowa Territory, would be unwilling to see a portion of their fellow citizens residing in the southern part of Van Buren county, surrendered to the authority of Clark county, Missouri, to be taxed, and harrassed by them at pleasure, I consider that the citizens of Van Buren county are entitled to the same protection that the citizens of Lee, Henry or Des Moines county are—and I am not aware that there has been any military movements in the Territory of Iowa, further than was required by the Marshal of the United States, to enable him to enforce the laws of the United States and to protect the citizens of the Territory in their constitutional rights.

The organic law of the Territory declares that the laws of Wisconsin should be extended over this Territory, until altered or repealed by the Legislative Assembly, and that the laws of the United States are extended over, and should be enforced in this Territory, so far as the same may be applicable.

The organic law, in defining the duties of the Governor of the Territory, declares that "he shall take care that the laws be faithfully executed." Van Buren county was organized under the laws of Wisconsin Territory,

and the jurisdiction of the United States under the authority of that Territory, was exercised to the Indian boundary line. This jurisdiction was transferred to the Territory of Iowa, at the time of its organization, and has been exclusively and peaceably exercised by her under the authority of the United States, until the recent interruptions from Missouri.

I therefore consider that we are bound by the solemn obligations we have taken, to be careful that the laws be faithfully executed within the boundaries of the Territory of Iowa, as it was transferred to us by the United States at the time of its organization, and that there is no authority in the Territory, neither in the Executive or Legislative Assembly, that can in any way or manner suspend the operations of the laws of the United States within the boundaries of any part of the Territory of Iowa, or to compromise or yield the jurisdiction of the United States in any way or manner whatever, to any part of the Territory over which Wisconsin exercised jurisdiction at the time of the organization of Iowa Territory, until Congress establish a different line.

I therefore, cannot concur in any resolution or act that would make me a party to any transaction that would come in conflict with the solemn obligation I have taken, to take care that the laws of the United States be faithfully executed, which would be the case if I submitted to the requirements of the resolutions herewith returned.

For the information of the Legislative Assembly, I will state, that on the 9th inst. I despatched a special messenger to Washington City, and submitted the whole facts relating to the controversy between the state of Missouri and the United States, relative to the southern boundary of the Territory of Iowa, to the President of the United States, and solicited his interposition and instructions on the subject. So soon as instructions are received from the President of the United States on this affair they will be promptly obeyed by the Executive of the Territory.

Very respectfully, your ob't servant,

ROBERT LUCAS.

The communication having been read,

On motion of Mr Hawkins,

Ordered, That the preamble and resolutions be taken up and passed with the constitutional majority.

The preamble and resolutions then passed by the following vote, yeas fourteen, nays six.

Those who voted in the affirmative, are Messrs Brewer, Clark, Cox, English, Fleenor, Hastings, Hawkins, Leffler, Mintun, Owen, Rich, Ross, Summers, and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Langworthy, Lash, Myers, Walworth and Wheeler.

Ordered, That the Council be informed thereof.

No. 8, H. R. file, entitled "A bill to provide for the appointment of Auditor and to define the duties of Territorial Treasurer," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House.

After some time spent therein, Mr Speaker resumed the Chair, and

Mr Wheeler reported the bill to the House, with sundry amendments to which the House agreed.

Mr Cox moved to amend the first section in the second line by striking out the words "appointed by the Governor of the Territory by and with the advice and consent of the Council," and insert "elected by joint ballot of both houses."

On putting the question it was determined in the negative.

On motion of Mr Walworth,

The word "each" was inserted after the word "dollars" in the seventeenth section.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Thursday next.

On motion of Mr Hastings,

Ordered, That the sergeant-at-arms furnish each desk that has not a sufficient lock and key, with a lock and key, immediately after the House adjourns.

No. 64, H. R. file, entitled "A bill to re-locate the seat of justice of Des Moines county," was read a second time, and

On motion of Mr Leffler,

Was referred to a committee consisting of the delegation from Des Moines county.

Mr Mintun gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a bill to create one or more trustees for the protection of section sixteen in each township, and for other purposes.

Mr Leffler, in accordance with previous notice reported No. 67, H. R. file, entitled "A bill to regulate the practice of Attorneys at Law, and Solicitors in Chancery, and the proceedings in certain cases of the several courts of this Territory," which was read a first time.

On motion the House adjourned.

Wednesday Morning, Dec. 18, 1839.

Mr Biggs presented the petition of sundry citizens of Van Buren and Jefferson counties, praying for the location of a Territorial road from the seat of government of this Territory, by the way of Portland, to the northern boundary of Missouri.

Mr Biggs also presented the petition of sundry citizens of Van Buren county, praying for the location of a Territorial road from Keosauqua to Fairfield, via Philadelphia

Mr Hastings presented the petition of sundry citizens of Muscatine county, praying for the location of a Territorial road from Bloomington via a bridge over Mud creek, in section two, town seventy-eight, range two west, to the county seat of Cedar county.

Ordered, That said petitions be referred to the committee on roads and highways.

Mr Hastings presented the petition of Benjamin Nye, praying for relief, &c. Said petition was referred to the committee on expenditures.

Mr Hastings introduced No. 68, H. R. file, entitled "Joint resolution requesting our delegate in Congress to urge the passage of a law for a post road," which was read a first time.

Mr Hawkins offered the following:

Resolved, That twelve hundred copies of the "Preamble and resolutions relative to the difficulty between the Territory of Iowa and the State of Missouri," together with the veto message of his Excellency, the Governor, be printed.

The question being put, Shall the resolution be adopted? It passed in the affirmative. Yeas—20. Nays—4.

The yeas and nays being desired by Mr Churchman, those who voted in the affirmative, are Messrs Bailey, Biggs, Brewer, Clark, Cox, English, Fleenor, Hall, Hastings, Hawkins, Leffler, Mintun, Owen, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker—20.

Those who voted in the negative, are Messrs Churchman, Langworthy, Lash and Myers—4.

Mr Owen offered the following:

Whereas, William B. Slaughter, Secretary of the Territory of Wisconsin, has refused or neglected to pay the sheriffs in the counties on the west side of Mississippi river, for taking the census in the year 1838; therefore,

Resolved, That a select committee be appointed to enquire into the expediency of instructing our delegate in Congress to use his exertions to procure pay for the said sheriffs. The resolution was adopted.

Messrs Owen, Biggs and Langworthy were appointed said committee.

Mr English, from the minority of the select committee, to whom was referred No. 64, H. R. file, entitled "A bill to re-locate the seat of justice of Des Moines county," reported the same back to the House without amendment. Said bill was read a first time, and,

On motion of Mr English,

Was made the order of the day for a second reading on Friday next.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE,
Dec. 17, 1839.

Received of Daniel Brewer, member of the House of Representatives of the Legislative Assembly, "An act to create the office of public printer, and to define his duties," and "A memorial for a donation of land for literary purposes," presented for my consideration and approval.

(Signed.) ROBERT LUCAS.

Mr Myers, from the committee on engrossed bills, reported No. 63, H. R. file, as correctly engrossed.

Mr Summers, from the select committee appointed for that purpose, reported No. 69, H. R. file, entitled "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river, opposite Cordova, Illinois." Said bill was read a first time.

Mr Leffler, from the select committee to whom was referred No. 62. H. R. file, entitled "A bill concerning the supreme and district courts, and defining their jurisdiction and powers," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Hastings,

No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson," was taken from the table, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Bailey gave notice, that he would on some future day introduce a bill to amend that part of an act entitled "An act to provide for assessing and collecting county revenue," that relates to levying a poll tax.

Mr Biggs gave notice, that he would on to-morrow, or some subsequent day, ask leave to introduce a bill to authorize Hugh W. Sample and his associates to erect a dam across the Des Moines river, opposite the town of Philadelphia in Van Buren county.

Mr Cox gave notice, that he would on some future day, ask leave to introduce a bill for the relief of Wm. A. Warren, sheriff of Jackson county.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House that the Council have concurred in the amendments made by the House to

No. 14, C. F. "A bill to provide for the appointment of Notaries Public, &c." and have passed

No. 9, C. F. "Joint resolutions relative to seals, &c."

No. 16, C. F. "A bill to make valid in law the acts of John C. Mather, &c."

No. 18, C. F. "A bill to incorporate the Iowa Flouring Mill and Manufacturing company." Also,

No. 7, H. R. file, "An act regulating grocery license," with amendments.

In all of which the concurrence of the House is requested.

And then he withdrew.

Nos. 9, 16 and 18, C. F. were severally read a first time.

No. 1, C. F. entitled "A bill relative to landlords and tenants," was read a third time, passed, and its title agreed to.

No. 7, H. R. file, entitled "A bill regulating grocery license," as amended by the Council, was taken up, and

On motion of Mr Hawkins,

The House disagreed to the amendments of the Council.

No. 63, H. R. file, entitled "A memorial for the survey of the harbor of the town of Du Buque," was read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Owen, the House adjourned.

Thursday Morning, Dec. 19, 1839.

Mr Hastings presented the petition of sundry citizens of Muscatine county, praying that the Legislative Assembly, memorialize Congress on the subject of an appropriation to improve the mail route along the Mississippi river, from Davenport to Burlington.

Which was referred to the committee on roads and highways.

Mr Churchman presented the remonstrance of sundry citizens of Clayton county, remonstrating against the removal of the seat of justice of said county.

Which was referred to the committee on township and county boundaries.

Mr Rich presented the petition of sundry citizens of the counties of Lee and Des Moines, praying for the location of a territorial road, from Burlington to Fort Madison.

Which was referred to a select committee, composed of the delegations from Lee and Des Moines counties.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker—I am instructed to inform the House that the Council have passed No. 21, C. F. "An act to define the jurisdiction of the several counties in this Territory, that front upon the Mississippi river."

No. 27, H. R. file, "A bill regulating marriages," with amendments.

In which the concurrence of the House is requested.

I am also instructed to inform the House, that the Council insist upon their amendment to No. 7, H. R. file, "An act regulating grocery license."

And then he withdrew.

Mr Leffler, in accordance with previous notice introduced No. 71, H. R. file, entitled "Memorial to Congress, for an additional appropriation, to improve the road across the Mississippi bottom, opposite the city of Burlington."

Mr Cox from the committee on Internal Improvements, reported No. 72, H. R. file, entitled "Memorial to Congress, for an appropriation to improve the mail routes therein mentioned."

Mr Hastings, from the committee on the judiciary, reported No. 73, H. R. file, entitled "A bill for the limitation of suits on penal statutes and criminal prosecutions."

Mr Patterson, from the committee on expenditures, reported No. 74, H. R. file, entitled "Resolution for compensation of James G. Edwards, for printing in pamphlet ferm the act of last session relative to justices of the peace."

Mr Cox, in accordance with previous notice, introduced No. 75, H. R. file, entitled "A bill for the relief of the sheriff of Jackson county."

Mr Patterson, from the committee on expenditures, to whom was referred the petition of Benjamin Nye, reported No. 76, H. R. file, entitled

"A bill to amend an act entitled 'an act to organize the county of Linn, and establish the seat of justice thereof.'"

Mr Biggs, in accordance with previous notice, introduced No. 77, H. R. file, entitled "A bill to incorporate the Philadelphia mill and manufacturing company." Said memorials, resolution and bills were severally read a first time.

Mr Hawkins, from the committee of conference, appointed on the part of the House, to confer with a similar committee on the part of the Council, to take into consideration the disagreement between the two Houses on the following memorials and joint resolutions, viz: "Memorial for the improvement of the Iowa and Cedar rivers," "Memorial for a survey of Skunk river," and "A preamble and joint resolutions relative to the unsurveyed land,"

Report, that they have had an interview with the committee appointed on the part of the Council, and that the committee of the Council have agreed to recede from their amendments to said memorials and joint resolutions.

The House concurred in the report of the committee.

Mr Myers, from the committee on engrossed bills, reported No. 8, H. R. file, as correctly engrossed.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the preamble and resolutions relative to the difficulty between the Territory of Iowa and State of Missouri, which have been returned by his Excellency Governor Lucas, with his objections, have been reconsidered by the Council, and passed by a vote of seven to one; and then he withdrew.

On motion of Mr Summers,

No. 16, H. R. file, entitled "Joint resolution relative to the printing of the laws in the Iowa Sun," was taken from the table, and read a second time.

The House then resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair; and Mr Myers reported that the committee had according to order, had said reslution under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

Mr Mintun moved to refer the resolution to a select committee, which motion was lost.

Mr Langworthy moved to strike out the words "Andrew Logan, editor of the Iowa Sun, at Davenport," and insert the words "that the editors of all papers in the Territory," to which the House agreed.

Mr Biggs moved to postpone further action on the resolution indefinitely.

Mr Mintun moved to add to the resolution the following:

"And that the Secretary be requested to furnish the publishers of the Territorial Gazette with copies of the same;" which motion was lost.

The question then recurred to the motion to postpone indefinitely, and was decided in the negative. Yeas—7. Nays—19.

The yeas and nays being desired by Mr Summers—those who voted

in the affirmative, are Messrs Biggs, Hall, Lash, Mintun, Myers, Owen and Rich.

Those who voted in the negative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hastings, Hawkins, Langworthy, Leffler, Patterson, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker.

On motion of Mr Hawkins,

Ordered, That the resolution be referred to a select committee.

Messrs Summers, Hastings, Mintun, Churchman and Bailey, were appointed said committee.

The following message was received from the Governor, by Mr Williams, his private secretary:

EXECUTIVE DEPARTMENT, I. T.
Burlington, Dec. 19, 1839.

To the Honorable the House of Representatives
of the Legislative Assembly:

Gentlemen—There was presented to me for my consideration on the 17th inst. a bill entitled "An act to create the office of public printer and to define his duties."

I have carefully examined this act, and approve all its provisions except the clause that provides for the appointment of public printer by joint ballot of both branches of the Legislature of the Territory. I have carefully examined the organic law, and have been unable to reconcile this mode of appointment with any of its provisions. This law being considered as the constitution of the Territory, any appointment made in contravention of its provisions would be subject to be declared void by the district court on a writ of quo warranto, which might lead to much litigation and embarrassment of the public.

With these suggestions I return the bill without my signature, and respectfully solicit of the Legislative Assembly a calm and dispassionate consideration of the seventh section of the organic law, relative to the mode of appointing "civil officers not therein provided for."

Very respectfully, your ob't servant,

ROBERT LUCAS.

On motion of Mr Langworthy,

Ordered, That the communication be laid on the table and made the order of the day for to-morrow.

No. 62, H. R. file, entitled "A bill concerning the supreme and district courts and defining their jurisdiction and powers," was read a second time, and on motion, the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had according to order had said bill under consideration, and directed him to report the bill to the House with the enacting clause stricken out. To which the House agreed.

No. 8, H. R. file, entitled "A bill providing for the appointment and

duties of Auditor of public accounts, and regulating the duties of Territorial Treasurer," was read a third time. passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr English,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Brewer, from the committee on enrollments, reported "An act to regulate the institution of suits by foreign executors and administrators within this Territory," "An act to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," "An act to provide for the appointment of a librarian and for other purposes," also, "Memorial to Congress for amending the organic law," as correctly enrolled.

The Speaker then signed the above entitled acts and memorial.

Mr Summers, from the select committee to whom was referred No. 16, H. R. file, entitled "Joint resolution relative to the printing of the laws in the several newspapers," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Summers,

The 44th rule of the House was suspended, and the resolution was read a second time.

On motion,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals," was read a second time, and,

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Patterson,

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr Bailey, on leave being granted, introduced No. 78, H. R. file, entitled "A bill to amend an act entitled 'An act to assess and collect county revenue,'" which was read a first time.

No. 66, H. R. file, entitled "A bill to incorporate the Bloomington insurance company," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported, that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Hastings,

Ordered, That the said bill be referred to the committee on incorporations, and that the delegation from Muscatine and Johnson be added to said committee.

On motion of Mr Summers,

The House adjourned.

Friday Morning, Dec. 20, 1839.

Mr Robertson presented the petition of sundry citizens of Clinton county, praying for a change of the boundaries of said county.

Mr Robertson also presented the petitions of sundry citizens of Muscatine county, praying for a change of the boundaries of said county.

Mr Hastings moved to reject the petitions.

The motion was lost.

Said petitions were referred to the Committee on Township and County boundaries, and

On motion of Mr Hastings,

The delegation from Muscatine and Johnson counties were added to said committee.

Mr Leffler presented the petition of sundry citizens of Des Moines county praying that the location of the seat of Justice of said county may be left to the vote of the people thereof, and remonstrating against the location of the county seat of said county by Commissioners.

Mr Fleenor moved that the House reject the petition, which motion was lost.

On motion of Mr English,

The said petition together with No. 64, H. R. file, entitled "A bill to re-locate the seat of Justice of Des Moines county," was referred to a select committee composed of the entire delegations from the counties of Des Moines and Van Buren.

Mr Walworth presented the petition of sundry citizens of Linn county praying that the Legislative Assembly memorialize Congress for an appropriation of land for College purposes, which was referred to the Committee on Common Schools.

On motion of Mr Robertson,

Ordered, That the Committee on Roads and Highways, be instructed to enquire into the expediency and propriety of establishing a Territorial road, commencing at Princeton in Scott county, thence to Point Pleasant in said county, and thence on the nearest and best route to Iowa City in Johnson county, and that they report by bill or otherwise.

Mr Summers, from the Committee on Township and County boundaries, to whom was referred the petition of sundry citizens of Clayton county, reported No. 79, H. R. file, entitled "A bill to re-locate the seat of justice of Clayton county.

Mr Biggs, from the committee on Roads and Highways, reported No. 80, H. R. file, entitled "Memorial to Congress on the subject of a turnpike road from the City of Burlington to Fairfield," which bill and memorial were severally read a first time.

Mr Robertson presented the claim of D. C. Eldridge for carrying the Mail from Davenport to Du Buque, under a joint Resolution of the Legislative Assembly passed at the last session, which was referred to the Committee on Claims.

Mr Langworthy on leave being granted, reported No. 81, H. R. file, entitled Memorial to Congress for the speedy settlement of the Du Buque land claim, which was read a first time.

On motion of Mr Hastings,

Ordered, That a committee of two be appointed to wait upon Mr Rague, the Architect of the public buildings at Iowa City, and examine his plans for the same in conjunction with a similar committee appointed by the Council. Messrs Hastings and Rich were appointed said committee.

Mr Walworth, from the Committee on Enrollments, reported Memorial to Congress on the subject of post roads in Iowa, as correctly enrolled.

The Speaker then signed said memorial.

Mr Rich, from the select committee appointed for that purpose, reported No. 82, H. R. file, entitled "A bill to establish a Territorial Road from Burlington to Keokuk."

Mr Hastings, from the committee on the judiciary, reported No. 83, H. R. file, entitled "A bill to amend an act allowing and regulating writs of attachment."

Said bills were severally read a first time.

Mr Myers, from the committee on engrossed bills, reported No. 16, H. R. file, as correctly engrossed.

The communication received from the Governor on yesterday, returning with his objections the "Act to create the office of public printer and defining his duties," was taken from the table, and again considered.

And the question being put, shall the act pass, was decided in the negative. Yeas—8. Nays—18.

So the act was lost, there not being two thirds of the members present voting in the affirmative.

Those who voted in the affirmative, are Messrs Churchman, Clark, Cox, English, Fleenor, Hastings, Mintun and Walworth.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Coop, Hall, Hawkins, Langworthy, Lash, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Wheeler and Johnston, Speaker.

Ordered, That the clerk acquaint the Council therewith.

The Speaker laid before the House the annual report of the acting com-

missioner for the erection of the public buildings at Iowa city ; which was read, and is as follows :

Report, &c. made in conformity to an act entitled "An act supplementary to 'An act to locate the seat of government for the Territory of Iowa, and for other purposes,'" approved January 21, A. D. 1839.

To the House of Representatives
of the Territory of Iowa:

GENTLEMEN:—I have the pleasure of redeeming my promise made in a former report, and of laying before your body the annual report of the Acting Commissioner at Iowa city, the established seat of government of the Territory of Iowa.

There were sold at the first sale of lots at Iowa city, one hundred and three lots, amounting to the sum of	$17,292 75	
Of the above number of lots, six were forfeited, amounting to $721, which leaves the amount for which certificates have actually been given,		16,571 75
The number of lots sold at the second sale, was one hundred and six, including the six lots that had become forfeited; and also, three out lots, amounting in all to the snm of		11,887 00
There yet remains in the hands of the acting commissioner, and for which certificates have not been given up to the date of this report, twenty-five lots, amounting in all to the sum of		1,719 00
Which subtracted from the amount of sales, leaves a balance of		10,168 00
For which certificates have been given to the purchasers of eighty-four lots, including three out lots.		

RECAPITULATION.

The number of lots which were bid off at both sales, was two hundred and six, including three out lots, amounting to the sum of		29,179 75
The number of lots and out lots which have been actually taken by the purchasers and certificates given for the same, is one hundred and eighty-one, amounting in all to the sum of		26,739 75
Of the above amount, the acting commissioner has received $7,105, in cash, and $19,634 75, in notes, amounting in all to the above sum of		26,739 75

In my disbursements from the above fund, I have been guided in some measure by the practice adopted in the different States and Territories in laying out and establishing cities under similar cirumstances.

In the month of June, immediately after my return to Du Buque, after making the location of the seat of government, I procured tools and assistance and returned to Iowa city, and commenced opening the rock quarry. In doing this, I felt that I was doing my duty not only to the location itself, but to the Territory at large, in endeavoring to ascertain

the quantity and quality of the rock of which it was proposed to procure the material for building the future capitol of Iowa. I furnished the provisions for this undertaking, for which I make no charge to the Territory.

The moneys which I actually paid out from my own private funds for powder, tools and labor, was $51 50, which, I trust, your honorable body will allow me—it being money well expended.

After becoming satisfied that the rock would answer the purpose for which we intended it, I repaired to Burlington, and after having had my bond filed according to law as acting commissioner, I did (by and with the advice of the Executive and the concurrence of the board of commissioners) make arrangements for the immediate survey of Iowa city.

Said survey was commenced on the first day of July. It is a well known fact, especially to surveyors, that this is a very unfavorable season of the year for surveying in the western country, in consequence of the luxuriant growth of vegetation, accompanied by the heavy dews that prevail at this season of the year, making it almost impossible to commence the labors of the day at any thing like an early hour, without exposure to sickness and death.

The consequence is, that only about two-thirds of a day's labor can be performed in twenty-four hours.

It required over two thousand stakes to be used on the location, and something like fifty hewed posts from six inches to one foot sqnare, and from six to nine feet long for the corners of the town plat, the public square, and reservations.

For boarding the surveyors and hands employed, I paid at the rate of four dollars per week. The amount paid for surveying, including all the expense of surveyor's hands, teams, setting of the posts, and the necessary plats of the city, as per receipts in my office, is $1,476 99.

At the first sale of lots, his Excellency Governor Lucas, gave it as his decided opinion as well as many architects and many other gentlemen, that it was necessary and proper to open the rock quarry on a more extensive scale for the benefit of contractors as well as a matter of interest to the Territory.

An order of the majority of the board of commissioners, was accordingly made out, authorizing the acting commissioner to procure laborers and tools, and proceed immediately to open said quarry as extensively as he thought practicable, before the second sale of lots at Iowa city. I did accordingly procure the necessary tools from Du Buque, and proceeded without delay to commence operations. The expense attendant in opening the above quarry, is not lost to the Territory, as a man could hardly have been found who would have made a bid for the quarrying of the rock, if the quarry had remained in its natural state.

The contractors who did finally contract for the quarrying of the above rock, took into consideration the labor which had been performed, and made their bid accordingly.

The amonnt paid for labor on the above quarry is,	$307 00
Paid for tools and transporting the same from Du Buque, to Iowa city, including a large scraper for grading around the capitol, the sum of (as per bills)	$100 12

Of the above tools, I have disposed to the amount of $75 00 at cost, including transportation, to the contractors for quarrying the rock, which amount I shall charge to the commissioners office on the delivery of the tools.

The amount paid for board from the first of July, and up to the date of this report is $200 03.

In September, I employed men to prepare the ground for the foundation of the capitol, removing the turf and dirt from the same on to the east side of the capitol square in Iowa Avenue. The amount paid for the above service is $35 00.

Paid J. P. Hamilton the recorder of Johnson county, $2 00 for recording the plat of Iowa city.

A certified copy of said plat was forwarded to the Executive of the Territory, in conformity to the sixth section of an act entitled "An act to locate the seat of government of the Territory of Iowa, and for other purposes." Which plat agreeable to the above named section, should be filed in the office of the Secretary of the Territory.

Paid Messrs Russell & Reeves, publishers of the Iowa News, at Du Buque, $91 00, for advertising in their paper for proposals for the erection of the capitol, and for publishing the Governor's proclamation of the sale of lots at the seat of government.

I have expended some few dollars for the improvement of Iowa Avenue, but in the absence of a law on the subject, and having the labor performed on my own responsibility, for the benefit of the city, I shall make no account of it in this report. Hoping, however, that your honorable body will authorize the acting commissioner, to appropriate a sufficient amount of funds the ensuing summer, in improving not only Iowa Avenue, but the mineral springs, on Ralston's creek, as not only add to the beauty of that part of the city, but will also enhance the value of the property of the Territory in the same.

The amount paid to auctioneers and clerks at the sales of lots, is $140 00.

The following item to which, in an especial manner, I would call the attention of the Legislative Assembly, is $630 35 paid for eleven hundred copies of lithographic maps of Iowa city. The said maps are selling in the different parts of the Territory, at one dollar for the pocket maps, and from fifty to seventy-five cents for those in sheets.

I believe it to be a safe calculation, to say, that what have already been disposed of will pay one half the expense of procuring the whole of the above copies; and there are six hundred copies which I have not yet received, in consequence of the death of the lithographer at St Louis, after commencing the stone. It became necessary to employ an engraver to engrave the stone, which increased the expense. The engraver has given his bond that the stone shall be reserved for the use of the acting commissioner one year, and binds himself to furnish any number of copies in sheets at eight dollars per one hundred copies and furnish paper. If put in covers as pocket maps, he charges an addition of six dollars per one hundred copies.

In all cases where I have sent or left maps to be sold, I have taken re-

ceipts and shall be enabled at my quarterly report (if any should be called for,) to state with more certainty the amount of sales which have actually taken place and charge the same to the commissioners office in account current with the Treasurer of the Territory.

If the Legislative Assembly think proper to allow the above item and accept the proposition, I should give instruction to the office at St. Louis, to have a quantity of maps in readiness on the opening of navigation to be forwarded to this place for the benefit of the Territory. As I am firmly of the opinion that enough can be realized in the next two years from the sale of these maps to go far, if not quite pay the salaries of the board of commissioners, and be the means of making Iowa City more generally known in distant states and territories.

RECAPITULATION.

The amount paid in June for commencing the opening of the stone quarry, is	51 50
The amount paid for surveying, &c.	1,476 99
Paid for labor on the quarry,	307 00
Paid for tools and transportation,	100 12
The amount paid for board,	200 03
The amount paid for labor on the capitol square,	35 00
Paid Recorder,	2 00
Amount paid Russell & Reeves, as per bill,	91 00
Amount paid auctioneers and clerks at the sale of lots,	140 00
Amount paid for eleven hundred lithographic maps of Iowa City,	630 35
	$3,033 99
After taking the above amount from the sum of $7,105, cash received, there will be a balance in the hands of the acting commissioner, in cash,	4,071 01
And in notes, the sum of	$19,634 75

The above balance, together with the payments which become due in February and April, will make a fund sufficient to answer all purposes for which money will be wanted by me as acting commissioner for the next six or nine months. I shall, therefore, make no estimates with a view of drawing any part of the appropriation made by Congress at present.

I extend this report from the first of May, the time when I entered on my duties, up to the first of November, it being six months or semi-annual. This will enable the acting commissioner to make his next report to the Legislative Assembly, a full annual report, as the year will have expired on or before the meeting of the next Legislature; and will also enable the acting commissioner to make three full quarterly reports within the said year.

The above report I have made with great care and attention, and believe it to be correct in every particular.

It appears to me to be necessary that there should be an iron safe for the use of the commissioners office for the security of the Territory, and for the safe keeping of notes, books and records, which belong to said office,

An iron safe of sufficient size could be purchased from $75 to $125.

All of which is respectfully submitted.

Allow me, gentlemen, with much esteem, to subscribe myself,

Respectfully, your obedient servant,

C. SWAN,

Acting Commissioner.

Iowa City, November 1st, 1839.

P. S. I would respectfully request that a copy of the above report be furnished to the honorable the Council. C. S.

Mr Summers moved that the report be referred to the committee on public buildings, and that one hundred copies be printed; which motion was lost.

On motion of Mr Langworthy,

Ordered, That the report be referred to the committee on territorial affairs, and that one hundred copies be printed.

No. 21, C. F. A bill to define the jurisdiction of the several counties in this Territory that front upon the Mississippi river, was read a first time.

Mr Cox moved to reject the bill; which motion was lost.

On motion of Mr Brewer,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker,—I am directed to inform the House, that the Council have appointed Messrs Ralston and Parker, a committee to call on Mr Rague, the architect for the public buildings, and request him to submit a plan of the building at Iowa city.

The Council have passed No. 5, C. F. Memorial relative to location by commissioners of Henry county, for county purposes.

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

No. 42, H. R. file, A bill to establish a seminary of learning at Parkhurst, in Scott county, with amendments.

In which the concurrence of the House is requested.

Also, without amendment,

No 28, H. R. file, A bill to regulate conveyances.

No. 40, H. R. file, Resolution relative to a supervisor to the printing of the laws of the present session.

No. 58, H. R. file, A bill to re-locate the seat of justice of the county of Johnson.

I also herewith present for your signature,

No. 2, C. F. Memorial on the subject of an appropriation on the territorial road, from Du Buque to the southern boundary of Missouri.

No. 6, C. F. Resolution relative to memorials and resolutions passed at the last session.

No. 9, C. F. An act to authorize evidence by the oath of parties.

No. 12, C. F. An act relative to coroners and their duties.

No. 17, C. F. An act to district the county of Henry into three county commissioners' districts. And then he withdrew.

No. 27, H. R. file, entitled "A bill regulating marriages," as amended by the Council, was taken up.

The first, second, third, fifth, sixth and seventh amendments of the Council were agreed to by the House. And the fourth and eighth amendments of the Council, were disagreed to.

No. 7, H. R. file, entitled "An act regulating grocery licence," in which the Council insist upon their amendment, was taken up and,

On motion of Mr Summers,

Ordered, That the House insist upon their disagreeing vote, and that a committee of conference be appointed on the part of the House to confer with the Council, in relation to the disagreeing vote of the two Houses. Messrs Summers and Biggs, were appointed said committee.

No. 16, H. R. file, entitled "A Joint Resolution relative to publishing the laws in the several newspapers published in the Territory," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 9, C. F. entitled "Resolution relative to the seals of the various Courts in the Territory," was read a second time, and

On motion of Mr Hastings,

Ordered, That the resolution be read a third time on Monday next.

No. 16, C. F. entitled "A bill to legalize the acts of John C. Mather as surveyor of Henry county," was read a second time; and

On motion of Mr Lash,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed.

Mr Lash moved to strike out the words "the said" in the 4th line of the 1st section. To which the House agreed.

On motion of Mr Brewer,

The word "until" was inserted in the 17th line of the 1st section, after the word "than."

Mr Hawkins moved to refer the bill to a select committee, which motion was lost.

On motion, the bill was ordered to be read a third time on to-morrow.

No. 18, C. F. entitled "A bill to incorporate the Iowa Flouring Mill and Manufacturing Company," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr English,

The House adjourned.

Saturday Morning, Dec. 21, 1839.

On motion of Mr Brewer,

Ordered, That the subject of the printing of the laws of the present session, and the journals of the House of Representatives, be referred to a committee consisting of one member from each electoral district, and that they report by bill, resolution, or otherwise. Messrs Brewer, Ross, Patterson, Biggs, Myers, Hastings, Robertson, Cox, Churchman and Walworth, were appointed said committee.

Mr Hall, on leave being given, introduced No. 84, H. R. file, entitled "Resolution on the subject of post offices, &c." which was read a first time.

Mr Robertson gave notice, that he would on some future day, ask leave to introduce a bill supplementary to an act, entitled "An act for the relief of the administrators of the estate of the late Benjamin W. Clark of Scott county."

Mr Owen gave notice, that he would on Monday or some day thereafter, ask leave to bring in a bill to encourage the raising of sheep.

Mr Myers from the committee on engrossed bills reported No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals," as correctly engrossed.

Mr Summers, in accordance with previous notice, reported No. 85, H. R. file, entitled "An act to incorporate the Upper Mississippi Hydraulic Company."

Mr Hawkins from the majority of the select committee, to whom was referred the petition of sundry citizens of Des Moines county, together with No. 64, H. R. file, reported No. 86, H. R. file, entitled "A bill to enable the citizens of Des Moines county, to establish the seat of justice for said county."

Mr English, from the same committee, reported No. 87, H. R. file, entitled "A bill to relocate the seat of justice of Des Moines county," which bills were severally read a first time.

Mr Brewer from the committee on enrollments reported the following:

EXECUTIVE DEPARTMENT, I. T.
Burlington, Dec. 20, 1839.

Received of Daniel Brewer, member of the House of Representatives "A memorial to Congress for amending the organic law."

"An act to provide for the appointment of a librarian and for other purposes."

"An act to regulate the institution of suits by foreign executors and administrators within this Territory."

"An act to provide for the organization of the county of Delaware and to locate the seat of Justice thereof."

All of which have been this day presented for my consideration and approval.

(Signed) ROBERT LUCAS.

Mr Coop, from the select committee who were appointed to enquire into the expediency of making an apportionment of the members of the legislature among the various counties in this Territory reported, that they have had the same under consideration, and find it impossible and wholly impracticable to make out a just apportionment at this time.

Your committee would recommend a special session of the legislature on the third Monday of July next, for the purpose of making an apportionment, and recommend the postponement of the next general election, and also recommend the adoption of the following resolution:

Resolved by the Council and House of Representatives of the Territory of Iowa, That the marshal of the Territory be requested to make a return of the census of the population of the Territory to the Secretary of the Territory, on or before the 15th day of July next, and that he be allowed a reasonable sum for all extra services in complying with this resolution.

The resolution was read a first time.

Mr Biggs, from the committee on roads and highways, reported No. 89, H. R. file, entitled "A bill to extend the time for locating the several Territorial roads authorized at the last session of the Legislature;" which was read a first time.

Mr Leffler, from the committee on claims, to whom was referred a Resolution for the compensation of Dr J. Davis, for services rendered in running the southern boundary of this Territory, with instructions to report a memorial to Congress for relief, moved that the committee be discharged from the further consideration of the subject, and that said Davis have leave to withdraw his papers.

To which the House agreed.

No. 5, C. F. entitled "Memorial relative to location by commissioners of Henry county for county purposes;" was read a first time.

No. 38, H. R. file, entitled "A bill to provide for the support of illegitimate children," as amended by the Council, was taken up and considered. All the amendments made by the Council were agreed to by the

House, with the exception of the proviso, stricken out by the Council in the fourth section; to which the House disagreed.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker—I am instructed to inform the House, that the Council have passed without amendment,

No. 55, H. R. file, "A memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin."

No. 63, H. R. file, "A memorial for the survey of the harbor at the town of Du Buque."

The Council have appointed Messrs Payne and Hepner, a committee of conference to act with a similar committee appointed by the House, in relation to the disagreeing vote of the two Houses, on No. 7, H. R. file, "An act regulating grocery license."

The Council insist upon their fourth and seventh amendments, to No. 27, H. R. file, "A bill regulating marriages," which have been disagreed to by the House, and have appointed Messrs Parker and Keith, a committee of conference in relation thereto. And then he withdrew.

On motion of Mr Hastings,

No. 13, H. R. file, entitled "A bill to amend an act entitled 'an act fixing the terms of the supreme and district courts,'" and for other purposes, was taken from the table, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the Committee had according to order, had said bill under consideration, and directed him to report the same without amendments; to which the House agreed.

Mr Cox moved to refer the bill to the committee on the judiciary; which motion was lost.

On motion of Mr Hastings,

Ordered, That the bill be engrossed and read a third time on Monday next.

No. 42, H. R. file, entitled "A bill to establish a seminary of learning at Parkhurst, in Scott county," as amended by the Council, was taken up and considered.

On motion of Mr Summers,

The amendments of the Council were agreed to.

No. 16, C. F. entitled "A bill to make valid in law the acts of John C. Mather, done and performed by him as county surveyor of the county of Henry, and Territory of Iowa."

No. 18, C. F. entitled "A bill to incorporate the Iowa flouring mill and manufacturing company," were severally read a third time and passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 67, H. R. file, entitled "A bill to regulate the practice of attorneys at law and solicitors in chancery, and for other purposes," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the committee had according to order, said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Hastings,

Ordered, That the bill be engrossed and read a third time on Monday next.

Mr Bailey gave notice that he would on some future day, ask leave to introduce a bill to prevent trespass on the 16th section.

No. 69, H. R. file, entitled "Resolution requesting our delegate in Congress to urge the passage of a law for a post road," was read a second time, and on motion, was ordered to be engrossed and read a third time on Monday next.

Mr Hastings moved that the House adjourn until 2 o'clock, P. M. which motion was lost.

Mr Walworth moved that the House adjourn until 3 o'clock, P. M. which motion was lost.

Mr Churchman moved that the House now adjourn, which was decided in the affirmative. Yeas—19. Nays—7.

The yeas and nays being desired by Mr Hastings, those who voted in the affirmative, are Messrs Bailey, Biggs, Churchman, Clark, Coop, Cox, English, Fleenor, Hall, Leffler, Mintun, Myers, Owen, Rich, Robertson, Ross, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Hastings, Hawkins, Langworthy, Lash, Patterson and Summers.

So the House adjourned until Monday next.

Monday Morning, Dec. 23, 1839.

On motion of Mr Summers,

Ordered, That the committee on expenditures be instructed to report a joint resolution, to pay the expenses of the joint committee appointed on the part of both Houses, to accompany the remains of the late Secretary of the Territory, to his residence at Glen Vernon.

On motion of Mr English,

Ordered, That the committee on roads and highways, be instructed to

enquire into the expediency of renewing and re-establishing a Territorial road, leading from Burlington to New London, on a straight line.

Mr Summers, from the committee of conference, appointed on the part of the House, to confer with a similar committee appointed on the part of the Council, in relation to the disagreeing vote of the two Houses, to the amendments to No. 7, H. R. file, entitled "An act regulating grocery license," reported that the said committee have agreed that both Houses should adhere to their disagreements.

The report of the committee was not concurred in.

On motion of Mr Brewer,

Ordered, That another committee of conference be appointed.

Messrs Brewer and Hastings were appointed said committee.

Mr Cox, from the committee on internal improvements, reported

No. 90, H. R. file, entitled "Memorial to Congress for an appropriation to improve the Des Moines and Rock river rapids, in the Mississippi river."

Mr Robertson, in accordance with previous notice, introduced

No. 91, H. R. file, entitled "A bill supplementary to 'an act for the relief of the administrators of the estate of the late Benjamin W. Clarke.'"

Mr Wheeler, from the select committee appointed for that purpose, reported

No. 92, H. R. file, entitled "A bill to amend an act entitled 'an act to district the several counties in this Territory for the election of county commissioners."

Mr Summers, from the committee on townships and county boundaries, reported

No. 93, H. R. file, entitled "An act to organize the county of Clinton, and establish the seat of justice thereof."

Said memorial and bills were severally read a first time.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE,
Dec. 23, 1839.

Received of Daniel Brewer, member of the House of Representatives, "A memorial to Congress on the subject of post roads in Iowa," presented this day for my consideration and approval.

(Signed.) ROBERT LUCAS.

Mr Brewer, from the select committee appointed for that purpose, reported No. 94, H. R. file, entitled "A bill to provide for public printing." Which was read a first time.

Mr Myers, from the committee on engrossed bills, reported Nos. 13, 67, 69, H. R. file, as correctly engrossed.

Mr Mintun, in accordance with previous notice, reported No. 95, H. R. file, entitled "A bill to punish trespass on lands." Which was read a first time.

Mr Rich gave notice that he would, on some future day, ask leave to introduce a bill for the relief of the sheriff of Lee county.

Mr Patterson gave notice that he would, on some future day, ask leave to introduce a memorial to the Congress of the United States for an appropriation to construct a Territorial road from Keokuk to Mount Pleasant.

The Speaker announced the following communication from the Executive:

EXECUTIVE DEPARTMENT, I. T.
Burlington, Dec. 21, 1839.

To the Honorable the Legislative Assembly:

Gentlemen:—I have received a communication from the Executive of the State of New York, transmitting a copy of a law of that State, relative to the arrest and detention of fugitives from other States and Territories of the United States, which is herewith transmitted for your consideration.

The subject appears to be an important one and deserving your most serious attention.

The original communication is herewith sent to the House of Representatives, with a request that after its consideration in that House, it may be transmitted to the Council.

Very respectfully, your ob't servant,
ROBERT LUCAS.

The communication, together with the accompanying documents, were referred to the committee on the judiciary.

Mr Robertson presented the remonstrance of sundry citizens of Scott county, remonstrating against any change of the boundaries of said county, which was read, and,

On motion of Mr Summers,

Referred to the committee on township and county boundaries.

Mr Rich gave notice that he would, on some future day, ask leave to introduce a bill to raise all writings to the dignity of sealed instruments.

The Speaker announced the following communication from the Executive, which was read:

vetoed bill

EXECUTIVE DEPARTMENT, I. T.
Burlington, Dec. 20, 1839.

To the Honorable the Legislative Assembly:

Gentlemen:—There was presented to me, on the 20th instant, for my consideration and approval, a bill entitled "An act to provide for the appointment of a librarian, and for other purposes." I have carefully examined this bill and approve of it in all its provisions, except the first section, which provides for the appointment of a librarian by joint ballot of the Council and House of Representatives, that being a mode of appointment entirely unprovided for in the organic law. I am compelled under a conscientious sense of duty, to withhold from the bill my assent on that account, and herewith return it to the House of Representatives without

my signature. I have been informed, that during the discussion of this bill in the House of Representatives, the act establishing the seat of government of this Territory, was referred to as a precedent for this mode of appointing officers. My opinion was expressed to the last legislative assembly on this subject, in communications to the House of Representatives of the 17th and 21st of January last, which will be found in the Journals of that House, (pages 235 and 265,) to which I respectfully invite the attention of the legislative assembly.

The opinion then expressed is still entertained by the Executive, and however unpleasant it may be to differ with the legislative assembly in opinion, he cannot conscientiously yield his assent to any bill that he believes to be contrary in its provisions to the organic law.

Very respectfully, your ob't servant,

ROBERT LUCAS.

On motion of Mr Hastings,

The House proceeded to reconsider the bill alluded to by the Executive, and the question being put, shall the bill pass by the constitutional majority, was decided in the negative. Yeas—6. Nays—16.

Those who voted in the affirmative, are Messrs Churchman, Cox, English, Langworthy, Owen, and Wheeler.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark, Coop, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Patterson, Rich, Robertson, Ross, Summers, and Johnston, Speaker.

So the bill was lost, there not being two-thirds of all the members present voting in favor thereof.

No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals."

No. 13, H. R. file, entitled "A bill to amend an act entitled "An act fixing the terms of the supreme and district courts and for other purposes."

No. 67, H. R. file, entitled "A bill to regulate the practice of attorneys at law and solicitors in chancery, and the proceedings of the several courts of this Territory in certain cases."

No. 69, H. R. file, entitled "A joint resolution requesting our delegate in congress to urge the passage of a law for a post road."

No. 9, C. F. entitled "Joint resolutions relative to seals."

Said bills and resolutions were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Hawkins gave notice that he would on to-morrow or some future day ask leave to introduce "A bill for the appointment of a librarian and defining his duties."

Mr English gave notice that he would on to-morrow or some day thereafter ask leave to introduce "A bill to repeal a part of an act relating to the election of county commissioners of Des Moines county."

Mr Hastings gave notice that he would on some future day ask leave to introduce a bill to legalize the appointment of Pleasant Harris as Judge of Probate, in and for the county of Johnson.

No. 5, C. F. entitled "Memorial relative to location by commissioners of Henry county for county purposes," was read a second time.

Mr Rich moved to strike out all after the words "Congress assembled."

Mr Leffler moved the reference of said memorial to a select committee, which motion was lost.

The question then recurred to the motion to strike out, and was decided in the negative. Yeas—6. Nays—16.

The yeas and nays being desired by Mr Langworthy,

Those who voted in the affirmative, are Messrs Cox, Langworthy, Myers, Patterson, Rich and Wheeler.

Those who voted in the negative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Hastings, Hawkins, Lash, Leffler, Mintun, Owen, Robertson, Ross, Summers and Johnston, Speaker.

Mr Lash moved that the memorial be read a third time now, to which the House agreed.

The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Brewer,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr Hastings,

Ordered, That the committee on roads and highways be instructed to bring in a bill to establish a Territorial road from Bloomington, via Mud Creek bridge in section two, township seventy-eight north, range two west, to the county seat of Linn county; and also a road from Bloomington, via Moscow, via the county seat of Cedar county, to the county seat of Linn county.

Also a road from Bloomington to Iowa City, in accordance with the petitions presented to this House on this subject.

Mr Hastings, from the select committee to whom was referred the petition of sundry citizens of the counties of Muscatine and Johnson, for the establishment of a McAdamized road from Bloomington to Iowa City, asked leave to be relieved from any further consideration of said petitions. Leave was granted, and

On motion of Mr Hastings,

Ordered, That said petitions be referred to the committee on roads and highways.

No. 27, H. R. file, entitled "A bill regulating marriages," in which the Council insist upon their disagreeing vote was taken up, and

On motion of Mr Summers,

A committee of conference was appointed on the part of the House to confer with the Council in relation to said disagreeing vote, Messrs Hawkins and Summers, were appointed said committee.

No. 21, C. F. entitled "A bill to define the jurisdiction of the several counties in this Territory that front upon the Mississippi river," was read a second time.

Mr Summers moved that the bill be read a third time on to-morrow, which motion was lost.

On motion of Mr Hall,

Ordered, That the further consideration of said bill be indefinitely postponed.

No. 70, H. R. file, entitled "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river, opposite Cordova, Illinois," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 71, H. R. file, entitled "Memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom," was read a secoud time, and

On motion of Mr Leffler,

Said memorial was ordered to be engrossed and read a third time on to-morrow.

No. 72, H. R. file, entitled "Memorial to Congress for appropriations for building bridges and making other public improvements on the mail routes in the Territory of Iowa," was read a second time.

On motion of Mr Cox,

Ordered, That said memorial be engrossed and read a third time on Wednesday next.

No. 73, H. R. file, entitled "A bill for the limitations of suits on penal statutes, and criminal prosecutions," was read a second time.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported, that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hastings,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 74, H. R. file, "Resolution realative to compensation to J. G. Edwards, for printing in pamphlet form the act prescribing the duties of justices of the peace," was read a second time.

Mr Hastings moved to amend by adding the following:

"That the resolution passed at the last session of the Iowa Legislature, allowing Mr Edwards two hundred dollars for the same service, is hereby rescinded," to which the House agreed.

On motion,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 75, H. R. file, entitled "A bill for the relief of the sheriff of Jackson county," was read a second time, and

On motion of Mr Cox,

Ordered, That said bill be engrossed and read a third time on Friday next.

No. 76, H. R. file, entitled "A bill to amend an act entitled 'An act to organize the county of Linn, and establish the seat of justice thereof,'" was read a second time, and on motion, was ordered to be engrossed and read a third time on Friday next.

No. 77, H. R. file, entitled "A bill to incorporate the Philadelphia mill and manufacturing company," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

Mr Bailey moved to strike out of the second section, all after the word "company," in the third line of said section, to which the House agreed.

On motion of Mr Bailey,

Ordered, That the said bill be engrossed and read a third time on to-morrow.

On motion of Mr Hastings,

Leave of absence was granted to Mr Walworth until to-morrow.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the Council have agreed to the amendments made by the House to No. 16, C. F. "A bill to make valid in law the acts of John C. Mather, &c." and have disagreed to the amendments of the House to No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company."

The Council have passed No. 11, C. F. "A joint resolution relative to an additional appropriation to defray the expenses of the present Legislative Assembly."

No. 13, C. F. "A bill concerning the size of counties, and providing a way in which county lines may be altered;" also, with amendments,

No. 32, H. R. file, "A bill to re-locate the seat of justice in and for the county of Cedar."

In all of which the concurrence of the House is requested.

The Council have passed, without amendment,

No. 49, H. R. file, "A preamble and resolutions to the Congress of the United States, asking for an appropriation for the improvement of a Territorial road on the Des Moines river.

I am also instructed to inform the House that the Council insist upon their amendment to the fourth section of

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

And then he withdrew.

No. 78, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue,'" was read a second time.

Mr Rich moved to amend by striking out the word "fifty" in the 4th line of the 1st section, and inserting "twenty-five." To which the House agreed.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Thursday next.

No. 79, H. R. file, entitled "A bill to re-locate the county seat of Clayton county," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; and Mr Clark reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed, and read a third time on Thursday next.

No. 80, H. R. file, entitled "Memorial to Congress on the subject of a turnpike road from the city of Burlington via Mount Pleasant, to Fairfield," was read a second time.

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor, reported that the committee had, according to order, said memorial under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Coop,

Ordered, That said memorial be considered as engrossed and read a third time on to-morrow.

On motion of Mr Cox,

Ordered, That no gentleman be allowed to smoke within this House.

Mr Patterson, on leave being granted, reported No. 96, H. R. file, entitled "Resolution to defray the expenses incurred by the joint committee, appointed to attend the remains of the Hon. Wm. B. Conway, to Davenport," which was read a first time.

Mr Bailey gave notice that he would, on to-morrow, ask leave to introduce "A bill to continue in force an act passed at the last session, locating a Territorial road on the north side of the river Des Moines."

Mr Hall gave notice that he would, on some future day, introduce a bill to amend the law regulating general elections.

On motion of Mr Owen,

The House adjourned.

Tuesday Morning, Dec. 24, 1839.

Mr English, on leave being granted, introduced No. 97, H. R. file, entitled "Memorial to the Congress of the United States, for an appropria-

tion to finish a road leading from Burlington to the mouth of the Iowa river."

Mr Summers, on leave being granted, introduced No. 98, H. R. file, entitled "Resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque."

Said memorial and resolution were severally read a first time.

Mr Myers, from the committee on engrossed bills, reported Nos. 70, 71, 73, 74 and 75, H. R. file, as correctly engrossed.

Mr Biggs, from the committee on roads and highways, reported No. 99, H. R. file, entitled "A bill establishing certain territorial roads, therein named," which was read a first time.

Mr Brewer, from the committee on enrollments reported that

The joint committee on enrollments have this day presented to the Governor, for his approval, "An act to provide for the appointment of Notaries Public and to prescribe their duties," and a "Memorial to Congress for an additional appropriation for the completion of the Penitentiary."

They have also examined "A memorial for the improvement of the Iowa and Cedar rivers."

"A preamble and joint resolutions relative to the unsurveyed lands."

"Memorial for a survey of Skunk river," and

"An act to provide for the election of county treasurers and to define their duties," and find the same correctly enrolled.

The Speaker then signed the act, memorials and resolutions above named.

Mr Patterson gave notice that he would on to-morrow or some day thereafter ask leave to introduce a bill for the relief of Carriers.

Mr Hawkins, in accordance with previous notice, introduced No. 100, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," which was read a first time.

Mr Cox moved that the House reject the bill, which was decided in the negative. Yeas—2. Nays—22.

The yeas and nays being desired by Mr Patterson, those who voted in the affirmative, are Messrs Cox and Langworthy.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, Wheeler and Johnson, Speaker.

Mr Mintun gave notice that he would, on to-morrow or some subsequent day, ask leave to bring in a bill to amend the act creating the office of county surveyor.

No. 18, C. F. entitled "A bill to incorporate the Iowa flouring mill and manufacturing company," in which the Council disagreed to the amendments of the House, was taken up and considered.

On motion of Mr Hastings,

Ordered, That the House insist upon their amendments.

No. 11, C. F. entitled "A joint resolution relative to an additional appropriation to defray the expenses of the present Legislative Assembly."

No. 13, C. F. entitled "A bill concerning the size of counties and providing a way in which county lines may be altered."

Said resolution and bill were severally read a first time.

No. 32, H. R. file, entitled "A bill to re-locate the seat of justice in and for the county of Cedar, as amended by the Council, was taken up and considered. The House agreed to the amendments of the Council.

No. 38, H. R. file, entitled "A bill to provide for the support of illegitimate children," in which the Council insist upon their amendments, was taken up and considered.

Mr Hastings moved that the House insist upon their disagreeing vote; which motion was lost.

The House then receded from their disagreeing vote.

Mr English moved that No. 87, H. R. file, "A bill to re-locate the seat of justice of Des Moines county," be taken up and considered. The motion was lost.

No. 70, H. R. file, entitled "A bill to authorize Avery Thomas to keep a Ferry across the Mississippi river opposite Cordova, Illinois."

No. 71, H. R. file, entitled "Memorial to Congress for an appropriation for a road opposite Burlington, in the Mississippi bottom."

No. 73, H. R. file, entitled "A bill for the limitations of suits on penal statutes and criminal prosecutions."

No. 74, H. R. file, entitled "Resolution relative to compensation to J. G. Edwards, for printing in pamphlet form the acts prescribing the duties of justices of the peace."

No. 75, H. R. file, entitled "A bill for the relief of the sheriff of Jackson county."

No. 80, H. R. file, entitled "A memorial to Congress on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield."

Said memorials, bills and resolution were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 81, H. R. file, entitled "Memorial for the speedy settlement of the Du Buque land claim," was read a second time, and

On motion of Mr Langworthy,

Ordered, That said memorial be engrossed and read a third time on Friday next.

No. 82, H. R. file, entitled "A bill to establish a Territorial Road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk," was read a second time, and

On motion of Mr Owen,

Was laid on the table, and made the order of the day for Friday next.

No. 83, H. R. file, entitled "A bill to amend an act allowing and regulating writs of attachment," was read a second time.

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Myers reported that the Committee had according to order, had said bill under consideration, and directed him to report the same without amendment. To which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be recommitted to the committee on the judiciary.

No. 84, H. R. file, entitled "Joint resolution on the subject of post offices, &c." was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had according to order, had said reslution under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Robertson,

Ordered, That said resolution be engrossed and read a third time on Friday next.

On motion of Mr Summers,

The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Coop gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill to incorporate the town of Salem, in the county of Henry.

Mr Cox, on leave being granted, presented the petition of sundry citizens of Jackson county, praying the location of a territorial road, commencing at Belleview, and running in a direction towards Iowa City, so as to intersect the road running from Du Buque to Iowa City, at or near the Buffalo Fork of the Wabesipinica river.

Said petition was referred to a select committee composed of the entire delegations from the counties of Jackson and Du Buque.

No. 85, H. R. file, entitled "A bill to incorporate the Upper Mississippi Hydraulic Company," was read a second time, and

On motion of Mr Summers, was ordered to be engrossed and read a third time on Friday next.

No. 86, H. R. file, entitled "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was read a second time.

Mr Hawkins moved that the bill be engrossed and read a third time on Friday next. And the question being put, was decided in the affirmative.

Yeas—13. Nays—7.

The yeas and nays being desired by Mr English.

Those who voted in the affirmative are Messrs Bailey, Biggs, Brewer, Clark, Hawkins, Leffler, Myers, Patterson, Rich, Ross, Summers, Wheeler, and Johnston, Speaker.

Those who voted in the negative, are Messrs Coop, Cox, English, Fleenor, Langworthy, Mintun and Robertson.

No. 87, H. R. file, entitled "A bill to re-locate the seat of justice of Des Moines county," was read a second time.

On motion of Mr Leffler,

Ordered, That the further consideration of said bill be indefinitely postponed.

No. 88, H. R. file, entitled "A Resolution requesting the Marshal of the Territory to make special returns to the office of the Secretary of the Territory after taking the census," was read a second time.

On motion of Mr Summers,

Ordered, That said resolution be laid on the table subject to the order of the House.

No. 98, H. R. file, entitled "A bill to extend the time for locating the several territorial roads authorized by the last session of the Legislature," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

Mr Langworthy moved to amend by adding in the 4th line of the 1st section after the word "the" "2nd" and "4th."

To which the House agreed.

On motion of Mr Coop.

The words "tenth" and "twelfth," were stricken from the 4th line.

Mr Brewer moved to add to said bill the following:

"And the commissioners whose powers and duties are hereby revived may meet at such time and place as they, or a majority of them may agree, for the purpose of discharging their duties."

To which the House agreed.

On motion of Mr Brewer,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 91, H. R. file, entitled "A bill supplementary to 'An act for the relief of the administrators of the estate of the late Benjamin W. Clarke,'" was read a second time.

On motion of Mr Robertson,

Ordered, That said bill be engrossed and read a third time on Friday next.

No. 92, H. R. file, entitled "A bill to amend 'An act to district the several counties in this Territory for the election of county commissioners,'" was read a second time, and

On motion of Mr Summers,

Ordered to be engrossed and read a third time on Saturday next.

No. 96, H. R. file, entitled "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport," was read a second time.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr

Biggs reported that the committee had, according to order, said resolution under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That said resolution be engrossed and read a third time on Saturday next.

Mr Mintun, on leave being granted, introduced No. 101, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue.'"

Mr Owen, in accordance with previous notice, and on leave being granted, introduced No. 102, H. R. file, entitled "A bill to encourage the raising of sheep."

Said bills were severally read a first time.

On motion of Mr Hall,

The House adjourned until Friday next.

Friday Morning, Dec. 27, 1839.

Mr Churchman presented the petition of sundry citizens of Clayton county, praying that a charter may be granted to Angus M. Anderson, to keep a ferry across the St Peters river, at or near the mouth.

Also that a charter to keep a ferry across the Mississippi, at Massey's landing, be granted to Joseph R. Brown.

Also, that a charter be granted to Henry C. Mencke, to keep a ferry across the Mississippi river, above and near the falls of St Anthony.

The said petition, was referred to the committee on incorporations.

Mr Hall presented the petition of sundry citizens of Van Buren county, praying the passage of a law, to encourage the improvement of the breed of horses.

Said petition was referred to a select committee, composed of Messrs Hall, Clark and Rich.

Mr Summers gave notice, that he would on to-morrow, ask leave to introduce a bill, to provide for an extra session of the Legislative Assembly, in July next.

Mr Biggs, from the committee on roads and highways, reported No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways."

Mr Biggs from the same committee, reported No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways."

Mr Hastings, from the committee on the judiciary, to whom was referred the communication of the Executive of the State of New York reported No. 105, H. R. file, entitled "A bill to authorize the arrest and detention of fugitives from justice, from other States and Territories of the United States." Said bills were severally read a first time.

Mr Brewer from the committee on enrollments reported the following:

EXECUTIVE OFFICE,
Dec. 24, 1839.

Received of Daniel Brewer, member of the House of Representatives, "An act to provide for the election of county treasurers, and to define their duties;" "A memorial for a survey of Skunk river;" "A memorial for the improvement of the Iowa and Cedar rivers;" and "A Preamble and joint Resolution, relative to the unsurveyed lands," which have this day been presented for my consideration and approval.

(Signed) ROBERT LUCAS.

Mr Brewer, from the committee of conference, appointed on the part of the House, to confer with a similar committee, appointed on the part of the Council, in relation to the disagreement of the House to the amendments made by the Council, to "A bill regulating grocery license," reported that they have agreed to recede from their disagreeing vote.

On motion of Mr Hastings,

Ordered, That the House concur in the report of the committee.

Mr Wheeler, from the committee on engrossed bills, reported No. 72, H. R. file, entitled "Memorial to Congress for appropriations for building bridges and making other public improvements on the mail routes in the Territory of Iowa."

No. 76, H. R. file, entitled "A bill to amend an act entitled 'An act to organize the county of Linn, and establish the seat of justice thereof.'"

No. 78, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue."

No. 79, H. R. file, entitled "A bill to re-locate the county seat of Clayton county."

No 84, H. R. file, entitled "A joint Resolution on the subject of post offices, &c."

No. 85, H. R. file, entitled "A bill to incorporate the Upper Mississippi hydraulic company," as correctly engrossed.

The said memorial, bills and resolution, were then severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich in accordance with previous notice, introduced No. 106, H. R. file, entitled "A bill for the relief of the collector of Lee county;" which was read a first time.

Mr Hastings gave notice, that he would on to-morrow, ask leave to introduce a memorial to Congress, for an appropriation for the improvement of the mail route, from Davenport by Bloomington, to Burlington.

Mr Brewer gave notice, that he would on some future day ask leave to introduce "A bill to amend an act entitled 'An act to establish the bounda-

ries of Louisa county and to locate the seat of justice of said county and for other purposes."

No. 11, C. F. entitled "Resolution requesting our delegate to procure an additional appropriation to defray the expenses of the present Legislative Assembly," was read a second time.

On motion, ordered, that said resolution be read a third time on to-morrow.

No. 13, C. F. entitled "A bill concerning the size of counties and providing a way in which county lines may be altered," was read a second time.

On motion of Mr Summers,

Ordered, That said bill be referred to the committee on township and county boundaries.

No. 90, H. R. file, entitled "Memorial to Congress for an appropriation to improve the Des Moines and Rock river rapids, in the Mississippi river," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent thereon, Mr Speaker resumed the chair, and Mr Brewer reported that the committee had according to order had said memorial under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion, ordered, that said memorial be engrossed and read a third time on Monday next.

No. 93, H. R. file, entitled "A bill to organize the county of Clinton, and establish the seat of justice thereof," was read a second time, and

On motion of Mr Summers,

Ordered to be engrossed and read a third time on to-morrow.

No. 94, H. R. file, entitled "A bill to provide for the public printing," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

On motion of Mr Hall,

Ordered, That said bill be recommitted to the select committee who reported the same.

No. 97, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa river," was read a second time.

On motion of Mr Summers,

Ordered, That said memorial be laid on the table subject to the order of the House.

No. 100, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," was read a second time.

On motion of Mr Summers,
Ordered, That said bill be engrossed and read a third time on Monday next.

On motion of Mr Summers,
The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the Council have receded from their disagreement to amendments made by the House to

No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company. And have passed

No. 53, H. R. file, "A bill to incorporate the Bloomington Education Society," with an amendment.

No. 5, C. F. "A bill relative to habeas corpus."

In which the concurrence of the House is requested.

No. 53, H. R. file, "A bill to incorporate the Bloomington Education Society," as amended by the Council, was taken up and considered.

And on motion of Mr Hastings,
Ordered, That the House agree to the amendments of the Council.

No. 5, C. F. entitled "A bill relative to habeas corpus," was read a first time.

Mr Brewer, from the committee on enrollments, reported "An act to establish a seminary of learning at Parkhurst, in Scott county," as correctly enrolled.

The Speaker then signed the above entitled acts.

Mr Cox gave notice that he would, on some future day, ask leave to introduce "A bill to establish a territorial road from Davenport to Du Buque."

Mr Myers, from the committee on engrossed bills, reported Nos. 77, 81, 86 and 91, H. R. file, as correctly engrossed.

No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 81, H. R. file, entitled, "A memorial for the speedy settlement of the Du Buque land claim," were then severally read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 86, H. R. file, entitled, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was read a third time.

On motion of Mr English,
Ordered, That the following be added as section three of said bill:
"That no elector shall vote out of his precinct in casting his vote for the establishment of the county seat of Des Moines county."

The bill then passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, on leave being granted, presented the remonstrance of

sundry citizens of Cedar county, remonstrating against the re-location of the seat of justice of said county.

Which was, on motion, laid on the table subject to the order of the House.

Mr Walworth also, by leave of the House, introduced No. 107, H. R. file, entitled "A bill supplementary to 'an act to re-locate the county seat of Cedar county,'" which was read a first time.

Mr Patterson, on leave being granted, introduced No. 108, H. R. file, entitled "Resolution to compensate Dr James Davis," which was read a first time.

No 91, H. R. file, entitled "A bill supplementary to an act entitled 'An act for the relief of the administrators of the estate of the late Benjamin W. Clarke,'" was read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Summers, the House adjourned.

Saturday Morning, Dec. 28, 1839.

Mr Summers, in accordance with previous notice, introduced No. 109, H. R. file, "A bill to provide for an extra session of the legislative assembly, in July next.

Mr Patterson, in accordance with previous notice, introduced No. 110, H. R. file, entitled "A bill for the relief of carriers."

Mr Hall, in accordance with previous notice, introduced No. 111, H. R. file, entitled "A bill to amend an act entitled 'An act providing for and regulating general elections.'"

Mr Coop, from the select committee appointed for that purpose, reported No. 112, H. R. file, entitled, "A bill to incorporate the town of Salem, in Henry county," which were severally read a first time.

Mr Myers, from the committee on engrossed bills, reported No. 89, 92, 93, and 96, H. R. file, as correctly engrossed.

No. 82, H. R. file, entitled "A bill to establish a territorial road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk," was read a second time, and

On motion of Mr Owen, the House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 11, C. F. "Resolution instructing our delegate to apply for an additional appropriation to defray the expenses of the present legislative assembly," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 92, H. R. file, entitled "A bill to amend an act entitled 'An act to district the several counties in this territory, for the election of county commissioners," was read a third time.

On motion of Mr Summers,

Ordered, That the following be inserted after the word "Des Moines," in the fourth line of the first section, "Scott, Clinton, Louisa and Henry," the bill then passed, and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 93, H. R. file, entitled "A bill to organize the county of Clinton, and to locate the seat of justice thereof," was read a third time and passed. Yeas—20. Nays—5.

The yeas and nays being desired by Mr Cox,

Those who voted in the affirmative, are Messrs Biggs, Brewer, Coop, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Churchman, Cox, Langworthy and Wheeler. So the bill passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 96, H. R. file, entitled "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the honorable Wm. B. Conway to Davenport," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Walworth, No. 107, H. R. file, entitled "A bill supplementary to 'An act to relocate the seat of justice of Cedar county,'" was read a second time.

The House then resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Cox reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Walworth,

Ordered, That the forty-fourth rule be suspended, and that the bill be considered as engrossed, and be read a third time, now:

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 95, H. R. file, entitled "A bill to punish trespass on lands," was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said

bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Cox,

Ordered, That the said bill be referred to a select committee, composed of one member from each electoral district, Messrs Cox, Fleenor, Owen, Hall, Coop, Mintun, Clark, Robertson, Walworth and Langworthy, were appointed said committee.

No. 98, H. R. file, entitled "A resolution requesting our delegate in Congress, to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," was read a second time; and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said resolution; after some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor reported that the committee had, according to order, had said resolution under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That the said resolution be engrossed and read a third time on Monday next.

On motion of Mr Hawkins,

Resolved, That the Secretary of the Territory be requested to furnish each member of the House, who are destitute of the same, with a copy of the laws of last session.

No. 99, H. R. file, entitled "A bill establishing certain territorial roads therein named," was read a second time; and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House, on said bill: after some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had, according to order, had said bill under consideration, and directed him to report that the committee had made some progress therein and asked leave to sit again—leave was granted.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker,—I am instructed to inform the House that the Council have passed No. 12, C. F. "Resolution relative to printing the laws of the present session."

No. 24, C. F. "A bill to authorize Elijah Buel to keep a ferry," &c.

No. 22, C. F. "A bill to regulate ferries in certain cases."

No. 26, C. F. "A bill to locate and establish a territorial road from Fairfield to Wapello," &c.

Also with amendments, No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river," &c. in which the concurrence of the House is requested.

The Council have passed without amendment,

No. 71, H. R. file, "A memorial to Congress for an appropriation, for a road opposite Burlington, in the Mississippi bottom."

No. 75, H. R. file, "A bill for the relief of Jackson county;" and then he withdrew.

On motion of Mr Churchman, the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr Cox,

The House again resolved itself into a committee of the whole House on No. 99, H. R. file, entitled "A bill establishing the Territorial roads therein named."

After some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

Mr Hawkins moved that the House disagree to that part of the report of the committee, which relates to the striking out of the ninth section of the said bill; which question was decided in the negative. Yeas—10. Nays—13.

The yeas and nays being desired by Mr Hawkins, those who voted in the affirmative, are Messrs Bailey, English, Hall, Hawkins, Leffler, Owen, Rich, Robertson, Ross and Wheeler.

Those who voted in the negative, are Messrs Biggs, Brewer, Coop, Cox, Fleenor, Hastings, Langworthy, Lash, Mintun, Myers, Patterson, Summers and Johnston, Speaker.

The House then agreed to the amendments of the committee.

Mr Coop offered the following as an additional section: That the tenth and twelfth sections of an act establishing certain Territorial roads approved, January 25, 1839, be and the same are hereby repealed.

On motion of Mr Lash,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

No. 101, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue, was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported, that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Biggs,

Ordered, That said bill be referred to the committee on finance.

Mr Rich gave notice, that he would on some future day ask leave to introduce a bill to incorporate the Tuscarora Steam Mill Company.

Mr Rich gave notice, that he would on some future day ask leave to introduce a bill to authorize Harriet Knapp, to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee county.

Mr Rich, from the committee on incorporations, to whom was referred the petition of sundry citizens of Clayton county, reported No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein named."

Mr English, in accordance with previous notice, reported No. 114, H. R. file, entitled "A bill to alter the manner of electing county commissioners in Des Moines county."

Mr Leffler, from the committee on claims, reported No. 115, H. R. file, entitled "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque, in the winter of 1838 and '39.

Said bills and memorial were severally read a first time.

No. 102, H. R. file, entitled "A bill to encourage the raising of sheep," was read a second time, and

On motion of Mr Summers,

Was ordered to be engrossed, and read a third time on Monday next.

No. 106. H. R. file, entitled "A bill for the relief of the sheriff of Lee county," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Rich,

Ordered, That the forty-fourth rule be suspended, and that the bill be considered as engrossed, and read a third time now.

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Biggs,

The House adjourned.

Monday Morning, Dec. 30, 1839.

Mr Rich presented the remonstrance of sundry citizens of Lee county, remonstrating against the location of a Territorial road from Fort Madison to Burlington; which was referred to the select committee to whom was referred the petitions of sundry citizens of Lee and Des Moines counties, praying for the location of said road.

Mr Bailey, from the committee to whom was referred that part of the Governor's message that relates to the establishment of a general system of common schools, reported No. 116, H. R. file, entitled "A bill to establish a system of common schools."

Mr Owen, in accordance with previous notice, introduced No. 117, H.

R. file, entitled "Preamble and joint resolution for the benefit of the former sheriffs."

Mr Hall, from the select committee appointed for that purpose, reported No. 118, H. R. file, entitled "A bill further to encourage the improvement of the breed of horses," which were severally read a first time.

Mr Rich, from the committee on incorporations, to whom was referred the petition of Geo. W. Jones, praying for a ferry charter, &c., made a report, which was read, and is as follows:

The committee on corporations, to whom was referred the petition of George W. Jones, of Grant county, Wisconsin Territory, praying for the renewal of a ferry privilege across the Mississippi river, at the town of Du Buque, report that they have had the subject so referred under consideration, and have come to the conclusion that this legislature ought not to grant the prayer of the petitioner.

Your committee have examined all the facts set forth in the above mentioned petition, and also the law under which the petitioner acquired his ferry privilege. It appears from the representations of the petitioner (and which are, no doubt, correct) that in the year 1836, he purchased from the administrators and heirs of Thomas Jordan, a certain ferry privilege across the Mississippi river, at the town of Du Buque, the purchase and transfer of which privilege were regularly approved by the proper authority in the State of Illinois, and by the District Court for Du Buque county. By this transaction the petitioner acquired all the rights and privileges of Thomas Jordan, deceased, and nothing more. The question here arises as to the duration of the privilege granted to Jordan, and subsequently transferred to the petitioner; and whether this privilege was illegally taken away from the petitioner by the act of the last legislature, granting to Timothy Fanning a right to keep a ferry across the Mississippi river, at Du Buque, with an exclusive privilege. Your committee have not been referred to any law, neither have they been able to find a special act of any legislature, giving to Jordan or the petitioner a privilege to keep a ferry from Du Buque to the opposite shore of the Mississippi river. It is evident, therefore, that the right of Jordan and the petitioner was acquired under a general law of Michigan regulating ferries, that being the only law in force upon this subject in Wisconsin in 1836. It will be seen by reference to the laws of Michigan, (page 522,) that a license could not be granted to keep a ferry for a longer term than three years. Agreeable to the petitioner's own showing, the license or privilege was originally granted to Jordan, but at what time is not stated. Your committee cannot, therefore, know precisely at what time said privilege expired; but they may safely conclude from the date of the purchase by the petitioner, and nothing appearing to the contrary, that it expired before the privilege was granted to Fanning. Admitting the above facts to be true, the last legislature did not take away from, or violate any of the rights of the petitioner, by granting the ferry privilege to Fanning—because the license of Jones had expired, and the board of county commissioners of Du Buque county had refused to renew said license. In doing so, the county commissioners only exercised a discretionary power,

and your committee know of no law that would have compelled them to act differently.

Your committee have also taken into consideration the fact that the above mentioned Timothy Fanning, agreeable to an act of the last legislature, has procured the necessary boats and hands, and put his ferry in successful operation, and he has acquired rights which will be materially affected if the prayer of the petitioner is granted.

On motion of Mr Rich,

Ordered, That the report be agreed to, and that the committee be discharged from the further consideration of said petition.

Mr Patterson, from the committee on expenditures, to whom was referred the petition of Benjamin Nye, moved that the committee be discharged from the further consideration of said petition, to which the House agreed.

On motion of Mr Patterson,

Ordered, That said petition be referred to the committee on the judiciary.

Mr Rich, in accordance with previous notice, introduced No. 119, H. R. file, entitled "A bill to incorporate the Tuscarora steam mill company," which was read a first time.

Mr Walworth, from the committee on enrollments, reported "An act to relocate the seat of justice in and for the county of Cedar."

"An act to relocate the seat of justice of the county of Johnson."

"A preamble and resolutions to the Congress of the United States, asking for an appropriation for the improvement of a Territorial road on the Des Moines river."

"Resolution relative to a supervisor to the printing of the laws of the present session."

"A memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin."

"A memorial for the survey of a harbor at the town of Du Buque," as correctly enrolled.

The Speaker then signed said acts, resolutions and memorials.

Mr Hastings, from the committee on the judiciary, to whom was referred "An act to provide for the compensation of printers of the Legislative Assembly, and for other purposes," passed at the last session, asked that the committee be discharged from the further consideration thereof, to which the House agreed.

On motion of Mr Hastings,

Ordered, That said act be referred to the committee on expenditures.

No. 12, C. F. entitled "Resolution relative to printing of the laws, &c. of the present session."

No. 22, C. F. entitled "A bill to regulate ferries in certain cases."

No. 24, C. F. entitled "A bill to authorise Elijah Buel to keep a ferry."

No. 26, C. F. entitled "A bill to locate and establish a territorial road from Fairfield to Wapello," were severally read a first time.

No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry

across the Mississippi river," opposite Cordova, Illinois, as amended by the Council, was taken up and considered, and,

On motion of Mr Robertson,

Ordered, That the House agree to the amendments of the Council.

No. 100, H. R. file, entitled "A bill to provide for the appointment of a librarian, and for other purposes,"

No. 89, H. R. file, entitled "A bill to extend the time for locating the several territorial roads authorized by the last session of the Legislature," were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, from the joint committee on enrollments, reported, that they did on the 21st instant, present to the Governor for his approval,

"An act to authorize evidence by the oath of parties."

"An act to district the county of Henry into commissioners districts."

"An act relative to Coroners and their duties."

"Memorial on the subject of an appropriation on the territorial road from Du Buque to the northern boundary of Missouri."

Also, "Resolution relative to memorials and resolutions passed at the last session."

No. 5, C. F. entitled "A bill relative to habeas corpus," was read a second time, and

On motion, the House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hall,

Ordered, That said bill be referred to a select committee, composed of Messrs Rich, Churchman and Leffler.

Mr Myers, from the committee on engrossed bills, reported No. 82, H. R. file, entitled "A bill to establish a territorial road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk."

No. 90, H. R. file, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi."

No. 98, H. R. file, entitled "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities, on the route leading from Davenport to Du Buque."

No. 102, H. R. file, entitled "A bill to encourage the raising of sheep," as correctly engrossed.

The said bills, memorial and resolution were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; and Mr Langworthy reported, that the committee had, according to order, said

bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed, with the exception of the amendments made to the 11th section of said bill.

Mr Lash offered the following in lieu of the 11th section, "that the persons required to render services under this act, shall receive compensation for each day they shall be necessarily employed, as follows, to wit: viewers and reviewers, two dollars each, chain carriers and markers out, one dollar and fifty cents each, and surveyors, three dollars, to be charged as costs and expenses, and paid out of the county treasury on the order of the county commissioners."

On putting the question, it was determined in the negative. Yeas—10. Nays—15.

The yeas and nays being desired by Mr Brewer, those who voted in the affirmative, are Messrs Churchman, Clark, Hastings, Lash, Leffler, Myers, Rich, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Coop, Cox, English, Fleenor, Hall, Hawkins, Langworthy, Owen, Patterson, Robertson, Ross and Wheeler.

On motion of Mr Cox,

The first blank in 3d line of 11th section, was filled with the words "one dollar and fifty cents."

On motion of Mr Bailey,

The second blank in the same line, was filled with the words "one dollar and twenty-five cents."

On motion of Mr Robertson,

The blank in the 4th line of the same section was filled with the words "two dollars and fifty cents."

On motion of Mr Churchman,

Ordered, That the following be added as an additional section:

Sec. 16. That all bonds given under the provisions of this act shall be deposited with the county commissioners' clerk, to be by him prosecuted under the order of the county commissioners, where the same shall have become forfeited, and money paid into the county treasury for the use of the county."

On motion of Mr Lash,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

Mr Leffler presented sundry accounts against the Legislative Assembly, which were referred to the committee on expenditures.

Mr Churchman on leave being granted, introduced No. 120, H. R. file, entitled "Memorial to Congress for an appropriation to improve the roads therein named."

Mr Hastings, on leave being granted, introduced No. 121, H. R. file, entitled "Memorial to Congress for the improvement of the mail route from Davenport to Burlington," which were severally read a first time.

On motion of Mr English,

No. 87, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa river," was taken up and read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had according to order had said memorial under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Churchman,

Ordered, That said memorial be engrossed and read a third time on to-morrow.

On motion of Mr English,

The House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr Hawkins, from the committee of conference appointed on the part of the House, to confer with a similar committee on the part of the Council, to take into consideration the disagreement between the two Houses on the bill regulating marriages, reported that the Council will recede from their fourth amendment to said bill, and that the House will recede from their disagreement to the eighth amendment to said bill.

On motion of Mr Hawkins,

Ordered, That the report of the committee be agreed to.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker—I am instructed to inform the House, that the Council have indefinitely postponed No. 65, H. R. file, "A bill concerning enclosures and trespassing animals," and have passed with amendments,

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant to Fairfield."

I herewith present, for your signature, No. 1, C. F. "An act relative to landlords and tenants."

No. 9, C. F. "Joint resolution upon the subject of seals," &c.

No. 16, C. F. "An act to make valid in law, the acts of John C. Mather." &c. And then he withdrew.

The Speaker then signed the above entitled acts and joint resolution.

Mr Cox by leave submitted the following resolutions, which were read.

Resolved, That the Secretary of the Territory is hereby authorized and required to pay to the several officers of the House of Representatives the per diem pay as herein specified, viz: chief clerk, per day, six dollars, assistant clerk five dollars, enrolling, engrossing and recording clerks, each per day four dollars, messenger, doorkeeper, sergeant-at-arms and firemen, each four dollars per day.

Resolved, That the Speaker of the House of Representatives shall issue a certificate countersigned by the chief clerk, setting forth the number of days each officer has served, and such certificate, when presented to the Secretary, shall be a sufficient voucher for him to pay the same and to settle with the Secretary of the Treasury of the United States.

Mr Biggs moved to strike out the words "five" and "four" and insert in lieu thereof, "four" and "three."

Mr Cox called for a division of the question, first on striking out.

The House refused to strike out.

The question then recurred on the adoption of the resolutions, and was decided in the affirmative. Yeas—17. Nays—7.

The yeas and nays being desired by Mr Biggs, those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Cox, Hall, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Rich, Robertson, Ross, Summers, Wheeler and Johnston, Speaker.

Those who voted in the negative are Messrs Bailey, Biggs, Coop, English, Fleenor, Lash and Patterson.

No. 105, H. R. file, entitled "A bill to authorize the arrest and detention of fugitives from justice from other states and territories of the United States," was read a second time, and on motion of Mr Hawkins, the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Cox,

Ordered, That said bill be engrossed and read a third time on Thursday next.

No. 108, H. R. file, entitled "Resolution for the relief of Dr James Davis," was read a second time, and

On motion of Mr Biggs,

Ordered, That said resolution be laid on the table subject to the order of the House.

No. 109, H. R. file, entitled "A bill to provide for an extra session of the Legislative Assembly," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr English gave notice that he would on some future day introduce "A bill for the relief of the sheriff of Des Moines county."

No. 80, H. R. file, "Memorial to Congress on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," as amended by the Council, was taken up and considered, and

On motion,

Ordered, That the first amendment of the Council be disagreed to, and the second agreed to.

On motion of Mr Hastings, leave of absence was granted to Mr Walworth until to-morrow.

Mr Rich gave notice that he would on some future day ask leave to introduce "A bill to encourage the destruction of wolves in the county of Lee."

Mr Hall gave notice that he would on to-morrow introduce "A bill to amend an act entitled 'An act to provide for the appointment of justices of the peace and to prescribe their powers and duties and to regulate their proceedings,'" approved January 21, 1839.

Mr Hall moved the following resolution:

Resolved, That no new business shall be introduced into this House after the eighth day of January next.

On motion of Mr Patterson,
Ordered, That the word "eighth" be stricken out, and the word "twelfth" inserted.

On motion of Mr Brewer,
Ordered, That the word "business" be stricken out, and the word "bills" be inserted.

On motion of Mr Bailey,
Ordered, That the resolution, as amended, be laid on the table, subject to the order of the House.

On motion of Mr Biggs,
Ordered, That the committee on territorial affairs be instructed to make out an estimate of the amount of the expenses of the territory for the current year of 1840, and report the same to this House for their concurrence.

On motion of Mr Biggs,
No. 108, H. R. file, entitled "Resolution for the relief of Dr James Davis," was taken from the table and referred to the committee on territorial affairs.

On motion of Mr Biggs,
The House adjourned.

Tuesday Morning, Dec. 31, 1839.

Mr Brewer, from the joint committee on enrollments, reported "An act to incorporate the Bloomington Education Society," as correctly enrolled.

The Speaker then signed the above entitled act.

Mr Myers, from the committee on engrossed bills, reported No. 97, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa river."

No. 99, H. R. file, entitled "A bill establishing certain Territorial roads therein named."

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly," as correctly engrossed.

Said memorial and bills were then severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Ross, from the commitee on finance, to whom was referred No. 101, H. R. file, entitled "An act to amend 'An act for assessing and collecting county revenue," reported the same back to the House without amendment.

Said bill was read a first time.

Mr Rich, from the committee on incorporations, to whom was referred the memorial of the trustees of the town of Du Buque praying for a repeal of the charter granting Timothy Fanning to keep a ferry at said town, made a report which was read, and is as follows:

The committee on corporations to whom was referred the memorial of the president and trustees of the town of Du Buque praying for the repeal of a certain ferry charter granted to one Timothy Fanning, ask leave to report, that they have had said memorial under consideration, and are of opinion that it would be impolitic, if not unconstitutional, for this Legislature to grant the prayer of the memorialists.

Your committee have taken into consideration the fact, that the above mentioned Fanning has in good faith procured boats and hands and put his ferry in successful operation agreeable to the provisions of his charter. He has spent his time and his money relying upon the act of the Legislature to protect him, in the enjoyment of his privilege, and the repeal of his charter would take from him rights, which this Legislature in the opinion of your committee ought not to interfere with.

The policy of granting exclusive privileges in cases like this, is certainly a very bad one; but the repeal of the above mentioned charter under existing circumstances, would afford a more dangerous precedent.

On motion of Mr Rich,

Ordered, That the report be agreed to, and the committee be discharged from the further consideration of said memorial.

Mr Hall, in accordance with previous notice introduced No. 122, H. R. file, entitled "A bill to amend an act entitled 'An act to provide for the appointing of justices of the peace, to prescribe their powers and duties and to regulate their proceedings,'" which was read a first time.

Mr Rich, from the committee on incorporations to whom was referred No. 66, H. R. file, entitled "A bill to incorporate the Bloomington Insurance Company." reported the same back to the House with amendments, which were read a first time.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the Council have passed No. 13, C. F. "Resolution relative to pay of officers and members, &c." In which the concurrence of the House is requested. And then he withdrew.

No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways," was read a second time. And on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House agreed to all the amendments made by the committee ex-

cept that made in the 2nd line of the first section; to which the House, on motion of Mr Langworthy, disagreed.

On motion of Mr Hawkins,

Ordered, That the words twenty-one be inserted in said line.

Mr Langworthy moved to strike out the word "ten" in the sixth line of the 17th section, and insert "five." Also, to strike out the word "fifty" in the same line, and insert "twenty-five." The motion was lost.

Mr Summers moved to insert in the 3d line of the 16th section after the word "dollar" the words "and fifty cents." The motion was lost.

Mr Brewer moved to insert after the word "shall" in the first line of the seventeenth section the words "wilfully and maliciously." The motion was lost.

On motion of Mr Cox,

Ordered, That the bill be engrossed and read a third time on Friday next.

No. 13, C. F. entitled "Resolutions relative to the pay of officers and members, &c." was read a first time.

On motion of Mr Langworthy,

Ordered, That the 44th rule of the House be suspended, and the resolutions be read a second and third time, now.

The resolutions were then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 110, H. R. file, entitled "A bill for the relief of carriers," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had according to order, had said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Owen,

Ordered, That the words "to the weather," in the sixth line of the third section be stricken out.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Friday next.

No. 111, H. R. file, "A bill to amend an act, entitled 'an act providing for and regulating general elections,'" was read a second time, and

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House with amendments.

Mr Hastings moved that the bill be referred to the committee on elections. The motion was lost.

The question was then taken, will the House agree to the report of the committee? and was decided in the negative.

On motion of Mr Hastings,

Ordered, That the second section of said bill be stricken out.

On motion of Mr Summers,

Ordered, That the word "September" in the third section, be stricken out.

On motion of Mr Hall,

Ordered, That the third section be stricken from the bill.

On motion of Mr Churchman,

Ordered, That the following be added to the bill as amended:

Sec. 2. That the form of the oath shall be, "I am a citizen of the United States; that I am above the age of twenty-one years; that my place of residence has been within this Territory for the last six months immediately preceding this election; that I am now a resident of this county, and that I have not voted at this election either at this or any other poll."

On motion of Mr Hall,

Ordered, That said bill be engrossed and read a third time on Friday next.

On motion of Mr Hall,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the Council have rejected No. 107, H. R. file, "A bill supplementary to 'an act to relocate the seat of justice in Cedar county,'" and have passed, with amendments, No. 1, H. R. file, "A bill to provide for the organization of townships."

No. 8, H. R. file, "A bill to provide for the appointment and duties of auditor of public accounts," &c.

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections."

No. 73, H. R. file, "A bill for the limitations of suits on penal statutes, and criminal prosecutions."

No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 84, H. R. file, "A joint resolution on the subject of post offices," &c. in which the concurrence of the House is requested.

Also, without amendment, No. 76, H. R. file, "A bill to amend an act entitled 'an act to organize the county of Linn,'" &c.

No. 81, H. R. file, "A memorial for the speedy settlement of the Du Buque land claim."

No. 100, H. R. file, "A bill to provide for the appointment of a librarian, and for other purposes." I herewith present for your signature, No. 5, C. F. "Memorial relative to location by commissioners of Henry county," &c.

No. 18, C. F. "An act to incorporate the Iowa flouring mill and manufacturing company." And then he withdrew.

The Speaker then signed the above named memorial and act.

No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein mentioned," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Rich,

Ordered, That said bill be laid on the table subject to the order of the House.

No. 114, H. R. file, entitled "A bill to alter the manner of electing the county commissioners of Des Moines county," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported, that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with an amendment; to which the House agreed.

On motion of Mr English,

Ordered, That said bill be engrossed and read a third time on Friday next.

No. 12, C. F. entitled "Resolutions relative to the printing of the laws of the present session," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said resolutions.

After some time spent therein, Mr Speaker resumed the chair and Mr Wheeler reported that the committee had, according to order, said resolutions under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That the forty-fourth rule of the House be suspended, and the resolutions be read a third time now. The resolutions were then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Churchman moved the following resolution:

Resolved, That John B. Russell, of Du Buque, be and he is hereby authorized to print ——— copies of the Journals of this House in pamphlet form, and have the same ready for delivery within four months from the close of the present session, and that he comply in all other respects with the provisions of the joint resolution relative to printing the laws.

On motion of Mr Hall,

Ordered, That said resolution be laid on the table, subject to the order of the House.

No. 22, C. F. entitled "A bill to regulate ferries in certain cases," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be read a third time on Thursday next.

No. 24, C. F. entitled "A bill to authorize Elijah Buel to keep a ferry," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be read a third time on Thursday next.

No. 26, C. F. entitled "A bill to locate and establish a territorial road from Fairfield to Wapello," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Biggs reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Coop,

Ordered, That said bill be read a third time on to-morrow.

Mr Brewer, from the committee on enrollments reported the following:

EXECUTIVE OFFICE,
Dec. 30, 1839.

Received of Daniel Brewer, member of the House of Representatives, "An act to relocate the seat of justice in and for the county of Cedar;" "An act to relocate the seat of justice of the county of Johnson;" "A memorial for the survey of the harbor at the town of Du Buque;" "A memorial to the President of the United States in relation to the Sioux half breed reservation on Lake Pepin;" "A resolution relative to a supervisor to the printing of the laws of the present session," and "A preamble and resolution to the Congress of the United States asking for an appropriation for the improvement of a territorial road on the Des Moines river," this day presented for my consideration and approval.

ROBERT LUCAS.

No. 1, H. R. file, entitled "A bill to provide for the organization of townships," as amended by the Council, was taken up and considered. The House agreed to all the amendments of the Council, with the exception of the 6th, 7th and 8th amendments, to which the House disagreed.

No. 8, H. R. file, "A bill to provide for the appointment and duties of auditor of public accounts," &c. as amended by the Council, was taken up and considered. The House agreed to all the amendments of the Council, except the first amendment, to which the House disagreed.

Mr English, in accordance with previous notice, and on leave, introduced No. 123, H. R. file, entitled "A bill for the benefit of the sheriff of Des Moines county," which was read a first time.

Mr Brewer moved that the House adjourn until Thursday next, which was decided in the negative. Yeas—10. Nays—15.

Mr Lash having desired the yeas and nays, those who voted in the affimative, are Messrs Biggs, Brewer, Hall, Langworthy, Leffler, Mintun, Owen, Robertson, Summers and Walworth.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, Cox, English, Fleenor, Hastings, Hawkins, Lash, Myers, Patterson, Rich, Ross, Wheeler and Johnston, Speaker.

So the motion to adjourn until Thursday, was lost.

On motion of Mr Biggs,

The House adjourned.

Wednesday Morning, Jan. 1, 1840.

Mr Rich presented the petition of Harriet Knapp and others, praying the passage of a law confirming the title of Si-si-sa-man, to certain lands in the county of Lee, in the heirs at law of John H. Knapp deceased, which was,

On motion of Mr Rich,

Referred to a select committee, composed of the entire delegation from Lee county, with power to send for persons and papers.

Mr Hawkins moved the following resolution:

"Resolved, That the Secretary of the Territory be and he is hereby required to pay the private secretary of the Governor, five dollars per day, for his services during the present session of the Legislative Assembly."

On motion of Mr Summers,

Ordered, That the resolution do lie on the table, subject to the order of the House.

Mr Cox, from the select committee, to whom was referred, "A bill to punish trespass on lands," reported No. 124, H. R. file, entitled "A bill to punish trespass on school and other lands," as a substitute therefor, which was read a first time.

Mr Myers, from the committee on engrossed bills, reported No.'s 104, 105 and 110, H. R. file, as correctly engrossed.

Mr Cox, on leave introduced No. 125, H. R. file, entitled "A bill to amend 'An act to incorporate the Iowa mutual insurance company,'" which was read a first time.

No. 61, H. R. file, entitled "A memorial for the relief of settlers upon school sections," as amended by the Council, was taken up and considered. The House disagreed to the amendments of the Council.

No. 73, H. R. file, entitled "A bill for the limitations of suits on penal statutes and criminal prosecutions."

No. 77, H. R. file, entitled "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 84, H. R. file, entitled "A joint resolution on the subject of post offices," &c., as amended by the Council, were severally taken up and considered.

Ordered, That the amendments of the Council be agreed to.

No. 26, C. F., entitled "A bill to locate and establish a territorial road from Fairfield to Wapello," &c.

No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 66, H. R. file, entitled "A bill to incorporate the Bloomington insurance company," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

Mr Lash moved to strike out the word "sixty" in the third line of the tenth section, and insert the word "ten."

Mr Hastings called for a division of the question. First, on striking out sixty. On putting the question the House refused to strike out the word sixty.

A motion was made by Mr Hastings that the bill be engrossed and read a third time on Friday next, which question was decided in the affirmative, yeas 20, nays 2.

The yeas and nays being desired by Mr Langworthy,

Those who voted in the affirmative are Messrs Bailey, Biggs, Churchman, Coop, Cox, English, Fleenor, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers and Johnston, Speaker.

Those who voted in the negative are Messrs Langworthy and Wheeler.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker,—I am instructed to inform the House that the Council insist upon their amendments to

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield," and have passed without amendments

No. 90, H. R. file, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi."

I also herewith present for your signature

No. 13, C. F. "Resolutions relative to the pay of officers and members, &c."

And then he withdrew.

The Speaker then signed the above entitled resolution.

No. 101, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue," was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment.

Mr Churchman moved the following as an additional section to the bill:

Sec. 15. That so much of the act to which this act is amendatory, as relates to the collection of county revenue by sheriffs and collectors, be, and the same is hereby repealed. The motion was lost.

On motion of Mr Bailey,

Ordered, That said bill be referred to a select committee composed of one from each electoral district.

Messrs Churchman, Hawkins, Mintun, Owen, Bailey, Lash, Hastings, Summers, Cox and Walworth were appointed said committee.

Mr Walworth, from the joint committee on enrollments, reported the following:

EXECUTIVE DEPARTMENT, }
Dec. 30, 1839. }

Received of Mr Walworth, member of the House of Representatives, "An act to establish a seminary of learning, at Parkhurst, in Scott county," for consideration and approval.

ROBERT LUCAS.

EXECUTIVE DEPARTMENT. I. T. }
Dec. 31, 1839. }

Received of Mr Walworth, member of the House of Representatives, "A bill to incorporate the Bloomington education society."

ROBERT LUCAS.

On motion of Mr Lash,

The House adjourned.

Thursday Morning, Jan. 2, 1840.

Mr Robertson gave notice, that he would, on to-morrow or some day thereafter, ask leave to bring in a bill for the relief of certain officers of the county of Scott.

Mr Hawkins introduced No. 126, H. R. file, entitled "A resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," which was read a first time.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 4, C. F. "A bill concerning deeds and mortgages and to prevent frauds," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Bailey,

The resolution offered yesterday providing for the compensation of the private secretary of the Governor, was taken from the table, and referred to the committee on expenditures.

Mr Rich, from the select committee, to whom was referred the petition of Harriet Knapp and others, reported No. 127, H. R. file, entitled "A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp deceased," which was read a first time.

Mr Clark, from the committee on elections, reported that the committee had examined the certificates of all the members of this House, and found each member's certificate of election, valid and sufficient.

On motion of Mr Hastings,

The report was accepted.

Mr Myers, from the committee on engrossed bills, reported No.'s 111 and 114, H. R. file, as correctly engrossed.

No. 80, H. R. file, entitled "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant to Fairfield, as amended by the Council, was taken up and considered.

On motion of Mr Leffler,

Ordered, That the House insist upon their disagreeing vote, and that a committee of conference be appointed to confer with the Council, relative to the disagreeing vote of the two Houses. Messrs Leffler and Hawkins, were appointed said committee.

No. 22, C. F. entitled "A bill to regulate Ferries in certain cases."

No. 24, C. F. entitled "A bill to authorize Elijah Buel to keep a ferry."

No. 105, H. R. file, entitled "A bill to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

No. 110, H. R. file, entitled "A bill for the relief of carriers," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 112, H. R. file, entitled "A bill to incorporate the town of Salem in Henry county," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Cox, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Cox,

Ordered, That the bill be engrossed and read a third time on to-morrow.

No. 115, H. R. file, entitled "A memorial to Congress for an appropriation for carrying the mail from Davenport to Du Buque, during the session of the Legislative Assembly of 1838-'39," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Langworthy reported that the committee had, according to order, said memorial under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Summers,

Ordered, That the memorial be considered as engrossed and read a third time now; the memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 117, H. R. file, entitled "Preamble and joint resolution for the benefit of the former sheriffs," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House, on said resolution; after some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported that the committee had, according to order, said resolution under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Owen,

Ordered, That the resolution be engrossed and read a third time on to-morrow.

No. 118, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses," was read a second time, and

On motion of Mr Hall,

Ordered, That said bill be engrossed and read a third time on Saturday.

Mr Walworth, on leave, presented the petition of sundry citizens of Cedar county, praying the passage of a law to incorporate a seminary of learning at Antwerp, in said county, which was referred to a select committee, viz: Messrs Walworth, Robertson and Clark.

Mr Hastings, on leave, presented the petition of sundry citizens of Muscatine county, praying for the location of a road from Wyoming to the seat of government of this Territory, which was referred to a select committee composed of the entire delegations from the counties of Louisa, Washington, Muscatine and Johnson.

No. 119, H. R. file, entitled "A bill to incorporate the Tuscarora steam mill company," was read a second time, and

On motion of Mr Rich,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 120, H. R. file, entitled "A memorial to Congress for an appropriation to improve the roads from Iowa City to Prairie Du Chein and

from Du Buque to the county seat of Delaware county," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had according to order said memorial under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Langworthy,

Ordered, That said memorial be engrossed and read a third time on Saturday next.

No. 122, H. R. file, entitled "A bill to amend an act entitled 'An act to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings," was read a second time, and

On motion of Mr Cox,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had according to order said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Bailey,

Ordered, That said bill be referred to a select committee, Messrs Cox, Hall and Summers were appointed said committee.

No. 123, H. R. file, entitled "A bill for the benefit of the sheriff of Des Moines county," was read a second time, and

On motion of Mr English,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Leffler gave notice, that he would on to-morrow or some subsequent day introduce a bill to enable the people of the Territory of Iowa, to locate and establish the permanent seat of government of the Territory, and to provide for the erection of public buildings.

On motion of Mr Summers,

The House adjourned.

Friday Morning, Jan. 3, 1840.

Mr Robertson, in accordance with previous notice, introduced No. 128, H. R. file, entitled "A bill for the relief of certain officers of the county of Scott," which was read a first time.

Mr Churchman, from the committee on territorial affairs, made a report relative to the amount necessary to defray the expenses of the Territory, for the year 1840, which was read, and is as follows :

The committee on Territorial affairs, who were required to ascertain the amount necessary to defray the expenses of this Territory, for the year 1840, ask leave to report :

That they have ascertained from data based upon former expenditures, that the sum of thirty-six thousand five hundred dollars will be required to defray the ordinary expenses of the legislative and judicial system. And that an additional sum of, say seven thousand dollars, will be required to meet the expenses of an extra session in the ensuing summer, should one be held. In addition to this amount, the sum of one thousand dollars will be required to compensate Dr James Davis, for his services as commissioner on the part of the Territory, in making a survey of our southern boundary.

ABSTRACT.

For general expenses of government,	$30,500
Extra session,	7,000
Appropriation to Dr Davis,	1,000
	$44,500

JAMES CHURCHMAN, Chairman of
Com. on Ter. affairs.

On motion of Mr Summers,

Ordered, That said report lie on the table, subject to the order of the House.

Mr Hastings gave notice that he would, on some future day, introduce "A bill to incorporate the Bloomington mill and manufacturing company."

Also, "A bill to amend the law regulating writs of attachment."

Mr Hastings, from the select committee appointed for that purpose, reported No. 129, H. R. file, entitled "A bill to establish a territorial road from Wyoming to Iowa city," which was read a first time.

Mr Rich, from the select committee, to whom was referred No. 5, C. F. entitled "A bill relative to habeas corpus," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Hawkins,

Ordered, That the 44th rule be suspended, and the bill be read a second time now ; the bill was then read a second time.

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Brewer reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Rich,

Ordered, That the further consideration of said bill be indefinitely postponed.

A message from the Council by Mr Wallace, their Secretary:

Mr. Speaker:—The Council have passed with amendments No. 29, H. R. file, "A bill to encourage the destruction of wolves."

No. 86, H. R. file, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county."

In which the concurrence of the House is requested.

Also, without amendment, No. 74, H. R. file, "Resolution relative to compensation to J. G. Edwards."

The Council have receded from their amendments to the 16th section of No. 1, H. R. file, "A bill to provide for the organization of townships" and insist upon their amendments to the 19th section of said bill.

The Council also insist on their amendment to the 1st section of

No. 8, H. R. file, "A bill providing for the appointment and duties of auditor of public accounts," &c.

Also, insist on their amendments to

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," and to their amendments to

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington to Fairfield," and have appointed Messrs Hughes, Inghram and Payne, a committee of conference in relation thereto; and have passed

No. 28, C. F. "A bill for the relief of certain officers in the Territory."

In which the concurrence of the House is requested. And then he withdrew.

Mr Brewer, from the committee on enrollments, reported that the committee did on the 30th day of December, present to the Governor for his approval,

"An act relative to landlords and tenants."

"An act to make valid in law the acts of John C. Mather, done and performed by him as county surveyor of the county of Henry, and Territory of Iowa," and a

"Joint resolution relative to seals," &c.

Also, on the 31st,

"An act to incorporate the Iowa flouring mill and manufacturing company," and

"Memorial relative to the location by the commissioners of Henry county."

Also, on yesterday,

"Resolutions relative to the pay of officers, members," &c.

Mr Myers, from the committee on engrossed bills, reported No.'s 66, 117, 119, 103 and 123, H. R. file, as correctly engrossed.

Mr Coop gave notice, that he would on to-morrow, or some day thereafter, ask leave to introduce "A bill granting a charter to William Warner to erect a mill dam across the Cedar fork of Skunk river, in Henry county."

Mr Walworth, from the select committee appointed for that purpose,

reported No. 130, H. R. file, entitled "A bill to establish a seminary of learning at or near Antwerp, in Cedar county," which was read a first time.

No. 111, H. R. file, entitled "A bill to amend an act entitled 'An act providing for and regulating general elections," was read a third time and passed. Yeas—19. Nays—5.

The yeas and nays being desired by Mr Hastings,

Those who voted in the affirmative, are Messrs Bailey, Churchman, Coop, Cox, English, Fleenor, Hall, Hawkins, Langworthy, Lash, Mintun, Myers, Owen, Patterson, Rich, Ross, Summers, Walworth and Wheeler.

Those who voted in the negative, are Messrs Biggs, Brewer, Hastings, Robertson and Johnston, Speaker.

So the bill passed and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 66, H. R. file, entitled "A bill to incorporate the Bloomington insurance company."

No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways."

No. 114, H. R. file, entitled "A bill to alter the manner of electing the county commissioners of Des Moines county."

No. 119, H. R. file, entitled "A bill to incorporate the Tuscarora steam mill company."

No. 117, H. R. file, entitled "Preamble and joint resolution for the benefit of the former sheriffs."

No. 123, H. R. file, entitled "A bill for the benefit of the sheriff of Des Moines county," were severally read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 4, C. F. entitled "A bill concerning deeds and mortgages and to prevent frauds," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Churchman, reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 116, H. R. file, entitled "A bill to establish a system of common Schools," was read a second time, and

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had according to order said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be considered as engrossed, and read a third time now; the bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Hastings gave notice, that he would on to-morrow or some future day, introduce a bill to remove the temporary seat of government from the City of Burlington to the town of Fort Madison.

Mr Biggs, on leave, presented the petition of sundry citizens of the county of Van Buren, praying for the re location of the seat of justice of said county, which was,

On motion of Mr Biggs,

Referred to a select committee composed of the entire delegation from the counties of Van Buren and Lee.

No. 124, H. R. file, entitled "A bill to punish trespass on school and other lands," was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

Mr Rich moved that the House disagree to the amendments made by the committee to the 4th section.

The motion was lost.

Mr Summers moved to amend the 8th section, by inserting "any sum not exceeding ten dollars."

To which the House agreed.

Mr Summers moved to strike out the 4th section of the bill, which was decided in the negative. Yeas—7. Nays—15.

Mr Summers having desired the yeas and nays,

Those who voted in the affirmative, are Messrs Brewer, Hall, Langworthy, Myers, Owen, Summers and Wheeler.

Those who voted in the negative, are Messrs Bailey, Biggs, Churchman, Coop, Cox, English, Fleenor, Hastings, Hawkins, Lash, Mintun, Patterson, Ross, Walworth and Johnston, Speaker.

The House then agreed to the report of the committee.

On motion of Mr Coop,

Ordered, That said bill be engrossed and read a third time on Monday next.

On motion of Mr Langworthy,

Ordered, That No. 51, H. R. file, "A bill to incorporate the city of Du Buque," be taken from the table and referred to the select committee who reported the same.

On motion, the House adjourned.

Saturday Morning, Jan. 4, 1840.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker—The Council have passed No. 7, C. F. "A memorial to Congress for an appropriation for a military road from Fort Madison, &c."

No. 27, C. F. "A bill to regulate the admission of attorneys."

In which the concurrence of the House is requested.

The Council have passed with amendments, No. 96, H. R. file, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport," in which the concurrence of the House is requested.

The Council have disagreed to the first, and agreed to the second and third amendments of the House, to No. 26, H. R. file, "A bill to locate and establish a territorial road from Fairfield to Wapello, &c."

I herewith present for your signature, No. 11, C. F. "A resolution instructing our delegate to apply for an additional appropriation to defray the expenses of the present session, &c." And then he withdrew.

The Speaker then signed the above resolution.

Mr Churchman, from the select committee, to whom was referred No. 101, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue," reported the same back to the House with amendments, which were read a first time.

Mr Myers, from the committee on engrossed bills, reported No.'s 112, 118, 120, 121 and 124, H. R. file, as correctly engrossed.

Mr Walworth, from the committee on enrollments, reported the following as correctly enrolled,

"An act regulating grocery licenses."

"An act regulating marriages."

"An act to provide for the support of illegitimate children."

"An act to authorize Avery Thomas to keep a ferry across the Mississippi river, opposite Cordova, Illinois."

"An act for the relief of the sheriff of Jackson county."

"An act to provide for the appointment of a librarian, and for other purposes."

The Speaker then signed the above entitled acts.

Mr Biggs, from the select committee to whom was referred the petition of sundry citizens of Van Buren county, praying for the relocation of the seat of justice of said county, reported that in the opinion of the committee, the petitions did not contain a majority of the qualified voters of Van Buren county, which majority they believe necessary in order to grant the prayer of said petitioners.

On motion of Mr Hall,

Ordered, That said report be agreed to, and that the committee be discharged from the further consideration of said petition.

Mr Rich, from the select committee appointed for that purpose, reported No. 131, H. R. file, entitled "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half breed lands in Lee county," which was read a first time.

Mr Bailey moved to reconsider the vote by which No. 5, C. F., entitled "A bill relative to habeas corpus," was indefinitely postponed, to which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be referred to the committee on the judiciary.

No. 29, H. R. file, entitled "A bill to encourage the destruction of wolves," as amended by the council, was taken up and considered, and

On motion,

Ordered, That the House agree to the amendments of the Council.

No. 86, H. R. file, entitled "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," as amended by the Council, was taken up and considered.

Mr Hawkins moved to amend the amendment of the Council by striking out "six" and insert "four;" the motion was lost.

On motion of Mr Hastings,

Ordered, That the House disagree to the amendment of the Council.

No. 1, H. R. file, entitled "A bill to provide for the organization of townships," in which the Council insist upon their amendments to the 19th section of said bill, was taken up and considered.

On motion of Mr Summers,

Ordered, That the House recede from their disagreeing vote.

No. 84, H. R. file, entitled "A bill providing for the appointment and duties of auditor of public accounts," in which the Council insist upon their amendments to the first section of said bill, was taken up and considered, and,

On motion of Mr Summers,

Ordered, That the House recede from their disagreeing vote.

No. 61, H. R. file, entitled "A memorial for the relief of settlers upon school sections," in which the Council insist upon their amendments, was taken up and considered.

Mr Bailey moved that the House recede from their disagreeing vote; which was decided in the negative. Yeas—11. Nays—13.

The yeas and nays being desired by Mr Langworthy,

Those who voted in the affirmative are Messrs, Bailey, Biggs, Brewer, Coop, Hastings, Hawkins, Lash, Myers, Rich, Ross and Summers.

Those who voted in the negative are Messrs Churchman, Cox, English, Fleenor, Hall, Langworthy, Leffler, Mintun, Owen, Patterson, Robertson, Walworth and Johnston, Speaker.

Mr Langworthy moved that the House insist on their disagreement to the amendment of the Council, and that a committee of conference be appointed to confer with the Council relative to the disagreeing vote of the two Houses, which motion was decided in the affirmative. Yeas—16. Nays—8.

The yeas and nays being desired by Mr Churchman,

Those who voted in the affirmative are Messrs Churchman, Cox,

English, Fleenor, Hall, Hawkins, Langworthy, Leffler, Mintun, Owen, Patterson, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative are Messrs Bailey, Biggs, Brewer, Coop, Hastings, Lash, Myers and Rich.

Whereupon, Messrs Churchman, Hall and Owen were appointed said committee of conference.

On motion of Mr Mintun,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 112, H. R. file, entitled "A bill to incorporate the town of Salem," in Henry county.

No. 118, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses."

No. 120, H. R. file, entitled "A memorial to Congress for an appropriation to improve the roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county."

No. 121, H. R. file, "A memorial to Congress for the improvement of the mail road from Davenport to Burlington."

No. 4, C. file, entitled "A bill to prevent frauds," were severally read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 125, H. R. file, entitled "A bill to amend 'An act to incorporate the Iowa mutual fire insurance company,'" was read a second time, and

On motion,

Ordered, That said bill be engrossed, and read a third time on Monday next.

No. 126, H. R. file, entitled "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," was read a second time, and

On motion of Mr Lash,

The House resolved itself into a committee of the whole House on said resolution; after some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had, according to order, said resolution under consideration, and directed him to report the same to the House with an amendment, to which the House agreed. Yeas —13. Nays—9.

The yeas and nays being desired by Mr Hastings, those who voted in the affirmative, are Messrs Bailey, Biggs, Clark, Coop, Cox, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Robertson and Walworth.

Those who voted in the negative, are Messrs Brewer, Churchman, Hall, Hastings, Langworthy, Rich, Summers, Wheeler and Johnston, Speaker.

Mr Ross moved to amend the resolution by inserting in the third line after the word "church" the following "or to Levi Hagar, their legally authorized agent," to which the House agreed.

On motion of Mr Robertson,

Ordered, That said resolution be engrossed and read a third time on Monday next.

No. 127, H. R. file, entitled "A bill to make valid in law, the deed of Si-si-sa-man a minor to John H. Knapp, deceased," was read a second time, and

On motion of Mr Rich,

Ordered, That the bill be engrossed and read a third time on Monday next.

No. 128, H. R. file, entitled "A bill for the relief of certain officers of the county of Scott," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

The bill was ordered to be engrossed and read a third time on Monday next.

On motion of Mr Patterson,

The House adjourned.

Monday Morning, Jan. 6, 1840.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed without amendment, No. 105, H. R. file, "A bill to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States," and have also passed,

No. 23, C. F. "A bill to provide for the election of delegate to Congress, judge of probate, county surveyors, and to amend 'An act regulating general elections in this Territory.'"

Also, with amendments, No. 17, H. R. file, "Memorial to Congress for establishing another land district in this Territory."

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly."

In which the concurrence of the House is requested.

The Council have receded from their amendment to No. 86, H. R. file, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," and insist on their amendment, to

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," and have appointed Messrs Clark, Hepner and Hughes, a committee of conference in relation thereto.

The Council have passed without amendment,

No. 98, H. R. file, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," and have indefinitely postponed,

No. 114, H. R. file, "A bill to alter the manner of electing the commissioners of Des Moines county;" and then he withdrew.

Mr Brewer presented the petition of sundry citizens of Washington county, praying the location of a Territorial road from Mount Pleasant, via the county seat of Washington county, via the forks of Crooked creek to Iowa city.

On motion of Mr Brewer,

Ordered, That said petition be referred to a select committee, composed of the entire delegations from the counties of Louisa and Washington, Henry and Jefferson.

Mr Summers moved the following resolution:

Resolved, That the chief clerk be authorized to employ as many assistants to the enrolling clerk of this House, as he may think necessary.

On motion of Mr Cox,

Ordered, That the resolution do lie on the table subject to the order of the House.

Mr Langworthy, from the select committee, to whom was referred No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque, reported a substitute therefor," which was read a first time.

Mr Robertson, on leave introduced No. 132, H. R. file, entitled "Resolution limiting the amount to be expended by the commissioners authorized to erect the public buildings at Iowa city."

Mr Coop, in accordance with previous notice, introduced No. 133, H. R. file, entitled "A bill to authorize William Warner to erect a dam across Big Cedar, in Henry county."

Mr Bailey, on leave, introduced No. 134, H. R. file, entitled "A bill to amend an act subjecting real and personal estate to execution."

Mr Bailey, on leave, also introduced No. 135, H. R. file, entitled "A bill defining a lawful fence, and providing against trespassing animals," which were severally read a first time.

Mr Wheeler, from the committee on engrossed bills, reported No.'s 125, 126, 127 and 128, H. R. file, as correctly engrossed.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE,
January 3, 1840.

Received of Daniel Brewer, member of the House of Representatives, "An act to authorize Avery Thomas to keep a ferry across the Mississippi river," opposite Cordova, Illinois.

"An act for the relief of the sheriff of Jackson county."

"An act regulating grocery license."

"An act regulating marriages."

"An act to regulate conveyances."

"An act to provide for the support of illegitimate children," and

"An act to provide for the appointment of a librarian, and for other purposes," this day presented for my consideration and approval.

ROBERT LUCAS.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 5, C. file, entitled "A bill relative to habeas corpus," reported the same back to the House with amendments.

No. 7, C. file, entitled "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post road on the Des Moines river."

No. 27, C. file, entitled "A bill to regulate the admission of attorneys," were severally read a first time.

No. 96, H. R. file, entitled "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the honorable William B. Conway, to Davenport," as amended by the Council, was taken up and considered.

On motion of Mr Cox,

Ordered, That the House agree to the amendment of the Council.

No. 26, C. file, entitled "A bill to locate and establish a territorial road from Fairfield to Wapello," &c., in which the Council disagree to the amendments of the House, was taken up and considered, and

On motion of Mr Lash,

Ordered, That the House do recede from their first amendments to said bill.

On motion of Mr Brewer,

Ordered, That two members be added to the committee on enrollments.

Messrs Summers and Langworthy were thereupon added to said committee.

No. 124, H. R. file, entitled "A bill to punish trespass on school and other lands."

No. 125, H. R. file, entitled "A bill to amend an act to incorporate the Iowa mutual fire insurance company."

No. 126, H. R. file, entitled "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 127, H. R. file, entitled "A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp," was read a third time, and pending the question of the passage of the bill, Mr Brewer asked to be excused from voting. The House refused to excuse Mr Brewer.

The question was then put shall the bill pass. Which was decided in the affirmative. Yeas—14. Nays—6.

The yeas and nays being desired by Mr Cox,

Those who voted in the affirmative are Messrs Bailey, Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Patterson, Rich, Robertson, Summers and Wheeler.

Those who voted in the negative are Messrs Biggs, Brewer, Coop, Cox, Ross and Johnston, Speaker.

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

Ordered, That the clerk acquaint the Council therewith.

No. 128, H. R, file, entitled "A bill for the relief of certain officers of the county of Scott," was read a third time, passed and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 28, C. F. entitled "A bill for the relief of certain officers in the Territory," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Wheeler reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

Mr Lash moved to amend by inserting after the word "Territory," in the 3d line of the 1st section, the words "except the counties of Henry and Du Buque." To which the House agreed.

On motion, ordered, that the bill be read a third time on to-morrow.

No. 101, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue,' " was read a second time, and

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported that the committee had according to order, had said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Cox,

Ordered, That said bill be engrossed and read a third time on Wednesday next.

No. 129, H. R. file, entitled "A bill to establish a territorial road from Wyoming to Iowa city," was read a second time, and

On motion of Mr Hastings,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 130, H. R. file, entitled "A bill to establish a seminary of learning at or near Antwerp, in Cedar county," was read a second time, and

On motion of Mr Walworth,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Walworth,

Ordered, That said bill be engrossed and read a third time on Wednesday next.

No. 131, H. R. file, entitled "A bill to authorize Harriet Knapp to sell

and convey the interest of Nathaniel Knapp, deceased, in the half breed lands, in Lee county."

On motion of Mr Rich,

Ordered, That said bill do lie on the table until to-morrow.

On motion, the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 23, C. F. "A bill to provide for the election of delegate to Congress, judge of probate, county surveyors, and to amend 'An act regulating general elections in this territory,'" was read a first time.

No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this territory, as amended by the Council," was taken up and considered, and

On motion, ordered, that the House agree to the amendments of the Council.

No. 109, H. R. file, entitled "A bill to provide for an extra session of the Legislative Assembly," as amended by the Council, was taken up and considered.

Mr Bailey moved to amend the amendment of the Council by striking out the word "September" and insert "October," to which the House agreed.

The House then agreed to the amendments of the Council as amended.

On motion of Mr Leffler,

The House adjourned.

Tuesday Morning, Jan. 7, 1840.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed with amendments.

No. 99, H. R. file, "A bill establishing certain territorial roads therein named," also

No. 110, H. R. file, "A bill for the relief of certain carriers."

In which the concurrence of the House is requested.

The Council have rejected

No. 118, H. R. file, "A bill to further encourage the improvement of the breed of horses."

The Council have also passed with amendments,

No. 69, H. R. file, "Joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

No. 93, H. R. file, "A bill to organize the county of Clinton and establishing the seat of justice thereof."

In which the concurrence of the House is requested.

The Council have passed, without amendment,

No. 117, H. R. file, "Preamble and resolution for the benefit of former sheriffs." And then he withdrew.

Mr Brewer presented the petition of sundry citizens of the counties of Louisa and Washington, praying for the location of a territorial road from Black Hawk via Wapello via Holcomb's Mills on Crooked creek via Brighton to the forks of Skunk river.

On motion of Mr Brewer,

Ordered, That said petition be referred to a select committee to be composed of the entire delegations from the counties of Louisa, Washington, Henry and Jefferson.

On motion of Mr Summers,

Ordered, That the resolution offered by himself on yesterday relative to the employment of additional enrolling clerks be taken from the table. The resolution was taken from the table and adopted.

On motion of Mr Hawkins,

Resolved, (the Council concurring herein,) That the two Houses will meet in the hall of the House of Representatives at the hour of 3 o'clock, P. M. on Saturday next, when by joint ballot they will proceed to the election of a director of the penitentiary to fill the vacancy occasioned by the expiration of the term of office of John Claypole.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to incorporate the Philadelphia mill and manufacturing company."

"An act to amend an act, entitled 'an act to organize the county of Linn, and establish the seat of justice thereof.'"

"An act to encourage the destruction of wolves."

"An act for the limitations of suits on penal statutes and criminal prosecutions."

"An act providing for the appointment and duties of auditor of public accounts, and regulating the duties of territorial treasurer."

"Resolution relative to compensation to J. G. Edwards for printing in pamphlet form the act prescribing the duties of justices of the peace."

"A memorial to Congress for an appropriation to remove the obstructions on the rapids in the Mississippi."

"A memorial for the speedy settlement of the Du Buque land claim."

The Speaker then signed the above entitled acts, and memorials, and resolution.

Mr Hastings, in accordance with previous notice, introduced No. 136, H. R. file, entitled "A bill to incorporate the Bloomington mill and manufacturing company."

Mr Brewer, in accordance with previous notice introduced No. 137, H. R. file, entitled "A bill to amend an act entitled 'an act to establish the boundaries of Louisa county,'" said bills were severally read a first time.

On motion of Mr Bailey,

Ordered, That the resolution offered by Mr Hall, on the 10th of December last, be taken from the table and considered.

The question then recurred on the motion to adopt the resolution, which motion was lost.

Mr Hall gave notice that he would on some subsequent day ask leave to introduce a bill to so amend the election law as to allow the people of Van Buren county, to vote viva voce or ballot.

Mr Hall also gave notice that he would on to-morrow introduce a bill to further encourage the improvement of the breed of horses in Van Buren, Lee, Des Moines, Louisa, Muscatine and Johnson counties.

Mr Leffler, in accordance with previous notice, introduced No. 138, H. R. file, entitled "A bill to enable the people of the territory of Iowa, to locate and establish the seat of government of this territory, and to provide for the erection of public buildings," which was read a first time.

Mr Cox moved that the bill be rejected, and before the question was taken

The following message was received from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed without amendment, No. 127, H. R. file, "A bill to make valid in law the deed of Si-si-sa-man," a minor, to John Knapp, deceased.

No. 125, H. R. file, entitled "A bill to amend 'an act to incorporate the Iowa mutual fire insurance company,'" and have passed with amendments, No. 56, H. R. file, "A bill for the relief of Van Buren county."

No. 123, H. R. file, "A bill for the benefit of the sheriff of Des Moines county."

I herewith present for your signature, No. 12, C. F. "Resolution relative to printing of the laws," &c.

No. 22, C. F. "An act to regulate ferries in certain cases."

No. 24, C. F. "An act to authorize Elijah Buel to keep a ferry." And then he withdrew.

The Speaker signed the above entitled acts and resolution.

The House then resumed the consideration of No. 138, H. R. file, and after debate, the House,

On motion of Mr Lash,

Adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Hastings moved that a call of the House be had, which was ordered.

Whereupon it appeared that Messrs Churchman, Cox and Hall were absent.

The Speaker then directed the Sergeant-at-arms to compel the attendance of the absentees; after a short time,

On motion of Mr Hawkins,

The further call of the House was dispensed with.

The House then again resumed the consideration of the motion to re-

ject No. 138, H. R. file, entitled "A bill to enable the people of the Territory of Iowa, to locate and establish the seat of government of this Territory, and to provide for the erection of public buildings,

And after debate, before the question was taken, the House adjourned.

Wednesday Morning, Jan. 8, 1840.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased."

"An act to amend an act to incorporate the Iowa Mutual Fire Insurance Company."

"An act to enable the citizens of Des Moines county to establish the seat of justice for said county."

"An act to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

"Preamble and resolution for the benefit of former sheriffs."

"Resolution to defray the expenses incurred by the joint committee to attend the remains of the Hon. Wm. B. Conway to Davenport."

"Joint resolutions on the subject of Post Offices."

"A memorial on the subject of an additional land district in the Territory of Iowa."

The Speaker then signed the above entitled acts and resolutions.

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE,
January 7, 1840.

Received of Daniel Brewer, member of the House of Representatives, "A memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom." "Memorial for the speedy settlement of the Du Buque land claim." "A memorial to Congress for an appropriation to remove obstructions in the rapids of the Mississippi." "Resolutions relative to compensation to J. G. Edwards for printing in pamphlet form the act prescribing the duties of justices of the peace." "An act for the limitation of suits on penal statutes and criminal prosecutions." "An act to incorporate the Phiadelphia Mill and Manufacturing company." "An act to encourage the destruction of wolves." "An act providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer," and "An act to amend an

act entitled 'An act to organize the county of Linn and establish the seat of justice thereof.'" this day presented for my consideration and approval.

ROBERT LUCAS.

Mr Coop gave notice, that he would on to-morrow or some day thereafter, ask leave to introduce a bill to authorize Joseph Clinkenbeard to erect and keep a dam across Big Cedar in Jefferson county.

Also a bill to authorize John Troxall to erect and keep a dam across Big Cedar in Jefferson county.

Mr Patterson, in accordance with previous notice, introduced No. 139, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant," which was read a first time.

Mr Langworthy gave notice, that he would on to-morrow or some day thereafter introduce a bill to provide for the annual organization of the House of Representatives.

Mr Wheeler, from the committee on engrossed bills, reported No.'s 101, 129 and 130, H. R. file, as correctly engrossed.

No. 99, H. R. file, entitled "A bill establishing certain territorial roads therein named," as amended by the Council, was taken up and considered.

The House agreed to all the amendments of the Council, with the exception of the 3d, 13th and 14th amendments, to which the House disagreed; and further amended the amendments in the 3d section of said bill, by inserting after the word "grove," in the 6th line of said section, the words "to the county seat of Cedar county."

The House also further amended the amendment of the Council by filling the blank in the 21st section with the name of S. V. Wimple.

No. 110, H. R. file, entitled "A bill for the relief of certain Carriers," as amended by the Council, was taken up and considered,

And, on motion, the amendments of the Council were agreed to.

No. 69, H. R. file, entitled "A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

No. 55, H. R. file, entitled "A bill for the relief of Van Buren county."

No. 123, H. R. file, entitled "A bill for the benefit of the Sheriff of Des Moines county," as amended by the Council, were severally taken up and considered,

And, on motion, the amendments thereto were agreed to.

No. 93, H. R. file, entitled "A bill to organize the county of Clinton and establish the seat of justice thereof," as amended by the Council, was taken up, and the 1st and 2d and 4th amendments agreed to, and the 3d amendment was disagreed to.

No. 28, C. F. entitled "A bill for the relief of certain officers in the Territory," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hastings,

The House resumed the consideration of the motion to reject No. 138,

H. R. file, entitled "A bill to enable the people of the Territory of Iowa, to locate and establish the seat of government of this Territory, and to provide for the erection of public buildings."

And after debate the question was put, Shall the bill be rejected? And was decided in the affirmative. Yeas—15. Nays—10.

The yeas and nays being desired by Mr Walworth,

Those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Cox, Hastings, Langworthy, Mintun, Owen, Patterson, Rich Robertson, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Coop, English Fleenor, Hall, Hawkins, Lash, Leffler, Myers and Ross.

So the bill was rejected.

Mr Leffler asked leave of absence until Monday next for Mr Biggs. Leave was granted.

On motion of Mr Lash,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 101, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue.'"

No. 130, H. R. file, entitled "A bill to establish a seminary of learning at or near Antwerp, in Cedar county."

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 129, H. R. file, entitled "A bill to establish a Territorial road from Wyoming to Iowa city," was read a third time, and

On motion of Mr Hastings,

Ordered, That said bill do lie on the table, subject to the order of the House.

No. 5, C. F. entitled "A bill relative to habeas corpus," was read a second time.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 7, C. F. entitled "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a second time.

On motion of Mr Patterson,

Ordered, That said bill be read a third time on Friday next.

No. 23, C. F. entitled "A bill to provide for the election of delegate to Congress, Judges of Probate, Sheriffs, County Surveyors, and to amend 'An act regulating general elections in this territory,'" was read a second time, and,

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had according to order said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Summers,

Ordered, That said bill be referred to a select committee.

Whereupon, Messrs Summers, Bailey and Rich were appointed said committee.

No. 27, C. F. entitled "A bill to regulate the admission of attorneys," was read a second time, and,

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be read a third time on to-morrow.

Mr Owen gave notice that he would, on some future day, introduce a bill to punish offences against morality.

On motion, the House adjourned.

Thursday Morning, Jan. 9, 1840.

Mr Lash presented the petition of sundry citizens of Henry county, praying that Adam Ritchie may be authorized to build a dam across Crooked creek, which was laid on the table subject to the order of the House.

Mr Hastings presented the petition of sundry citizens of Washington county, praying the location of a road from English river via Cooper's ford, thence to Point Comfort, thence to Bloomington, in Muscatine county; said petition was referred to a select committee, composed of the entire delegation from the counties of Muscatine and Johnson, Louisa and Washington.

Mr English moved the following resolution:

Resolved, That the public printer be instructed to print one hundred copies of the road laws in pamphlet form, for the use of the supervisors of the roads of this Territory. And it shall be the duty of the clerk of each board of county commissioners in this Territory, to receive the same and distribute them among the various supervisors in his county.

On motion of Mr Hastings,

The resolution was laid upon the table subject to the order of the House.

Mr Rich gave notice that he would, on to-morrow, ask leave to introduce a bill to authorize Robert E. Mott to keep a ferry across the Des Moines river at the Round mound, in Lee county.

Mr Summers, from the committee on township and county boundaries, reported No. 140, H. R. file, entitled "A bill to enlarge the county of Scott," which was read a first time.

Mr Hastings moved that the House reject the bill, which was decided in the affirmative. Yeas—11. Nays—9.

The yeas and nays being desired by Mr Summers, those who voted in the affirmative, are Messrs Bailey, Clark, Fleenor, Hastings, Hawkins, Lash, Leffler, Myers, Ross, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Coop, English, Langworthy, Owen, Patterson, Robertson, Summers and Wheeler. So the bill was rejected.

Mr Coop, in accordance with previous notice, introduced No. 141, H. R. file, entitled "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county."

Also, No. 142, H. R. file, entitled "A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county."

Mr Langworthy, in accordance with previous notice, introduced No. 143, H. R. file, entitled "A bill to provide for the annual organization of the House of Representatives."

Mr Owen, in accordance with previous notice, introduced No. 144, H. R. file, entitled "A bill to punish offences against morality."

Said bills were severally read a first time.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled, "An act to provide for the organization of townships."

"A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque."

Mr Bailey, on leave, presented the petition of sundry citizens of the town of Rising Sun, in Van Buren county, praying that the name of said town may be altered to that of Urbana.

On motion of Mr Bailey,

The petition was referred to a select committee, viz: Messrs Bailey, Coop and English.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 15, C. F. "Resolution requesting the appointment of a resident engineer."

Also, with amendments, No. 41, H. R. file, "A memorial to the President of the United States, for the postponement of the land sales in the Burlington land district."

No. 112, H. R. file, "A bill to incorporate the town of Salem, in Henry county."

In which the concurrence of the House is requested.

The Council have concurred in the amendment made by the House to amendment of Council to

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly."

I herewith return the following acts, resolutions and memorials, the same being signed by the President of the Council.

"An act to amend an act to incorporate the Iowa mutual fire insurance company."

"An act to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased."

"An act to enable the citizens of Des Moines county to establish the seat of justice for said county."

"An act to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

"Memorial on the subject of an additional Land District in the Territory of Iowa."

"A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport."

"Preamble and resolutions for the benefit of former sheriffs."

"Joint resolution on the subject of Post Offices."

I herewith present for your signature "An act to locate and establish a Territorial road from Fairfield to Wapello," &c.

And then he withdrew.

The Speaker then signed the above entitled act.

No. 27, C. F. entitled "A bill to regulate the admission of Attorneys," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 131, H. R. file, entitled "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half Breed lands in Lee county," was read a second time, and

On motion of Mr Rich,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Brewer, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 132, H. R. file, entitled "Joint resolution relative to the Public Buildings at Iowa city," was read a second time, and

On motion of Mr Robertson,

Ordered, That said resolution do lie on the table, subject to the order of the House.

No. 133, H. R. file, entitled "A bill to authorize William Warner to

erect a dam across Big Cedar in Henry county," was read a second time, and

On motion of Mr Coop,

Was ordered to be engrossed, and read a third time on to-morrow.

No. 134, H. R. file, entitled "A bill to amend an act subjecting real and personal estate to execution," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Brewer,

Ordered, That the word "feather" be inserted before the word "bed" in the 8th line of the 1st section.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Hastings, from the select committee appointed for that purpose, introduced No. 145, H. R. file, entitled "A bill to establish a Territorial road from Bloomington, by Point Comfort, to the western line of Washington county." Which was read a first time.

No. 135, H. R. file, entitled "A bill defining a lawful fence and providing against trespassing animals," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Rich,

Ordered, That the committee on Public Buildings, be instructed to report a bill to define the powers and duties of the acting commissioner of public works at Iowa city, and to limit the amount of money to be expended.

On motion of Mr Lash,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

The House resumed the consideration of No. 135, H. R. file, entitled "A bill defining a lawful fence, and providing against trespassing animals."

On motion of Mr Bailey,

Ordered, That said bill do lie on the table subject to the order of the House.

No. 136, H. R. file, entitled "A bill to incorporate the Bloomington mill and manufacturing company," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Hastings,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE,
Jan. 9th, 1840.

Received of Daniel Brewer, member of the House of Representatives, "An act to amend an act to incorporate the Iowa mutual fire insurance company."

"An act to make valid in law the deed of Si-si-sa-man a minor to John H. Knapp, deceased."

"An act to enable the citizens of Des Moines county to establish the seat of justice for said county."

"An act to authorize the arrest and detention of fugitives from justice, from other states and territories of the United States."

"A preamble and resolution for the benefit of the former sheriffs."

"A joint resolution on the subject of post offices."

"A memorial on the subject of an additional land district in the Territory of Iowa."

"A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway, to Davenport—this day presented for my consideration and approval.

ROBERT LUCAS.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 6, C. file, "Memorial to Congress for appropriations, to be expended in building bridges and improving roads on the mail routes in this Territory."

No. 14, C. file, "Resolution relative to the taking of the census."

No. 29, C. file, "A bill to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county."

No. 30, C. file, "A bill relative to the authentication of statutes, without the approval of the Governor, and for other purposes."

No. 31, C. file, "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved, January 24, 1839.

No. 33, C. file, "A bill to amend the 'Act providing for the appointment of justices of the peace,'" approved, January 21, 1839.

In which the concurrence of the House is requested.

The Council have receded from their amendment to the 5th section of No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof."

The Council have passed without ameudment,

No. 120, H. R. file, "A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie Du Chien, and from Du Buque to the county seat of Delaware county."

No. 126, H. R. file, "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly."

The Council have agreed to the amendments of the House to No. 28, C. F. "A bill for the relief of certain officers in the Territory."

The Council have agreed to the first and second amendments of the House to amendments of Council to No. 99, H. R. file, "A bill establishing certain territorial roads therein named,"

And have receded from their amendments, viz: the striking out of the seventh section of said bill, and insist upon their amendments to the nineteenth and twenty-second sections, and have appointed Messrs Clark and Hepner a committee of conference in relation to the disagreement of the two Houses to amendments of the Council to the said twenty-second section.

The Council have passed with amendments, No. 82, H. R. file, "A bill to establish a territorial road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk," also without amendment No. 66, H. R. file, "A bill to incorporate the Bloomington insurance company." No. 119, H. R. file, "A bill to incorporate the Tuscarora steam mill company." And then he withdrew.

No. 137, H. R. file, entitled "A bill to amend an act entitled 'An act to establish the boundaries of Louisa county,' " approved, January 12, 1839, was read a second time, and

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Myers, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr English,

Ordered, That all after the enacting clause of said bill be stricken out.

Mr Hastings moved that the enacting clause of said bill be referred to the committee on township and county boundaries, which motion was lost.

On motion of Mr Fleenor,

Ordered, That the further consideration of the enacting clause of said bill be indefinitely postponed.

On motion of Mr Bailey,

Ordered, That No. 135, H. R. file, entitled "A bill defining a lawful fence, and providing against trespassing animals," be taken from the table and considered.

Mr Brewer moved the following as an additional section to said bill:

Sec. 5. That in all cases where there are no fence viewers it shall be competent for party or parties aggrieved by any trespass as aforesaid to make application to some justice of the peace in the vicinity who shall thereupon appoint two discreet persons to act as fence viewers in that particular case, and the persons so appointed shall take and subscribe an oath before such justice for the faithful discharge of their duties, and their

proceedings thereafter had in such case, shall be in all respects the same as fence viewers in other cases.

To which the House agreed.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque," was read a second time, and

On motion of Mr Langworthy,

Ordered, That the 44th rule be suspended, and that the bill be considered as engrossed, and read a third time now.

The bill was read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 15, C. file, entitled "Resolution requesting the appointment of a resident engineer," was read a first time.

No. 41, H. R. file, entitled "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," as amended by the Council, was taken up and considered.

Mr Owen moved that the House agree to the amendments of the Council; the motion was lost.

The House then, on motion, disagreed to the amendments of the Council.

No. 112, H. R. file, entitled "A bill to incorporate the town of Salem, in Henry county," as amended by the Council, was taken up, and

On motion of Mr Lash,

Ordered, That the amendments of the Council be agreed to.

No. 6, C. file, "Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory."

No. 14, C. file, "Resolution relative to the taking of the census."

No. 29, C. file, "A bill to authorize Adam Ritchie to erect a dam across Crooked Creek, in Henry county."

No. 30, C. file, "A bill relative to the authentication of statutes without the approval of the governor, and for other purposes."

No. 31, C. file, "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved January 24, 1839.

No. 33, C. file, "A bill to amend the 'Act providing for the appointment of justices of the peace,'" &c., approved January 21, 1839, were severally read a first time.

On motion of Mr Lash,

Ordered, That the 44th rule of the House be suspended and that No. 29, C. F. "A bill to authorize Adam Ritchie to erect a dam across Crooked Creek in Henry county," be read a second and third time now.

Said bill was then read a second and third time, passed, and the title agreed to.

No. 82, H. R. file, entitled "A bill to establish a Territorial road from Burlington via Loyd's ford and Fort Madison, to the town of Keokuk," as amended by the Council, was taken up and considered, and

On motion, Ordered that the House agree to the amendments of the Council.

Mr Summers, from the select committee to whom was referred No. 23, C. file, reported the same back to the House without amendment.

Mr Hastings, from the committee on the judiciary, reported No. 146, H. R. file, entitled "A bill to repeal 'An act respecting seals.'" Said bills were severally read a first time.

On motion of Mr Summers,

Ordered, That the House insist upon their disagreeing vote to amendments made by the Council to No. 99, H. R. file, entitled "A bill establishing certain territorial roads," and that a committee of conference be appointed to confer with the Council in relation to the disagreeing vote of the two houses.

Messrs Summers and Brewer were appointed said committee.

On motion of Mr Summers,

The House adjourned.

Friday Morning, Jan. 10, 1840.

Mr Patterson presented the petition of sundry citizens of the county of Lee, praying for the re-location of the seat of justice of said county.

On motion of Mr Patterson,

Ordered, That said petition be referred to a select committee, composed of the entire delegation from the county of Lee, and that they be instructed to report by bill or otherwise.

Mr Summers, from the committee of conference, appointed on the part of the House, to confer with a similar committee of the Council, in relation to the disagreeing vote of the two Houses, to

No. 99, H. R. file, entitled "A bill establishing certain territorial roads therein named," reported that the committee had performed the duty assigned them, and directed him to report that the committee have agreed that the House should recede from their disagreeing vote.

On motion of Mr Summers,

Ordered, That the report be agreed to.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act for the benefit of the sheriff of Des Moines county."

"An act to organize the county of Clinton and establish the seat of justice thereof."

The Speaker then signed the above entitled acts.

Mr Hall, on leave, introduced No. 147, H. R. file, entitled "Joint resolution relative to a post route."

Mr Hall, in accordance with previous notice, introduced No. 148, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses in certain counties in this Territory."

Mr Patterson, from the committee on expenditures, reported

No. 149, H. R. file, entitled "A bill allowing and confirming the compensation of the Printers, and other expenses of the last session of the Legislative Assembly."

Said bills were severally read a first time.

Mr Hastings, on leave, introduced No. 150, H. R. file, entitled "A resolution instructing our delegate in Congress to procure an appropriation to defray the expenses incurred by reason of the late difficulties with the State of Missouri," which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and the resolution be read a second time now. The resolution was then read a second time, and

On motion of Mr Hastings,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

Mr Wheeler, from the committee on engrossed bills, reported as correctly engrossed, No. 131, H. R. file, entitled "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the half breed lands, in Lee county."

No. 133, H. R. file, entitled "A bill to authorize William Warner to erect a dam across Big Cedar, in Henry county."

No. 134, H. R. file, entitled "A bill to amend an act subjecting real and personal estate to execution."

No. 135, H. R. file, entitled "A bill defining a lawful fence, and providing against trespassing animals."

No. 136, H. R. file, entitled "A bill to incorporate the Bloomington mill and manufacturing company."

Said bills were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich, in accordance with previous notice, introduced No. 151, H. R. file, entitled "A bill to authorize Robert E. Mott to keep a ferry across the Des Moines river at the Round mound, in Lee county, which was read a first time.

Mr Bailey, from the select committee to whom was referred the petition of sundry citizens of the town of Rising Sun, in Van Buren county, praying that the name of said town may be changed to that of Urbana, reported that the committee had arrived at the conclusion that, to grant the prayer of the petitioners under the present circumstances, would operate to their disadvantage.

To which the House agreed.

And, on motion, ordered, that the committee be discharged from the further consideration of the said petition.

On motion of Mr Langworthy,

No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein named," was taken from the table,

And, on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair. and Mr English, reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Summers,

Ordered, That the word "twenty," in the 4th line of the 1st section be stricken out, and the word "ten" be inserted.

On motion of Mr Langworthy,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 7, C. F. entitled "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 6, C. F. entitled "A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had, according to order, said memorial under consideration and directed him to report the same to the House with amendments.

To which the House agreed.

Mr Churchman moved that the last paragraph of said memorial be stricken out. The motion was lost.

On motion of Mr Summers,

Ordered, That the 44th rule of the House be suspended, and that the memorial be read a third time now.

The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 14, C. F. entitled "Joint resolution relative to the taking of the census," was read a second time, and on motion,

The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had according to order said resolution under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended and the resolution be read a third time now.

The resolution was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Bailey,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 15, C. file, entitled "Resolution requesting the appointment of a resident engineer," was read a second time.

Mr Summers moved that the resolution do lie on the table until the 2d Monday in July next. The motion was lost.

On motion of Mr Rich,

Ordered, That said resolution be read a third time on to-morrow.

No. 23, C. F. entitled "A bill to provide for the election of delegate to Congress, Judges of Probate, &c." was read a second time, and,

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed,

Mr Hawkins moved the following as an amendment to the 4th section:

"Provided, That in any county in this Territory where the sheriff is appointed and commissioned by the Governor under the organic law, he shall hold his office until the expiration of said term."

Which motion was lost. Yeas—8. Nays—10.

The yeas and nays being desired by Mr Patterson,

Those who voted in the affirmative, are Messrs Hawkins, Lash, Leffler, Myers, Rich, Robertson, Ross and Summers.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark, Coop, English, Fleenor, Owen, Patterson, Wheeler and Johnston, Speaker.

On motion, ordered, that the 44th rule be suspended, and that said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich asked leave of absence until to-morrow for Mr Hastings. Leave was granted.

No. 30, C. file, entitled "A bill relative to the authentication of statutes, without the approval of the Governor," was read a second time, and on motion,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Wheeler reported, that the committee had, according to order,

said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 31, C. F. entitled "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved January 24, 1839, was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

Mr Owen moved that all after the word "as" in the ninth line of the seventh section be stricken out, and the following be substituted therefor: "soon as he may have as much as one hundred dollars in money so collected." The motion was lost.

On motion, the bill was ordered to be read a third time to-morrow.

No. 33, C. F. entitled "A bill to amend an act providing for the appointment of justices of the peace," approved January 21, 1839, was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Hastings,

The following was inserted in the last line of the fourth section after the word "precinct" to wit: "and three in the Bloomington precinct, and three in the Iowa City precinct."

Mr English moved to strike out of the fourteenth section the words "one dollar" and insert "fifty cents" strike out "fifty" and insert "twenty-five."

To which the House agreed.

On motion of Mr Summers,

Ordered, That the forty-fourth rule of the House be suspended and that the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hall,

The "Resolution relative to the printing of the journals of the House of Representatives of the present session," was taken from the table and considered.

On motion of Mr Summers,

The first blank in said resolution was filled with the words "three hundred."

On motion of Mr Summers,

A call of the House was ordered, and the roll being called, the following named members did not answer to their names, viz: Messrs Cox and Langworthy.

On motion of Mr Hall,

Ordered, That Mr Cox be excused from attending the House.

The Speaker then despatched the sergeant-at-arms to compel the attendance of the absentee.

Mr Wheeler moved that the House do now adjourn, which was decided in the negative. Yeas—6. Nays—17.

The yeas and nays being desired by Mr Patterson. Those who voted in the affirmative, are Messrs Churchman, Clark, Hastings, Summers, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hall, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross and Walworth.

Mr Langworthy having appeared,

Mr Hastings moved that the resolution do lie on the table until Thursday next, which motion was lost. Yeas—8. Nays—16.

The yeas and nays having been desired by Mr Hawkins, those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Hastings, Langworthy, Mintun, Summers and Wheeler.

Those who voted in the negative, are Messrs Bailey, Coop, English, Fleenor, Hall, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Walworth and Johnston, Speaker.

Mr English moved to strike out the name of John B. Russell, and insert that of James G. Edwards, which was decided in the affirmative. Yeas—18. Nays—6.

Those who voted in the affirmative, are Messrs Bailey, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross and Walworth.

Those who voted in the negative, are Messrs Brewer, Churchman, Langworthy, Summers, Wheeler and Johnston, Speaker.

So the amendment was agreed to.

On motion of Mr Hawkins,

Ordered, That the word "Du Buque" be stricken out and the word "Burlington" be inserted, and that the word "four" be stricken out and the word "three" inserted.

The question then recurred on the adoption of the resolution, as amended, which is as follows:

Resolved, That James G. Edwards, of Burlingtom, be and he is hereby authorized to print three hundred copies of the journals of this House, in pamphlet form, and have the same ready for delivery within three months from the close of this session, and that he comply in all respects with the provisions of the joint resolution relative to printing the laws, which was decided in the affirmative. Yeas—22. Nays—2.

The yeas and nays being desired by Mr Walworth; those who voted in the affirmative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler,

Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Walworth and Wheeler.

Those who voted in the negative, are Messrs Summers and Johnston, Speaker.

On motion of Mr Coop,

The House adjourned.

Saturday Morning, Jan. 11, 1840.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have concurred in all the amendments to No. 6, C. file, "Memorial to Congress for an appropriation to be expended in building bridges and improving roads on the mail routes in this territory;" also, No. 14, C. file, "Resolution relative to taking the census," and have passed without amendment, No. 130, H. R. file, "A bill to establish a seminary of learning at or near Antwerp, in Cedar county.

The Council insist upon their amendments to No. 41, H. R. file, "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," and have passed, with amendments, No. 35, H. R. file, "A bill to provide for the execution of title deeds to lots in Iowa City, and for other purposes," in which the concurrence of the House is requested.

I herewith return "An act to organize the county of Clinton, and establish the seat of justice thereof," and "An act for the benefit of the sheriff of Des Moines county," the same being signed by the President of the Council. And then he withdrew.

Mr Coop presented the petition of sundry citizens of the county of Jefferson, praying for the re-location of a portion of the territorial road from Burlington to the Indian agency, which was,

On motion of Mr Coop,

Referred to a select committee, viz: Messrs Coop, English, and Myers.

Mr. Summers presented the claim of John G. M'Donald, which was,

On motion of Mr Summers,

Referred to the committee on expenditures.

Mr Mintun introduced No. 152, H. R. file, entitled "Resolution relative to the appointment of a committee on the part of the legislative assembly to examine and report upon the state of the public works at Iowa city, and Fort Madison.

Mr Patterson, from the select committee appointed for that purpose, reported No. 153, H. R. file, entitled "A bill to relocate the county seat of Lee county."

Mr Hastings, on leave, introduced No. 154, H. R. file, entitled "A resolution to provide for printing the reports of the decisions of the supreme court."

Mr Walworth from the committee on enrollments reported the following:

EXECUTIVE DEPARTMENT,
January 10, 1840.

Received from Mr Walworth, member of the House of Representatives, "An act to provide for the organization of townships." Also, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," filed for consideration and approval.

ROBERT LUCAS.

Mr Walworth, from the committee on public buildings, reported No. 155, H. R. file, entitled "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city;" said resolutions and bills were severally read a first time.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled "An act for the relief of certain carriers."

"An act for the relief of Van Buren county."

"An act to provide for an extra session of the legislative assembly."

"An act to incorporate the Bloomington insurance company."

"An act to incorporate the Tuscarora steam mill company."

"A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county."

"A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

"A resolution providing for the payment of the rent of the building occupied by the legislative assembly."

The Speaker then signed the above entitled acts and resolutions.

Mr Wheeler, from the committee on engrossed bills, reported Nos. 113 and 150, H. R. file, as correctly engrossed.

No. 15, C. F. entitled "Resolution requesting the appointment of a resident engineer."

No. 30, C. F. entitled, "A bill relative to the authentication of statutes without the approval of the governor, and for other purposes."

No. 31, C. F. entitled "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved January 24, 1839.

No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein mentioned."

No. 150, H. R. file, entitled "A resolution instructing our delegate in Congress to procure an appropriation to defray the expenses incurred by reason of the late difficulties with the state of Missouri," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 139, H. R. file, "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant," was read a second time.

On motion of Mr Patterson,

Ordered, That said memorial be engrossed and read a third time on Monday next.

No. 141, H. R. file, entitled "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county," was read a second time, and

On motion of Mr Coop,

Ordered, That the bill be engrossed and read a third time on Monday next.

Also, No. 142, H. R. file, entitled "A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Clark reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Coop,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 143, H. R. file, entitled "A bill to provide for the annual organization of the House of Representatives," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor reported the same to the House with amendments.

On motion of Mr Bailey,

Ordered, That the word "annual" be inserted after the word "succeeding" in the fourth line of the first section.

On motion of Mr Hawkins,

Ordered, That the following be inserted after the word "clerk" in the third section: "or if he should not be present, then some member or other person appointed by the members present."

On motion of Mr Langworthy,

Ordered, That said bill be engrossed and read a third time on Monday next.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 16, C. file, "Joint resolution relative to compensation to Webber & Remey."

No. 17, C. F. "Joint resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this territory by the people.

No. 18, C. F. "Resolution relative to pay for carrying extra mail."

No. 34, C. F. "A bill to repeal the acts therein mentioned."

In which the concurrence of the House is requested.

The Council have passed without amendment,

No. 133, H. R. file, "A bill to authorize William Warner to erect a dam across Big Cedar, in Henry county."

No. 136, H. R. file, "A bill to incorporate the Bloomington mill and manufacturing company," and have disagreed to the amendment of the House to

No. 23, C. F. "A bill to provide for the election of delegate to Congress," &c.

And then he withdrew.

No. 144, H. R. file, "A bill to punish offences against morality," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments.

Mr Patterson moved that the House disagree to the amendment made to the first section. The motion was decided in the affirmative.

Mr Lash moved that the House disagree to the striking out of the third section. The motion was lost.

On motion of Mr Hall,

Ordered, That said bill be referred to a select committee. Messrs Hall, Owen and Lash were appointed said committee.

On motion of Mr Summers,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 145, H. R. file, entitled "A bill to establish a territorial road from Bloomington by Point Comfort to the western line of Washington county," was read a second time, and

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr English reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE,
January 11, 1840.

Received of Daniel Brewer, member of the House of Representatives, "An act for the benefit of the sheriff of Des Moines county," and "An

act to organize the county of Clinton and establish the seat of justice thereof." This day presented for my consideration and approval.

ROBERT LUCAS.

No. 146, H. R. file, entitled "A bill to repeal an act respecting seals," was read a second time, and

On motion of Mr Rich,

Ordered, That said bill do lie on the table subject to the order of the House.

No. 147, H. R. file, entitled "A joint resolution relative to a post route," was read a second time, and

On motion of Mr Summers,

Ordered, That said resolution be engrossed and read a third time on Monday next.

No. 148, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses in the counties herein named," was read a second time, and

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

No. 149, H. R. file, entitled, "A bill allowing and confirming the compensation of printers of the last Legislative Assembly and for other purposes," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have agreed to the "Resolution of the House fixing the time and place for the election of a director of the penitentiary." And then he withdrew.

No. 41, H. R. file, entitled "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," in which the Council insist upon their amendments, was taken up and considered.

On motion of Mr English,

Ordered, That the House do recede from their disagreeing vote.

On motion of Mr Summers,

The House reconsidered the last vote.

The question then recurred on the motion to recede from the disagreeing vote, which motion was lost.

On motion of Mr Summers,

Ordered, That the House do insist upon their disagreeing vote to th

amendments of the Council, and that a committee of conference be appointed.

Messrs Summers, Bailey and Lash were appointed said committee.

Mr Leffler, from the committee of conference appointed on the part of the House to confer with the Council in relation to the disagreeing vote of the two houses to No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," reported that the committee had agreed to the amendment of the Council. The report of the committee was agreed to.

No. 35, H. R. file, entitled "A bill to provide for the execution of title deeds to lots in Iowa city, and for other purposes," as amended by the Council, was taken up and considered, and

On motion, the House agreed to the amendments of the Council.

On motion of Mr Hawkins,

Ordered, That a committee of two be appointed to inform the Council that the hall of the House of Representatives is now in readiness for their reception for the purpose of going into the election of a director of the penitentiary agreeably to the resolution adopted heretofore on the subject.

Whereupon, Messrs Hawkins and Hastings were appointed said committee.

The committee, after being absent a short time, reported that they had performed the duty assigned them.

Whereupon, the members of the Council having appeared, the two Houses,

On motion of Mr Bailey,

Proceeded to elect by joint ballot one director of the penitentiary at Fort Madison, in the place of John Claypole, whose term of service had expired.

On motion of Mr Hughes,

Mr Lewis, of the Council, and Mr Patterson, of the House of Representatives, were appointed tellers.

Mr Browne nominated John Claypole; upon counting the ballots, it appeared that John Claypole had received 31 votes.

J. G. Edwards	"	"	2	"
J. H. Randolph	"	"	1	"

Whereupon, John Claypole was declared by the Speaker duly elected a director of the penitentiary for the term of three years.

The gentlemen of the Council then retired.

Mr Leffler gave notice that he would on some day hereafter, introduce a bill to alter and amend an act entitled "An act subjecting real and personal estate to execution."

Mr Churchman moved to reconsider the vote of yesterday on the resolution providing for the printing of the Journal of the House of the present session. The motion was lost.

Mr Bailey being in the chair officiating as Speaker, Mr Leffler moved the following resolution, which was unanimously adopted:

Resolved, That the Speaker of this House be allowed the sum of three dollars extra per day, for his services during the present session of the Legislative Assembly.

No. 17, C. file, entitled "Joint resolutions requesting our delegate to Congress to obtain the passage of a law relative to the election of governor of this Territory by the people," was read a first time, and

On motion of Mr Rich,

The forty-fourth rule was suspended, and the resolution was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 16, C. file, entitled "Joint resolution relative to compensation to Webber and Remey."

No. 18, C. file, entitled "Resolution relating to the pay for carrying extra mail."

No. 34, C. file, "A bill to repeal the acts therein mentioned," were severally read a first time.

No. 23, C. file, "A bill to provide for the election of delegate to Congress, judges of probate, sheriffs, county surveyors, and to amend 'An act regulating general elections in this Territory,'" in which the Council disagree to the amendments of the House, was taken up and considered.

On motion of Mr Summers,

Ordered, That the House insist upon their amendments thereto.

On motion of Mr English,

The House adjourned.

Monday Morning, Jan. 13, 1840.

Mr Summers, on leave, introduced No. 156, H. R. file, entitled "Joint resolution requesting our delegate in Congress to obtain an appropriation to defray the expenses of the extra session of the Legislative Assembly in July next," which was read a first time.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 47 and 54, H. R. file, reported the same back to the House without amendment.

On motion of Mr Hastings,

Ordered, That the further consideration of said bills be indefinitely postponed.

Mr Patterson, from the committee on expenditures, reported No. 157, H. R. file, "A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly, and for other purposes."

Mr Hastings, in accordance with previous notice, reported No. 158, H. R. file, entitled "A bill to repeal a part of 'an act allowing and regulating writs of attachment.'"

Said bills were severally read a first time.
Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE,
January 11, 1840.

Received of Daniel Brewer, member of the House of Representatives:
"An act to incorporate the Tuscarora steam mill company."
"An act for the relief of certain carriers."
"An act to incorporate the Bloomington insurance company."
"An act for the relief of Van Buren county."
"An act to provide for an extra session of the Legislative Assembly."
"A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie Du Chien, and from Du Buque to the county seat of Delaware county."
"Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly."
"A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road," this day presented for my consideration and approval.

ROBERT LUCAS.

Mr Wheeler, from the committee on engrossed bills, reported as correctly engrossed, No. 139, H. R. file, "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant."
No. 141, H. R. file, "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county."
No. 143, H. R. file, "A bill to provide for the annual organization of the House of Representatives."
No. 142, H. R. file, "A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county."
No. 145, H. R. file, "A bill to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county."
No. 147, H. R. file, "Joint resolution relative to a post route."
The said memorials, bills, and joint resolution were severally read a third time and passed.
Ordered, That the clerk acquaint the Council therewith.
Mr Churchman, from the committee of conference appointed to confer with a similar committee on the part of the Council, relative to the disagreeing vote of the two houses on No. 61, H. R. file, "A memorial for the relief of settlers on school sections, reported that the committee could not agree, and asked that the committee be discharged from any further consideration of the subject; the committee were discharged.
A message from the Council, by Mr Wallace, their secretary:
Mr Speaker:—The Council have passed without amendment, No. 73, H. R. file, "A bill to relocate the county seat of Clayton county," and have disagreed by unanimous vote to the amendment of the House to No. 30, C. F. "A bill relative to the authentication of statutes without the approval of the governor, &c."

I herewith present for your signature, "An act to regulate the admission of attorneys;" and then he withdrew.

The Speaker then signed the above entitled act.

No. 16, C. F. entitled "Joint resolution relative to compensation to Webber & Remey," was read a second time.

Mr Hastings moved that the resolution be read a third time on to-morrow, which was decided in the affirmative. Yeas—15. Nays—7.

The yeas and nays being desired by Mr Lash, those who voted in the affirmative, are Messrs Bailey, Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Rich, Ross, Summers and Walworth.

Those who voted in the negative, are Messrs Brewer, Coop, English, Fleenor, Lash, Patterson and Johnston, Speaker.

No. 18, C. F. entitled "Resolution relative to pay for carrying extra mail," was read a second time, and

On motion of Mr Summers,

The 44th rule of the House was suspended, and the resolution was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 34, C. F. entitled "A bill to repeal the acts therein named," was read a second time.

Mr Hastings moved to amend the bill by adding as an additional section,

Sec. 13. "That all that part of an act regulating the issuing of writs of *ne exeat* and injunction," approved Jan. 25, 1839, which relates to the issuing of writs of *ne exeat* is hereby repealed."

To which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be read a third time on to-morrow.

No. 151, H. R. file, entitled "A bill to authorize Robert E. Mott to keep a ferry across the Des Moines river at the Round mound, in Lee county," was read a second time.

On motion of Mr Rich,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now.

The bill was read a third time and passed. Yeas—18. Nays—5.

The yeas and nays being desired by Mr Bailey,

Those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Coop, English, Fleenor, and Lash. So the bill passed.

Ordered, That the clerk acquaint the Council therewith.

No. 153, H. R. file, entitled "A bill to relocate the county seat of Lee county," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Langworthy reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House with amendments.

To which the House agreed.

On motion of Mr Owen,

Ordered, That said bill do lie on the table and be made the order of the day for to-morrow.

No. 154, H. R. file, entitled "A resolution to provide for printing the reports of the decisions of the supreme court," was read a second time, and

On motion of Mr Hastings,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 30, C. F. entitled, "A bill relative to the authentication of statutes without the approval of the governor, and for other purposes," in which the Council disagree to the amendments of the House, was taken up and considered.

On motion of Mr Summers,

Ordered, That the House do recede from their amendments.

Mr Walworth, in accordance with previous notice, reported No. 159, H. R. file, entitled "A bill to locate the seat of justice of Jones county."

Mr Coop, from the select committee appointed for that purpose, reported No. 160, H. R. file, entitled "A memorial to the President of the United States, praying the appointment of Alfred Hebard as engineer to relocate a part of the territorial road from Burlington to the Indian Agency;" said bill and memorial were severally read a first time.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and that

No. 157, H. R. file, "A bill to provide for the compensation of the printers, members and officers of the legislative assembly, and for other purposes," be taken up and read a second time now.

The bill was then read a second time, and on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

On motion of Mr Hastings,

Ordered, That the bill be referred to a select committee; Messrs Hastings, Hawkins and Bailey were appointed said committee.

Mr Summers presented the claim of George W. Hight, which was referred to the said select committee.

On motion, the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:--The Council have passed No. 43, C. F. "A bill to authorize William Ingersoll to build a dam across Skunk river, in Jefferson."

No. 44, C. F. "A bill amendatory to an act subjecting real and personal estate to execution," approved January 25, 1839.

No. 45, C. F. "A bill to establish a ferry across the Mississippi river;" in which the concurrence of the House is requested.

And then he withdrew.

The above mentioned bills were then taken up, and severally read a first time.

On motion of Mr Leffler,

Ordered, That one thousand copies of the report of Dr James Davis, in relation to the southern boundary of Iowa, be printed for the use of the members of this House.

Mr Patterson moved the following resolution:

Resolved, unanimously, That Joseph T. Fales is entitled to the thanks of this House for the able and efficient manner in which he has discharged the duties of chief clerk thereof during the present session.

The resolution was adopted.

Mr Hastings, from the select committee to whom was referred No. 157, entitled "A bill to provide for the compensation of printers, members and officers of the legislative assembly and for other purposes," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Hawkins,

Ordered, That the forty-fourth rule be suspended, and that the bill be read a second time now.

The bill was then read a second time, and

On motion of Mr Hall,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

Mr Hall moved to strike out that part of the bill allowing compensation to the private secretary of the Governor.

Which was decided in the negative. Yeas—5. Nays--19.

Those who voted in the affirmative, are Messrs Hall, Lash, Rich, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Fleenor, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross, Summers and Walworth.

On motion, the 44th rule was suspended, and the bill was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 32, C. F. "A bill appointing commissioners to review a territorial road."

No. 36, C. F. "A bill for the location of a territorial road from Mount Pleasant to the county seat of Washington county," in which the concurrence of the House is requested.

Also, without amendment, No. 37, H. R. file, "A memorial for a further appropriation for the road from Burlington to the Des Moines river."

I herewith present for your signature:

"An act amendatory to an act for assessing and collecting county revenue," approved Jan. 24th, 1839.

"An act to amend the 'act providing for the appointment of justices of the peace,'" approved Jan. 21st, 1839.

"An act to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county."

"An act for the relief of certain officers in the territory."

"A resolution requesting the appointment of a resident engineer."

"Resolution relative to the taking of the census."

"Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory."

And then he withdrew.

The Speaker then signed the above acts, resolutions and memorials.

On motion of Mr Bailey,

Leave of absence was granted Mr Biggs.

Mr Walworth, from the joint committee on enrollments, reported as correctly enrolled:

"An act establishing certain territorial roads therein named."

"An act to incorporate the Bloomington mill and manufacturing company."

"An act to incorporate the town of Salem in Henry county."

"An act to provide for the execution of title deeds to lots in Iowa city, and for other purposes."

"An act to establish a seminary of learning at or near Antwerp, in Cedar county."

The Speaker signed the above entitled acts, and then the House adjourned.

Tuesday Morning, Jan. 14, 1840.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed with amendments, No. 116, H. R. file, "A bill to establish a system of common schools;" also, without amendment,

No. 139, H. R. file, "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant."

No. 141, H. R. file, "A bill to authorize John Troxell, to erect a dam across Big Cedar in Jefferson county."

No. 142, H. R. file, "A bill to authorize Joseph Clinkenbeard, to erect a dam across Big Cedar in Jefferson county."

No. 151, H. R. file, "A bill to authorize Robert E. Mott, to keep a ferry, &c." And then he withdrew.

Mr Hastings, on leave introduced No. 161, H. R. file, entitled "A bill to lay out and establish a Territorial road from Wyoming to Iowa city," which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now.

The bill was then read a second and third time, passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich presented the petition of sundry citizens of Lee county, praying that the seat of justice may be located by a vote of the citizens of said county.

Said petition was referred to the select committee, composed of the delegation from the county of Lee.

Mr Myers, from the committee on engrossed bills, reported No.'s 148, 149 and 154, H. R. file, as correctly engrossed.

No. 32, C. file, entitled "A bill appointing commissioners to review a Territorial road."

No. 36, C. file, entitled "A bill for the location of a Territorial road from Mount Pleasant, to the county seat of Washington county," were severally read a first time.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 15, C. file, "An act for the relief of the poor," also, with amendments,

No. 143, H. R. file, "A bill to provide for the annual organization of the House of Representatives."

No. 50, H. R. file, "A memorial to Congress for the improvement of the roads therein named:" in which the concurrence of the House is requested. And then he withdrew.

No. 153, H. R. file, entitled "A bill to relocate the county seat of Lee

county," being the order of the day, was taken from the table, and considered.

Mr Owen moved to strike out the word "forever" in the fifth line of the sixth section, to which the House agreed.

On motion of Mr Hastings,

Ordered, That the following be added to the sixth section, "and the treasurer of said county, is hereby authorized and required to pay said commissioners the respective sums allowed by this act out of any money in the treasury of said county, not otherwise appropriated."

Mr Rich moved to amend by striking out all after the enacting clause, and inserting the following as a substitute :

Section 1. That an election shall be held in the several precincts within the county of Lee, on the first Monday of March next, at which election every qualified voter shall be allowed to vote for the manner of locating the seat of justice of said county, those voting in favor of locating the seat of justice by commissioners as hereinafter provided, will write on their tickets the word "commissioners," and those voting in favor of locating said seat of justice by a vote of the people, will write on their tickets the word "people," and said election shall be conducted in every respect agreeable to the law regulating general elections in this Territory, approved January 25th, 1839.

Sec. 2. If a majority of the votes cast at said election shall be in favor of locating the seat of justice by a vote of the people, it shall be the duty of the clerk of the board of county commissioners to proceed immediately to cause notice to be given as in other cases, that there will be an election held at each of the election precincts within said county of Lee, on the Monday of next, and every qualified voter shall have a right to vote for the location of the seat of justice of said county ; that said election shall be conducted in all respects agreeable to the law regulating general elections in this Territory, approved January 25th, 1839, and the poll books returned to the office of the clerk of the board of county commissioners, and by him opened in the same manner that the poll books of the general elections are opened and canvassed, and the result thereof proclaimed.

Sec. 3. Every legal voter shall be allowed to vote for any point as the future seat of justice that he may think proper, and every one who votes shall write or print on his ticket the name of the point for which he votes, and if any one point receives a majority of all the votes cast at said election, said point shall be declared the seat of justice of said county, and the county commissioners shall immediately proceed to select a suitable site and erect the public buildings for said county.

Sec. 4. If no point obtains a majority of all the votes cast at said election, then and in that case there shall be a second election held on the Monday of next, at which second election the two points receiving the highest number of votes at the first election shall be voted for and none others, and the point for which the highest number of votes is cast shall be declared the seat of justice of said county ; and the county commissioners shall proceed to the erection of public buildings, as prescribed in section third of this act.

Sec. 5. As soon as the votes cast at the first election are counted agreeable to the provisions of law, if it shall appear that no one point has received a majority of all the votes cast at said first election, it shall be the duty of the clerk of the board of county commissioners to write out three notices for each election precinct in said county, which notices shall set forth the two places receiving the highest number of votes at the first election, and which are to be voted for at the second election, and also the day on which said second election is to be held, which notices shall be delivered to the sheriff, and by him posted up in the following manner, to wit: one at the place of voting in each precinct, and two at two of the most public places in each precinct, at least ten days before the time of holding said election.

Sec. 6. It shall be the duty of the county commissioners of said county to hold a special session of the county commissioners court, on the second Monday of February next, for the purpose of appointing judges of election, which judges, when so elected, shall act at all of the elections provided for in this act.

Sec. 7. If a majority of the votes cast at the aforesaid election provided for in the first section of this act, shall be in favor of locating said seat of justice by commissioners, it shall be the duty of the clerk of the board of county commissioners to notify the commissioners named in the bill offered by Mr Patterson, which followed.

The substitute was rejected. Yeas—8. Nays—14.

The yeas and nays being called for by Mr Patterson,

Those who voted in the affirmative, are Messrs Clark, Hall, Hawkins, Rich, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hastings, Lash, Leffler, Mintun, Myers, Owen, Patterson, Robertson and Ross.

Mr Rich moved to insert the following after the word "seat" in the 7th line of the 1st section of the original bill, viz: "as near the geographical centre as a suitable site can be obtained," to which the House agreed.

On motion of Mr Patterson,

Ordered, That the bill be considered as engrossed and read a third time now.

The bill was then read a third time, passed and its title amended.

Ordered, That the clerk acquaint the Council therewith.

No. 16, C. file, entitled "Joint resolution relative to compensation to Webber and Remey," was read a third time.

On motion of Mr Hawkins,

Ordered, That the further consideration of said resolution be indefinitely postponed.

No. 34, C. file, "A bill to repeal the acts therein mentioned," was read a first time.

Mr Hastings moved the following as an amendment by way of rider, "strike out the 9th section." To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the following be inserted in the 5th line of the 1st sec.

tion after the word "Wisconsin," "except an act concerning the supreme and district courts and defining their powers."

The bill then passed, and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 148, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses in the counties herein named," was read a third time.

On motion of Mr Bailey,

Ordered, That said bill do lie on the table subject to the order of the House.

No. 149, H. R. file, entitled, "A bill allowing and confirming the compensation of printers of the last Legislative Assembly and for other purposes," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 154, H. R. file, entitled "Resolutions to provide for printing the reports of the decisions of the supreme court," was read a third time.

Mr Leffler moved the following as an amendment thereto, by way of rider, Resolved further, That one copy of said reports shall be presented to each of the judges of the supreme court, and each of the members of the bar of the supreme court of this territory.

Mr Rich moved to amend the amendment by striking out all after "judges of the supreme court," to which the House agreed.

The question then recurred on the adoption of the resolution as amended.

And passed in the affirmative.

No. 43, C. F. entitled "A bill to authorize Wm. Ingersoll to build a dam across Skunk river in Jefferson county," was read a second time.

On motion of Mr Coop,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now; the bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 44, C. F. entitled "A bill amendatory of an act subjecting real and personal estate to execution," approved January 25, 1839, was read a second time.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now; the bill was then read a third time and passed.

No. 45, C. F. entitled "A bill to establish a ferry across the Mississippi river," was read a second time, and

On motion of Mr Wheeler,

Ordered, That said bill be referred to a select committee composed of the entire delegation from the county of Du Buque.

No. 152, H. R. file, entitled "A resolution relative to the appointment of a committee on the part of the Legislative Assembly, to examine public buildings at Iowa City and Fort Madison," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor reported that the committee had according to order said resolution under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Bailey,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 156, H. R. file, entitled "A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly," was read a second time, and

On motion of Mr Robertson,

Ordered, That the 44th rule be suspended, and that the resolution be read a third time now; the resolution was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 158, H. R. file, entitled "A bill to repeal a part of an act allowing and regulating writs of attachment," was read a second time.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr Mintun,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 8, C. F. "A memorial requesting the donation of the sections of land, contiguous to the section donated, as a location for the seat of government of this Territory."

No. 9, C. file, "Memorial for an appropriation for the purpose of paying off the militia of this Territory, &c."

No. 10, C. file, "Memorial to the Secretary of War, on the subject of arms, &c."

No. 11, C. file, "Memorial to Congress on the subject of an armory in the Territory of Iowa."

No. 35, C. file, "A bill for the relief of certain administrators."

No. 39, C. file, "A bill to establish a University at the town of Mount Pleasant, in Henry county."

No. 42, C. file, "A bill to amend 'an act relative to mechanics liens, and for other purposes,'" approved Dec. 17, 1838.

Also, with amendments, No. 26, H. R. file, "A bill to amend 'an act relative to the Penitentiary.'"

No. 104, H. R. file, "A bill for opening and regulating roads and highways."

In all of which the concurrence of the House is requested.

Also, without amendment, No. 161, H. R. file, "A bill to lay out and establish a territorial road from Wyoming to Iowa city."

The Council insist on their disagreement to the amendment of the House, to

No. 23, C. file, "A bill to provide for the election of delegate to Congress, &c." and have appointed Messrs Parker and Clark a committee of conference in relation thereto. And then he withdrew.

No. 160, H. R. file, entitled "A memorial to the President of the United States, praying the appointment of Alfred Hebard, as engineer to re-locate a portion of the territorial road from Burlington to the Indian agency," was read a second time, and

On motion of Mr Coop,

The 44th rule was suspended, and the memorial was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Brewer, from the committee on enrollments, reported as correctly enrolled,

"An act to re-locate the county seat of Clayton county."

"A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river."

"A memorial to Congress on the subject of a turnpike road from the city of Burlington via Mount Pleasant to Fairfield."

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE,
January 14, 1840.

Received of Daniel Brewer, member of the House of Representatives,

"An act to incorporate the Bloomington mill and manufacturing company."

"An act to provide for the execution of title deeds to lots in Iowa city, and for other purposes."

"An act establishing certain territorial roads therein named."

"An act to incorporate the town of Salem, in Henry county," and

"An act to establish a seminary of learning at or near Antwerp, in Cedar county," this day presented for my consideration and approval.

ROBERT LUCAS.

The committee did also on the 10th inst. present to His Excellency, "A bill to locate and establish a territorial road from Fairfield to Wapello, &c."

No. 116, H. R. file, entitled "A bill to establish a system of common schools," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the amendments of the Council be agreed to.

No. 15, C. file, entitled "A bill for the relief of the poor," was read a first time.

No. 143, H. R. file, entitled "A bill to provide for the annual organization of the House of Representatives," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the House agree to the amendments of the Council.

No. 50, H. R. file, entitled "A memorial to Congress for the improvement of the roads therein named," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the House agree to the amendments of the Council.

No. 8, C. file, entitled "A memorial requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of this Territory," was read a first time, and

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the memorial be read a second and third time now.

The memorial was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 9, C. file, entitled "Memorial to Congress for an appropriation for the purpose of paying off the militia of this Territory, &c." was read a first time.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed with amendments, No. 51, H. R. file, "A bill to incorporate the city of Du Buque."

No. 103, H. R. file, "A bill defining the duties of supervisors of roads and highways."

No. 147, H. R. file, "A joint resolution relative to a post route," in which the concurrence of the House is requested.

Also, without amendment, No. 131, H. R. file, "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half breed lands in Lee county;" also,

No. 145, H. R. file, "A bill to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county." And then he withdrew.

No. 155, H. R. file, entitled "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city," was read a second time, and

On motion of Mr English,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Hastings,

Ordered, That the bill be considered as engrossed and read a third time now.

The bill was then read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Leffler gave notice that he would on some subsequent day introduce a memorial relative to the mail route from Burlington to Peoria.

On motion of Mr Summers,

Ordered, That a committee of conference be appointed on the part of the House to confer with the Council relative to the disagreeing vote of the two Houses to No. 23, C. file, entitled "A bill to provide for the election of delegate to Congress," and that said committee be composed of the delegates from the counties of Scott and Clinton.

A message from the Council by Mr Wallace, their secretary :

Mr Speaker :—The Council have passed with amendments

No. 157, H. R. file, "A bill to provide for the compensation of printers, officers, &c."

And then he withdrew.

On motion of Mr Hastings,

The last named bill was taken up and considered.

Mr Rich moved to disagree to the amendment of the Council allowing compensation to Charles Weston, as fiscal agent.

To which the House agreed.

Mr Summers moved that the House disagree to the amendment of the Council disallowing John G. Mc Donald his claim for extra services, &c.

Which was decided in the affirmative. Yeas—15. Nays—7.

The yeas and nays being desired by Mr Patterson,

Those who voted in the affirmative are Messrs Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Leffler, Myers, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Lash and Owen.

Mr Fleenor moved that the House agree to the amendment of the Council, in which they disallowed the claim of Horace Davis ; which question was decided in the negative. Yeas—10. Nays—12.

The yeas and nays being desired by Mr Hastings,

Those who voted in the affirmative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hall, Hawkins, Lash, Myers and Owen.

Those who voted in the negative, are Messrs Churchman, Clark, Hastings, Langworthy, Leffler, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

The House then agreed to all the other amendments, made by the Council to said bill.

On motion of Mr Rich,

The House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr Leffler, on leave, and in accordance with previous notice, introduced No. 162, H. R. file, entitled "A bill to alter and amend an act entitled an act subjecting real and personal estate to execution." Which was read a first time.

No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque," as amended by the Council, was taken up and considered, and

On motion of Mr Langworthy,

Ordered. That the House agree to the amendments of the Council.

No. 10, C. F. entitled "A memorial to the Secretary of war on the subject of arms," &c. No. 11, C. F. memorial to Congress on the subject of a public armory in the Territory of Iowa.

Said memorials were severally read a first time.

No. 35, C. F. entitled "A bill for the relief of certain administrators, was read a first time, and

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now. The bill was then read a second and third time, passed and its title agreed to.

Ordered. That the clerk acquaint the Council therewith.

No. 39, C. F. entitled "A bill to establish a University at the town of Mount Pleasant, in Henry county," was read a first time.

On motion of Mr Lash,

Ordered, That the 44th rule be suspended and that the bill be read a second and third time now. The bill was then read a second and third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, on leave and in accordance with previous notice, introduced No. 163, H. R. file, entitled "A bill to amend an act entitled an act providing for and regulating general elections in this Territory," approved Jan. 25, 1839, which was read a first time.

On motion of Mr Walworth,

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now. The bill was then read a second time, and

On motion of Mr Churchman,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

Mr Summers moved that the enacting clause of said bill be stricken out. To which the House agreed.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker: The Council have passed No. 20, C. F. A bill concerning costs, and for other purposes. No. 37, C. F. A bill relative to evidence. No. 40, C. F. A bill to abolish imprisonment for debt. No 41, C. F. A bill to provide for the settlement of the claim that Des Moines county has upon Lee, Van Buren, Henry, Slaughter (now Washington) Louisa and Muscatine counties, in which the concurrence of the House is requested. And then he withdrew.

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE,
Jan. 14, 1840.

Received of Daniel Brewer, member of the House of Representatives, "An act to relocate the county seat of Clayton county;" "Memorial to Congress on the subject of a turnpike road from the city of Burlington, via Mount Pleasant, to Fairfield;" "A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river," presented for consideration and approval.

ROBERT LUCAS.

On motion of Mr Hastings,

No. 41, C. F. "A bill to provide for the settlement of the claims that Des Moines county has upon Lee, Van Buren, Henry, Slaughter, (now

Washington,) Louisa and Muscatine counties, was taken up and read a first time.

Mr Summers made a motion that the House do now adjourn.

The motion was lost.

No. 42, C. F. entitled "A bill to amend an act relative to mechanics liens, and for other purposes," was read a first time.

And on motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the council therewith.

No. 26, H. R. file, entitled "A bill to amend an act relative to the Penitentiary," as amended by the Council, was taken up and considered.

On motion of Mr Fleenor,

Ordered, That the amendments of the Council be agreed to.

No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways, as amended by the Council, was taken up and considered. And, on motion, ordered, that the amendments of the Council be agreed to.

On motion of Mr Churchman,

The vote of the House, agreeing with the amendments of the Council to No. 26, H. R. file, was reconsidered.

On motion of Mr Owen,

Ordered, That the blank in the third section of said bill be filled with the words "five hundred."

The question then recurred on the amendments of the Council to said bill, as amended, and was decided in the affirmative. Yeas—14. Nays —6.

Those who voted in the affirmative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hastings, Hawkins, Lash, Mintun, Myers, Owen, Patterson, Robertson and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Langworthy, Leffler, Rich, Summers and Wheeler.

No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways," as amended by the Council, was taken up and considered.

On motion, ordered, that the House agree to the amendments of the Council.

No. 147, H. R. file, entitled "A joint resolution relative to a post route," as amended by the Council, was taken up and considered, and

On motion, ordered that the amendment of the Council be agreed to.

No. 20, C. file, entitled "A bill concerning costs and fees, and for other purposes."

No. 37, C. file, entitled "A bill relative to evidence."

No. 40, C. file, "A bill to abolish imprisonment for debt," were severally read a first time.

On motion of Mr Robertson,

Ordered, That No. 46, H. R. file, entitled "A bill to make the certifi-

cates of purchase of land evidence of possession," be taken from the table; said bill was then read a third time.

Mr Rich moved to amend by way of rider, to strike out the word "possession," wherever it occurs, and insert "title." The motion was lost.

Mr Churchman moved the following amendment by way of rider:

"The provisions of this act shall not extend to any lands that at the time of entry in the land office have been or may be worked as mineral ground." The motion was lost.

Mr Leffler moved to strike out the word "possession," in the 5th line of the 1st section, and insert "title." The amendment was agreed to.

The qeestion was then put. Shall the bill pass? And was decided in the affirmative. Yeas—10. Nays—8.

The yeas and nays being desired by Mr Hawkins, those who voted in the affirmative, are Messrs Bailey, Brewer, Coop, Hastings, Langworthy, Leffler, Rich, Robertson, Summers and Johnston, Speaker.

Those who voted in the negative, are Messrs English, Fleenor, Hawkins, Lash, Mintun, Myers, Owen and Patterson.

On motion of Mr Summers, at half past nine o'clock, the House adjourned.

Wednesday Morning, Jan. 15, 1840.

Mr Hawkins being in the chair, officiating as Speaker, Mr Summers moved the following resolution:

Resolved, That the thanks of this House be presented to the Hon. Edward Johnston, for the able, impartial and dignified manner in which he has presided over its deliberations and performed the arduous duties of the chair.

The resolution was unanimously adopted, all the members present voting therefor, viz:

Messrs Bailey, Brewer, Churchman, Coop, English, Fleenor, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Wheeler.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the half breed lands, in Lee county."

"An act to establish a territorial road from Bloomington by Point Comfort to the western line of Washington county."

"An act to provide for the annual organization of the Council and House of Representatives of the Territory of Iowa."

The Speaker then signed the above entitled acts.

Mr Summers, from the committee of conference appointed on the part of the House to act with a similar committee from the Council, on the disagreement to

No. 23, C. F. entitled, "A bill to provide for the election of delegate to congress, judges of probate, sheriffs, county recorders, county surveyors," and to amend "An act regulating general elections in this Territory," reported that the committee had an interview, and agreed that the thirteenth section of said bill, together with the amendment, shall be stricken out.

The report of the committee was adopted.

Mr Leffler, in accordance with previous notice, introduced No. 164, H. R. file, entitled "Memorial to the Post-master General relative to the mail route from Peoria to Burlington," which was read a first time.

Mr Leffler, on leave, introduced No. 165, H. R. file, entitled "Joint resolution relative to the compensation of Charles Weston, as fiscal agent," which was read a first time.

No. 9, C. F. entitled "Memorial to Congress for an appropriation for the purpose of paying off the militia of this Territory," was read a second time; and, on motion,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had according to order, said memorial under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion, the 44th rule was suspended, and the memorial was read a third time and passed.

Ordered that the Clerk acquaint the Council therewith.

No. 10, C. F. entitled "A memorial to the secretary of war on the subject of arms," was read a second time; and, on motion,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler, reported that the committee had, according to order, said memorial under consideration, and directed him to report the same to the House with amendments.

A motion was made by Mr Summers to disagree to the amendments, which was decided in the negative. Yeas—10. Nays—11.

Those who voted in the affirmative, are Messrs Brewer, Hastings, Mintun, Owen, Patterson, Rich, Robertson, Summers, Walworth and Wheeler.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, English, Fleenor, Hawkins, Langworthy, Lash, Leffler, Myers and Ross.

Pending the proceedings on said memorial,

A message was received from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council insist on their amendments to the tenth section of

No. 157, H. R. file, "A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly and for other purposes;" and have receded from their amendments to the thirty-second and thirty-fifth sections of said bill.

The Council have also concurred in the amendment of the House to amendment of the Council to No. 26, H. R. file, "A bill to amend an act relative to the penitentiary;" and have disagreed to the amendment of the House by striking out the ninth section of No. 34, C. F. "A bill to repeal the acts therein mentioned;" and have passed with amendments No. 154. H. R. file, "A resolution to provide for printing the reports of the decisions of the supreme court;" and have passed with amendments No. 156, H. R. file, "A resolution relative to an appropriation to defray the expenses of the extra session," &c.

In which the concurrence of the House is requested.

And then he withdrew.

The House resumed the consideration of No. 10, C. F. when a motion was made by Mr Lash, that the memorial be read a third time now.

On motion of Mr Hastings,

A call of the House was ordered, and the roll being called Messrs Clark, Cox and Hall failed to answer to their names. The sergeant-at-arms was despatched to compel the attendance of the absentees, when,

On motion of Mr Langworthy,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Bailey renewed the motion for a call of the House, which was ordered, and the roll being called, the following named members were found to be absent, viz: Messrs Cox, Hall, Lash, Myers, Rich, Ross and Walworth.

Mr Cox was excused.

The Speaker then despatched the Sergeant-at-Arms to compel the attendance of the absentees. After a short time, the absentees having appeared, the call of the House was suspended.

No. 157, H. R. file, entitled "A bill to provide for the compensation of printers, members, officers," &c. in which the Council insist upon their amendments, was taken up and considered, and on motion.

Ordered, That the House do recede from their disagreement to said bill.

Mr Brewer, from the joint committee on enrollments, reported "A memorial to Congress for the improvement of the roads therein mentioned," as correctly enrolled.

The Speaker then signed the above memorial.

Mr Langworthy presented the petition of sundry citizens of Jackson county, praying a re-location of the seat of justice of said county, which

was referred to a select committee composed of the entire delegations from the counties of Du Buque and Jackson.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 47, C. F. "A bill amendatory to an act regulating practice," &c., approved January 25th, 1839.

In which the concurrence of the House is requested.

And then he withdrew.

Mr Hastings moved to take up No. 10, C. F. and that said bill be referred to a select committee.

Mr Langworthy, called for the previous question which was pending when the House adjourned.

The House refused to have the previous question put.

Mr Hastings renewed his motion that the memorial be referred to a select committee, which was decided in the negative. Yeas—10. Nays—14.

The yeas and nays being desired by Mr Hastings, those who voted in the affirmative, are Messrs Brewer, Clark, Hastings, Hawkins, Mintun, Owen, Robertson, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, English, Fleenor, Hall, Langworthy, Lash, Leffler, Myers, Patterson, Rich, Ross and Wheeler.

Mr Walworth moved to amend by adding the following, "or at Fort Armstrong on Rock Island," which was lost. Yeas—7. Nays—17.

Those who voted in the affirmative, are Messrs Brewer, Clark, Hastings, Mintun, Robertson, Summers and Walworth.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, English, Fleenor, Hall, Hawkins, Langworthy, Lash, Leffler, Myers, Owen, Patterson, Rich, Ross, Wheeler and Johnston, Speaker.

The question then recurred on the motion to read the memorial a third time, which was decided in the affirmative. Yeas—23. Nays—1.

Those who voted in the affirmative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Fleenor, Hall, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker.

Mr Hastings voted in the negative.

The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed with amendments. No. 153, H. R. file, "A bill to remove and relocate the county seat of Lee county," in which the concurrence of the House is requested.

I herewith present for your signature, "An act to prevent fraud," "An act relative to the authentication of statutes, &c." "Resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of governor of this Territory by the people." "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river." And then he withdrew.

The Speaker then signed the above entitled acts, resolutions and memorials.

On motion of Mr Patterson,

Ordered, That the report of the committee on territorial affairs, relative to further appropriations be taken from the table.

The report was then read, and

On motion of Mr Patterson,

Ordered, That the report be agreed to.

On motion of Mr Hastings,

Ordered, That George H. Walworth, be allowed pay for seventy-five days service as a member of this House.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to authorize Wm. Warner to erect a dam across Big Cedar in Henry county."

"An act to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county."

"An act to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county."

"An act to authorize Robert E. Mott to keep a ferry across Des Moines river at the Round Mound, in Lee county."

"A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant."

The Speaker then signed the above entitled acts and memorial.

No. 11, C. file, entitled "A memorial to Congress on the subject of a public armory in the Territory of Iowa," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Myers reported that the committee had according to order, said memorial under consideration, and directed him to report the same to the House without amendments; to which the House agreed.

Mr Langworthy moved to strike out of the 12th line of said memorial, the words "on the Mississippi river," which motion was decided in the negative. Yeas—10. Nays—12.

Those who voted in the affirmative are Messrs Bailey, Churchman, Coop, English, Fleenor, Hawkins, Langworthy, Lash, Myers and Ross.

Those who voted in the negative, are Messrs Brewer, Clark, Hastings, Leffler, Mintun, Owen, Patterson, Rich, Robertson, Summers, Walworth and Johnston, Speaker.

Mr Churchman moved to strike out the word "make" and insert "direct," in the 11th line of said memorial, and to strike out all after the word "appropriation," in the same line, to the word "arms," in the 13th line, which motion was decided in the negative. Yeas—6. Nays—16.

The yeas and nays being desired by Mr Hastings,

Those who voted in the affirmative, are Messrs Churchman, Coop, English, Fleenor, Lash and Mintun.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark,

Hastings, Hawkins, Langworthy, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Mr English moved to strike out of the 12th line, the words "some convenient point," and insert "Burlington."

The motion was lost.

On motion of Mr Langworthy,

Ordered, That the 44th rule be suspended, and that the memorial be read a third time now.

The memorial was then read a third time, and the question being put, shall the memorial pass, it was decided in the affirmative. Yeas—18. Nays—2.

The yeas and nays being desired by Mr Churchman,

Those who voted in the affirmative, are Messrs Bailey, Brewer, Clark, Coop, English, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross, Summers and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman and Fleenor.

No. 149, H. R. file, "A bill allowing and confirming the compensation of the printers, and other expenses of the last session of the legislative assembly," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the amendments of the Council be agreed to.

No. 15, C. file, entitled "A bill for the relief of the poor," was read a second time, and on motion,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Brewer,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 20, C. file, entitled "A bill concerning costs and for other purposes," was read a second time, and

On motion of Mr Hastings,

Ordered, That said bill be referred to the committee on the judiciary.

No. 32, C. file, entitled "A bill appointing commissioners to review a territorial road," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr English,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now. The bill was then read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 153, H. R. file, "A bill to remove and relocate the county seat of Lee county," as amended by the Council, was taken up and considered.

On motion of Mr Patterson,

Ordered, That the House do agree to the amendments of the Council.

No. 36, C. file, entitled "A bill for the location of a territorial road from Mount Pleasant to the county seat of Washington county," was read a second time.

On motion of Mr Brewer,

Ordered, That the further consideration of the bill be indefinitely postponed.

No. 164, H. R. file, "A memorial to the post-master general on the subject of the mail route from Peoria to Burlington," was read a second time, and

On motion of Mr Leffler,

Ordered, That the 44th rule be suspended, and the memorial be read a third time now. The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Fleenor,

The House adjourned.

Thursday Morning, Jan. 16, 1840.

Mr Hastings, on leave, introduced No. 167, H. R. file, entitled "A resolution relative to the publication of the laws of a general nature in certain newspapers," which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and the resolution be read a second and third time now. The resolution was then read a second and third time. Yeas—16. Nays—4.

The yeas and nays being desired by Mr Hawkins, on the passage of the resolution,

Those who voted in the affirmative, are Messrs Clark, Coop, English, Fleenor, Hastings, Langworthy, Lash, Leffler, Mintun, Myers, Patterson, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Hall, Hawkins and Rich. So the resolution passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to provide for the compensation of printers, officers," &c.

"An act to remove and re-locate the county seat of Lee county."

"An act to establish a system of common schools."

"An act to amend an act to provide for the erection of a penitentiary, and establishing and regulating prison discipline for the same."

"A resolution to provide for printing the reports of the decisions of the supreme court."

The Speaker then signed the above entitled acts and resolutions.

No. 156, H. R. file, entitled "A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly," as amended by the Council, was taken up and considered. And on motion, ordered, that the amendments of the Council be agreed to.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—I herewith present for your signature, "An act to authorize William Ingersoll to build a dam across Skunk river in Jefferson county." "An act amendatory of an act subjecting real and personal estate to execution," approved January 25th, 1839. "An act for the relief of certain administrators." "An act to amend an act relative to mechanics liens, and for other purposes," approved December 17, 1838. "An act to establish a University at the town of Mount Pleasant, in Henry county." "An act relative to habeas corpus." And then he withdrew.

The Speaker then signed the above entitled acts.

No. 34, C. F. entitled "A bill to repeal the acts therein mentioned, in which the Council disagree to the amendments of the House," was taken up and considered.

Mr Robertson moved that the House do recede from their amendments. The motion was lost.

On motion of Mr Hastings,

Ordered, That the House do insist upon their amendments.

No. 38, C. F. entitled "A bill relative to divorce, alimony, and other purposes," was read a first time.

On motion of Mr Summers,

Ordered, That the forty-fourth rule be suspended, and that the bill be read a second and third time now.

The bill was then read a second time.

Mr English moved to strike out the 6th clause of the 2d section, which was decided in the negative. Yeas—2. Nays—19.

The yeas and nays being desired by Mr Summers,

Those who voted in the affirmative, are Messrs English and Rich.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark, Coop, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Ross, Summers, Walworth and Johnston, Speaker.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Hastings, on leave, introduced No. 168, H. R. file, entitled "A

bill amendatory to an act entitled 'an act to subject real and personal estate to execution,' " which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 162, H. R. file, entitled "A bill to alter and amend an act subjecting real and personal estate to execution," was read a second time.

On motion of Mr Leffler,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now. The bill was then read a third time and passed.

Ordered, That the clerk acquaint the council therewith.

No. 159, H. R. file, entitled "A bill to locate the seat of justice of the county of Jones," was read a second time, and

On motion of Mr Walworth,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported, that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Lash,

Ordered, That the bill be considered as engrossed and read a third time now.

The bill was then read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Wheeler, from the select committee to whom was referred No. 45 C. file, entitled "A bill to establish a ferry across the Mississippi river," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Wheeler,

The 44th rule was suspended, and the bill was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 46, C. F. entitled "A bill relative to auctioneers and auction sales," was read a first time, and

On motion of Mr Hawkins,

The 44th rule was suspended, and the bill was read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 37, C. F. entitled "A bill relative to evidence," was read a second time, and

On motion of Mr Hastings,

Ordered, That said bill be referred to the committee on the judiciary.

Mr Brewer, from the joint committee on enrollments, reported that the said committee did, on the 14th instant, present to the Governor, for his approval, the following entitled acts:

"A resolution relative to the taking the census." "Resolution request

ing the appointment of a resident engineer." "Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory." "An act amendatory to an act for assessing and collecting county revenue," approved January 24th, 1839. "An act for the relief of certain officers in the Territory." "An act to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county." "An act to amend the act providing for the appointment of justices of the peace," &c. approved January 21st, 1839.

Mr Rich, on leave, introdnced No. 169, H. R. file, entitled "A bill fixing the time when the acts of the session of 1839-40, of the Iowa Legislature shall be in force." Which was read a first time.

On motion of Mr Rich,

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hastings,

Ordered, That no more new bills be introduced into this House the present session.

No. 152, H. R. file, entitled "A resolution relative to the appointment of a committee on the part of the Legislative Assembly, to examine the public buildings at Iowa city and Fort Madison."

No. 158, H. R. file, "A bill to repeal a part of an act allowing and regulating writs of attachment," were severally read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 40, C. F. "A bill to abolish imprisonment for debt," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hall,

The rule was suspended, and the bill was read a third time and passed.

On motion of Mr Langworthy,

Ordered, That the select committee to whom was referred the petition of sundry citizens of Jackson county praying for a relocation of the seat of justice of said county, be instructed to report at the extra session in July next.

No. 41, C. file, "A bill to provide for the settlement of the claim that Des Moines county has upon Lee, Van Buren, Henry, Slaughter, (now Washington,) Louisa and Muscatine counties," was read a second time.

On motion of Mr Hawkins,

Ordered, That the 44th rule be suspended, and the bill be read a third ime now; the bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 47, C. file, entitled "A bill amendatory of 'An act regulating practice, &c.'" approved, January 25, 1839, was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hall,

The 44th rule was suspended, and the bill was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Summers, from the committee of conference appointed on the part of the House in relation to the disagreeing vote of the two Houses, to "A memorial to the President of the United States, for a postponement of the land sales," reported that the two Houses have agreed to adhere to said disagreeing vote, to which the House agreed.

No. 13, H. R. file, entitled "A bill to amend an act entitled 'An act fixing the terms of the supreme and district courts, and for other purposes,'" as amended by the Conncil was taken up and considered.

On motion, ordered, that the House disagree to the amendment which relates to Lee county, the striking out of the word "Scott," in the second section and the striking out of the third section; all the other amendments were agreed to.

No. 9, C. F. entitled, "A memorial for an appropriation for the purpose of paying off the militia of this Territory," as amended by the Council, was taken up and considered.

On motion of Mr Hall,

Ordered, That the amendment of the Council be agreed to.

No. 48, C. F. entitled "A bill to authorize the keeping a ferry at St. Anthony's Falls on the Mississippi river," was read a first time.

On motion, the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 37, C. F. entitled "A bill relative to evidence," reported the same back to the House without amendment; said bill was read a first time.

On motion of Mr Hastings,

Ordered, That the forty-fourth rule be suspended and the bill be read a second and third time now; the bill was then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 21, C. F. "Resolution relative to copying and forwarding memorial;" also with amendments, No. 155, H. R. file, "A bill to restrict the commissioners in the expendi-

ture of money in the erection of public buildings at Iowa City." In which the concurrence of the House is requested.

And then he withdrew.

Mr Walworth, from the committee on enrollments, reported "An act defining the duties of supervisors of roads and highways," as correctly enrolled. The Speaker then signed said act.

Mr Langworthy, on leave introduced No. 170, H. R. file, entitled "A bill to amend an act entitled 'An act fixing the terms of the supreme and district courts of the Territory of Iowa and for other purposes,'" approved January 21, 1839, which was read a first time.

On motion of Mr Langworthy,

The forty-fourth rule was suspended and the bill was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE,
January 16, 1840.

Received of Daniel Brewer, member of the House of Representatives, "An act to authorize Robert E. Mott to keep a ferry across the Des Moines river at Round Mound in Lee county."

"An act to authorize Joseph Clinkenbeard to erect a dam across Big Cedar in Jefferson county."

"An act to authorize John Troxell to erect a dam across Big Cedar in Jefferson county."

"An act to authorize William Warner to erect a dam across Big Cedar in Henry county."

"An act to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half-breed lands in Lee county."

"An act to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county."

"An act to provide for the annual organization of the Council and House of Representatives of the Territory of Iowa."

"Memorial to Congress for the improvement of the roads therein named."

"An act to establish a system of common schools."

"An act to remove and relocate the county seat of Lee county."

"An act to provide for the compensation of printers, officers," &c.

"A resolution to provide for printing the reports of the decisions of the supreme court."

"A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant;" this day presented for my consideration and approval.

ROBERT LUCAS.

On motion of Mr Lash,

Ordered, That the vote of the House agreeing with the amendments of the Council to No. 9, C. F. be reconsidered. The question then recur-

red on the motion to agree to the amendment of the Council, which was decided in the negative.

No. 21, C. F. entitled "Resolution relative to copying and forwarding memorials," &c. was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended and the resolution be read a second and third time now; the resolution was then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 155, H. R. file, entitled "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city," as amended by the Council was taken up and considered.

Mr Lash moved that a call of the House be had, which was ordered; whereupon it appeared that Messrs Bailey, Churchman, Cox, English and Patterson were absent.

On motion of Mr Hall,

Leave of absence was granted Mr Bailey.

On motion of Mr Langworthy,

Leave of absence was granted Mr Churchman.

After a short time, the absentees having appeared, the further call of the House, was,

On motion of Mr Hastings, suspended,

Mr Hastings moved that the House disagree to the first amendment of the Council to said bill, which was decided in the affirmative. Yeas—14. Nays—10.

Those who voted in the affirmative, are Messrs Biggs, Coop, English, Fleenor, Hall, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Rich, Ross and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Clark, Cox, Hastings, Langworthy, Mintun, Robertson, Summers, Walworth and Wheeler.

The House then agreed to all the other amendments of the Council to said bill.

A motion was made by Mr Hastings, that the House do now adjourn, which was decided in the affirmative. Yeas—16. Nays—8.

The yeas and nays being desired by Mr Summers,

Those who voted in the affirmative, are Messrs Biggs, Brewer, Clark, Coop, Cox, English, Fleenor, Hastings, Langworthy, Leffler, Patterson, Rich, Ross, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Hall, Hawkins, Lash, Mintun, Myers, Owen, Robertson and Summers.

So the House adjourned.

Friday Morning, Jan. 17, 1840.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 22, C. file, "Joint resolution relative to the sale of the statute laws."

No. 167, H. R. file, "Resolution relative to publishing the laws of a general nature, &c. of the present session, in certain newspapers."

No. 124, H. R. file, "A bill to punish trespass on school and other lands."

In which the concurrence of the House is requested.

The Council have receded from their amendment to the third section of

No. 13, H. R. file, "A bill to amend an act entitled 'an act fixing the terms of the supreme and district courts, &c.'"

And have insisted on their amendments to the first section of No. 155, H. R. file, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city."

The Council also insist on their amendment to the amendment of the House to No. 9, C. file, "Memorial for an appropriation to pay the militia of this Territory."

And have passed without amendment "a memorial to the post-master general."

The Council have adhered to their disagreement to the amendment of the House, to No. 34, C. file, "A bill to repeal the acts therein named."

And then he withdrew.

Mr Brewer, from the joint committee on enrollments, reported that they did on yesterday present to the Governor for his approval and signature,

"An act relative to the authentication of statutes without the approval of the Governor and for other purposes."

"Joint resolution requesting our delegate in Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people."

"A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river."

"An act to prevent frauds."

"Resolution relative to pay for carrying extra mail."

"An act for the relief of certain administrators."

"An act to amend 'an act relative to mechanics liens, and for other purposes,'" approved Dec. 17, 1838.

"An act for the relief of the poor."

"Preamble and memorial to Congress requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of this Territory."

"An act relative to habeas corpus."

"An act to provide for the election of delegate to Congress, judge of probate, sheriffs, county surveyors, and to amend 'An act regulating general elections in this Territory.'"

"An act to establish a university at the town of Mount Pleasant, in Henry county."

"An act to authorize Wm. Ingersoll to build a dam across Skunk river, in Jefferson county."

"Memorial to Congress on the subject of a public armory in the Territory of Iowa."

"An act to regulate the admission of attorneys."

"An act amendatory to an act subjecting real and personal estate to execution," approved January 25, 1839.

Mr Brewer also reported the following:

EXECUTIVE OFFICE,
Jan. 17, 1840.

Received of Daniel Brewer, member of the House of Representatives, "An act defining the duties of supervisors of roads and highways," this day presented for my consideration and approval.

ROBERT LUCAS.

No. 22, C. F. "Joint resolution relative to the sale of the Statute Laws," was read a first time. And

On motion of Mr Coop,

The 44th rule was suspended, and the resolution was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed with amendments, No. 159, H. R. file, "A bill to locate the seat of justice in and for the county of Jones." And then he withdrew.

No. 167, H. R. file, "A resolution relative to publishing the laws of a general nature of the present session in certain newspapers," as amended by the Council, was taken up and considered.

And on motion, ordered, that the amendments of the Council be agreed to.

No. 124, H. R. file, entitled "A bill to punish trespass on school and other lands," as amended by the Council, was taken up and considered.

And on motion, ordered, that the amendments of the Council be agreed to.

No. 155, H. R. file, "A bill to restrict the commissioners in the expenditure of money, in the erection of public buildings at Iowa city," as amended by the Council, was taken up and considered.

Mr Churchman moved that the House do recede from their disagreeing vote to said bill.

Which was decided in the negative. Yeas—9. Nays—13.

The yeas and nays being desired by Mr Leffler,

Those who voted in the affirmative, are Messrs Brewer, Churchman,

Langworthy, Mintun, Rich, Robertson, Summers, Walworth, and Wheeler.

Those who voted in the negative, are Messrs Bailey, Biggs, Coop, English, Fleenor, Hall, Hawkins, Leffler, Myers, Owen, Patterson, Ross, and Johnston, Speaker.

Mr Brewer moved that the House insist upon their disagreeing vote to the amendment of the Council, and that a committee of conference be appointed to confer with a similar committee on the part of the Council, with instructions that the committee agree so to amend the bill as to restrict the commissioners to the sum of $50,000, if the committee on the part of the Council will agree to the same.

The yeas and nays being desired by Mr Leffler,

Those who voted in the affirmative, are Messrs Brewer, Churchman, Mintun, Owen, Patterson, Robertson, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Biggs, Coop, English, Fleenor, Hall, Hawkins, Langworthy, Leffler, Myers, and Ross.

Mr Bailey moved that the House insist upon their disagreeing vote, and that a committee of conference be appointed.

Mr Brewer moved that a call of the House be had; which was ordered.

And the roll being called, the following named members failed to answer to their names, viz: Messrs Clark, Cox, Hastings and Lash.

On motion of Mr Myers,

Leave of absence was granted Mr Lash.

On motion, ordered, that the further call of the House be suspended.

The question then recurred on the motion to insert, and that a committee of conference be appointed.

Which was decided in the affirmative. Yeas—15. Nays—8.

Those who voted in the affirmative, are Messrs Bailey, Biggs, Brewer, Coop, English, Fleenor, Hawkins, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Cox, Hall, Langworthy, Rich, Summers, Walworth and Wheeler.

Messrs Walworth and Leffler were appointed said committee.

Mr Walworth moved that the committee be instructed to limit the amount to $51,000.

Which was decided in the affirmative. Yeas—12. Nays—11.

Those who voted in the affirmative, are Messrs Brewer, Churchman, Cox, Langworthy, Owen, Patterson, Rich, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Biggs, Coop, English, Fleenor, Hall, Hawkins, Leffler, Mintun, Myers and Ross.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—The Council have indefinitely postponed No. 78, H.R. file, "A bill to amend an act for assessing and collecting county revenue,"

No. 102, H. R. file, "A bill to encourage the raising of sheep," and No. 106, H. R. file, "A bill for the relief of the sheriff of Lee county." And then he withdrew.

No. 13, H. R. file, entitled "A bill to amend an act entitled 'An act

fixing the terms of the supreme and district courts, and for other purposes,'" in which the Council insist on their amendments relative to Lee county, was taken up and considered.

On motion of Mr Rich,

Ordered, That the House insist upon their disagreeing vote, relative to said amendment, and that a committee of conference be appointed.

Messrs Leffler and Rich were appointed said committee.

On motion of Mr Summers,

Ordered, That the House insist upon their disagreeing vote to the amendment relative to Scott county.

Mr Leffler, on leave, introduced No. 172, H. R. file, entitled "Joint resolution relative to the safe keeping of the furniture of the Legislative Assembly," which was read a first time. And

On motion of Mr Leffler,

The 44th rule was suspended, and the resolution was read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 9, C. F. entitled "Memorial for an appropriation for the purpose of paying off the militia of this Territory," &c. in which the Council insist upon their amendment, was taken up and considered.

And on motion, ordered, that the House do recede from their disagreeing vote.

No. 34, C. F. entitled "A bill to repeal the acts therein mentioned," in which the Council adhere to their disagreeing vote to the amendments of the House, was taken up and considered.

And on motion, ordered, that the House do recede from their amendments.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed with amendments, No. 159, H. R. file, "A bill to locate the seat of justice in and for the county of Jones." And then he withdrew.

No. 159, H. R. file, entitled "A bill to locate the seat of justice in and for the county of Jones," as amended by the Council, was taken up and considered. And

On motion of Mr Walworth,

Ordered, That the amendments of the Council be agreed to.

No. 48, C. F. "A bill to authorize the keeping a ferry at St Anthony's Falls, on the Mississippi river," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Wheeler,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now.

The bill was then read a third time, passed, and its title was amended

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have indefinitely postponed No. 46, H. R. file, "A bill making certificates of the purchase of public lands evidence of title," and have appointed Messrs Clark, Browne and Lewis a committee of conference, to confer with the committee appointed by the House, in relation to the disagreement of the two Houses to amendments to No. 155, H. R. file, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city."

And then he withdrew.

On motion of Mr Hall,

Ordered, That the chief clerk be paid for six days services after the adjournment, in closing up and settling the business of the present session, and that the following individuals be paid for services as enrolling clerks to the House of Representatives, viz: W. J. A. Bradford, eight days; Morgan Reno, for one day; John B. Russell, for three days; and John Garrigues, for three days; and that the Secretary be required to pay the same.

Mr Walworth, from the committee of conference on the part of the House, appointed to confer with a similar committee on the part of the Council, in relation to the disagreeing vote of the two Houses to the amendments of the Council made to the first section of a bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city, reported that they have agreed to amend the first section of this bill by striking out the word "sixty," in the fourth line, and inserting "fifty-one."

The report of the committee was agreed to.

Mr Summers, on leave, introduced No. 171, H. R. file, entitled "Joint resolutions approbating the views set forth in the late message of the President of the United States," which were read a first time, and are as follows:—

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the principles and views of the President of the United States, generally, as set forth in his recent able message to Congress, are such as commend themselves to the cordial approbation of this Legislative Assembly.

Resolved, That approbating the bold and manly course of the President in his efforts to restore to the country a constitutional currency, this Legislative Assembly especially applaud his luminous discussion of this subject, as clearly demonstrating the identity of the best interests of the country with their final adoption.

Resolved, That the course of policy pursued by the present general administration towards the western country, has been liberal beyond example, and such as is deserving the approbation of the settlers.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and the resolutions read a second time now.

The resolutions were then read a second time.

Mr Hall moved that the resolutions do lie on the table until the second Monday in July next.

Which was decided in the negative. Yeas—6. Nays—12.

Those who voted in the affirmative, are Messrs Hall, Hawkins, Rich, Ross, Walworth and Wheeler.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, Cox, Fleenor, Langworthy, Leffler, Myers, Patterson, Robertson, Summers and Johnston, Speaker.

Mr Hall moved that the resolution be referred to a committee of the whole House.

The motion was lost.

Mr. Patterson moved that a call of the House be had, which was ordered.

And on the roll being called, the following named members failed to answer to their names, viz: Messrs Churchman, English and Mintun.

The Speaker then despatched the sergeant-at-arms to compel the attendance of the absentees.

After a short time, the absent members appearing,

On motion of Mr Walworth,

The further call of the House was dispensed with.

Mr Hall moved that the House adjourn until 2 o'clock, P. M.

The motion was lost.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended and the resolutions be read a third time.

Mr Rich moved that the message referred to in the resolutions be read.

The motion was lost.

The resolutions were then read a third time and passed. Yeas—15. Nays—8.

Those who voted in the affirmative, are Messrs Bailey, Biggs, Brewer, Coop, Cox, English, Fleenor, Langworthy, Leffler, Mintun, Myers, Patterson, Robertson, Summers and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Hall, Hawkins, Owen, Rich, Ross, Walworth and Wheeler.

On motion of Mr Patterson,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Summers, from the committee on enrollments, reported as correctly enrolled,

"An act to lay out and establish a territorial road from Wyoming to Iowa city."

"Resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly."

"A memorial to the post-master general."

"A joint resolution relative to a post route."

"An act to incorporate the city of Du Buque."

"An act for opening and regulating roads and highways."

"An act to amend 'an act to provide for the erection of a penitentiary and establishing and regulating prison discipline for the same.'"

The Speaker then signed said acts, resolutions and memorials.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—I herewith present for your signature,

"A memorial to the Secretary of War on the subject of arms, &c."

"An act relative to divorce, alimony and other purposes."

"An act to abolish imprisonment for debt."

"An act to provide for the settlement of the claim that Des Moines has upon Lee, Van Buren, Henry, Washington, Louisa and Muscatine counties."

"An act to establish a ferry across the Mississippi river."

"An act relating to auctioneers and auction sales."

"An act appointing commissioners to review a Territorial road."

"An act amendatory of 'An act regulating practice, &c.'" approved January 25, 1839.

The Council have appointed Messrs Hepner and Parker a committee of conference to confer with a similar committee of the House relative to the disagreement of the two Houses to amendments to No. 13, H. R. "A bill to amend an act entitled 'An act fixing the terms of the supreme and district courts, &c.'"

And have concurred in amendments of the House to

No. 48, C. file, "A bill to authorize the keeping of certain ferries therein named."

And then he withdrew.

The Speaker then signed the above entitled acts.

On motion of Mr Summers,

Ordered, That a committee of conference be appointed to confer with the Council relative to the disagreeing vote of the two Houses, to No. 13, H. R. file, entitled "A bill to amend an act fixing the time of holding the supreme and district courts in the Territory."

Messrs Summers and Leffler were appointed said committee.

Mr Hall introduced, by leave No. 173, H. R. file, entitled "A resolution relative to publishing a list of the acts of the present session," which was read a first time, and

On motion of Mr Hall,

Ordered, That the 44th rule be suspended and the resolution be read a second and third time now; the resolution was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hall,

Ordered, That the assistant clerk of this House be paid for four days services after the adjournment in closing up and settling the business of the present session.

Mr Brewer, from the committee on enrollments, reported "An act to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city."

"An act allowing and confirming the compensation of printers of the last Legislative Assembly," as correctly enrolled.

Mr Leffler, on leave, introduced No. 174, H. R. file, entitled "A bill to amend an act fixing the terms of the supreme and district courts of the Territory of Iowa, and for other purposes," which was read a first time.

On motion of Mr Leffler,

Ordered, That the 44th rule be suspended and the bill be read a second and third time now; the bill was then read a second time.

On motion of Mr Summers,

Ordered, That the word "December" be stricken out of the first section and the word "July" inserted.

Mr Rich moved to amend the second section; to which the House agreed.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have appointed Messrs Parker and Lewis a committee of conference in relation to the disagreement of the two Houses upon No. 13, H. R. file.

And have passed without amendment, No. 171, H. R. file, "Joint resolutions approbating the views set forth in the late message of the President of the United States."

No. 172, H. R. file, "A resolution relative to the safe keeping of the furniture belonging to the Legislative Assembly."

No. 173, H. R. file, "A resolution relative to publishing a list of the acts of the present session."

No. 174, H. R. file, "A bill to amend 'An act fixing the terms of the supreme and district courts of the Territory of Iowa.'"

And then he withdrew.

On motion, the House adjourned until 6 o'clock, P. M.

SIX O'CLOCK, P. M.

Mr Summers, from the committee on enrollments, reported as correctly enrolled "An act to amend an act fixing the terms of the supreme and district courts of the Territory of Iowa, and for other purposes."

"Resolution relative to publishing a list of the acts of the present session."

The Speaker then signed the above entitled act and resolution.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have appointed Messrs Hepner and Clark a committee to act in conjunction with a similar committee of the House, to wait upon the Governor and inform him that the two Houses have no further business before them, and to know if he has any further communications to make to them, and if not, they are now ready to adjourn *sine die*.

I herewith present for your signature, "An act to authorize the keeping of certain ferries therein mentioned."

And then he withdrew.

The Speaker then signed the above entitled act.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to re-locate the seat of justice in and for the county of Jones."

"A resolution in relation to the safe keeping of the furniture belonging to the Legislative Assembly."

"Joint resolution approbating the views set forth in the late Message of the President of the United States."

The Speaker then signed the above entitled act and resolutions.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE,
Jan. 16, 1840.

Received of Daniel Brewer, member of the House of Representatives:

"An act to punish for trespass on school and other lands."

"Joint resolution approving the views set forth in the late message of the President of the United States."

"An act to locate the seat of justice in and for the county of Jones."

"An act to amend the act fixing the terms of the supreme and district courts of the Territory of Iowa, and for other purposes."

"A resolution relative to the safe keeping of the furniture, &c."

"Resolution relative to publishing the list of acts passed at the present session."

"Memorial to Congress on the subject of expenses incurred by the Marshal in sustaining the laws of the United States within this Territory."

"An act to repeal the acts therein mentioned."

"An act to authorize the keeping of certain ferries therein named."

"Joint resolution relative to the sale of the Statute Laws."

"A resolution relative to publishing the laws of a general nature of the present session in certain newspapers."

"An act to restrict the commissioners in the expenditure of public moneys at Iowa city."

"An act to lay out and establish a Territorial road from Wyoming to Iowa city."

"Resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly."

"A memorial to the Postmaster General."

"A joint resolution relative to a post route."

"An act to incorporate the city of Du Buque."

"An act opening and regulating roads and highways."

"An act to amend an act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same."

And "An act for allowing and confirming the compensation of printers of the last Legislative Assembly, and for other purposes," this day presented for my consideration and approval.

(Signed) ROBERT LUCAS.

Also, "A memorial to the Secretary of War."

"An act relative to divorce, and for other purposes."

"An act amendatory to an act regulating practice."

"An act relating to auctioneers and auction sales."

"An act appointing commissioners to review a Territorial road."

"An act to provide for the settlement of the claims that Des Moines county has upon the counties of Lee, &c. &c."

"An act to establish a ferry across the Mississippi river." And

"An act to abolish imprisonment for debt."

On motion of Mr Summers,

Ordered, That a committee be appointed to act in conjunction with a similar committee on the part of the Council, to wait upon the Governor and inform him that the two Houses have no further business before them, and to know if he has any further communications to make to them, and if not, they are now ready to adjourn.

Whereupon, Messrs Summers and Hawkins were appointed said committee.

The committee retired, and after a short time returned and reported, that they had performed the duty assigned them, and that the Governor had no further communication to make to the Legislative Assembly at the present session.

On motion of Mr Hall,

Ordered, That a committee be appointed to wait upon the Council and to inform them that the House has no further business before them, and are now ready to adjourn *sine die*.

Whereupon, Messrs Hall, Churchman and Myers, were appointed said committee.

After being absent a short time the committee returned, and Mr Hall reported that the committee had performed the duty assigned them.

Messrs Parker, Lewis and Clark, a committee from the Council, was announced, and informed the House that the Council had no further business before them, and were now ready to adjourn *sine die*.

The committee then withdrew.

On motion of Mr Hawkins,

Ordered, That this House now adjourn *sine die*.

The Speaker then addressed the House as follows:

Gentlemen:—Before I say farewell to you, in accordance with the requirement of custom and the promptings of my own feelings, I shall take this occasion to return my warmest thanks for your complimentary resolution passed a few days ago.

The language of compliment is pleasant at all times, but truly so when we are assured that it is accompanied with feelings of friendship and respect.

If I have been enabled to discharge the duties of my station in a satisfactory manner, 'tis surely not attributable to my own knowledge or capacity, but to your indulgent forbearance. I have doubtless frequently erred, but your partiality has concealed it—your kindness has caused it to remain undiscovered.

The session has passed calmly and serenely away, and if a single ill feeling arose, it was instantly stifled.

The session has been one of business, not of excitement; and whether we have labored for good or for evil, is a tale which remains to be told. Of one thing I feel assured, that if we have erred, it has been with clean hands—with honest intentions.

To enact laws for the government and protection of a people so ent in their manners, habits and customs, as the citizens of our terr. are, is, as we have found, a work of no ordinary importance.

Great is the effect of the first enactments of a new country, and may we not hope that those which we have passed at our present session will have their due influence on the conduct and character of our people.

Gentlemen—'Tis ever painful to take leave of our friends, and let me assure you that 'tis not common-place courtesy when I say that I part from you all with regret.

A session of seventy-five days has made all around me familiar as household things, and doubtless I will often hear the voice of the Clerk at the desk, and fill the different seats in this hall with their proper occupants, in the visions of the night.

But we leave not as those who part without hope, for I flatter myself that I shall have the gratification of meeting you all in the ensuing summer, enjoying the good will of your constituents and the blessings of health.

Meanwhile you have my fondest wishes for your welfare, and the welfare of those whom you will meet at your homes.

This House is adjourned without day.

APPENDIX.

[No. 1.]

MEMORIAL

TO CONGRESS ON THE SUBJECT OF POST ROADS IN IOWA.

To the Honorable the Senate and
House of Representatives in Congress assembled.

Your memorialists the Council and House of Representatives of the Territory of Iowa, would most respectfully represent: That from the rapidity of the settlement of the country through which the respective post routes are hereinafter proposed to be established, a vast number of the citzens of this Territory are deprived of the benefits of mail privileges.

This Territory has been mainly settled since the establishment of any post routes by Congress and are now destitute of all mail facilities excepting those which have been afforded by the establishment of a very few special mail routes. Your memorialists would therefore most respectfully recommend the establishment by law of the following routes:

From West Point to St Francisville, Mo.

From Fort Madison to West Point, Salem and Fairfield, to the Indian Agency.

From Keokuk by Farmington, New Lexington, Bentonsport, Keosauqua, Rising Sun and Portland to the Indian Agency.

From Keosauqua by Philadelphia, Fairfield in Jefferson county, Washington in Washington county to Iowa city.

From Burlington to New London, Mount Pleasant, Fairfield to the Indian Agency.

From Burlington city by Virginia Grove in Louisa county to Iowa city.

From Fort Madison by Baltimore, Mount Pleasant and Trenton to Brighton.

From Burlington by Augusta, Denmark, West Point, Farmington, to Palmyra in Mo. passing through county seats in its course.

From Black Hawk by Wapello and Fredonia to Iowa city.

From Bloomington by Storm's settlement to the county seat of Washington.

From Drury's Landing in Rock Island county, Illinois, by Bloomington, Moscow and the county seat of Cedar county, to the county seat of Linn county.

From Davenport to the county seat of Linn county on the Territorial road.

From Rockingham by Centre Grove and Moscow to Iowa city.

From Fort Byron, Illinois via Parkhurst, Iowa, to the county seat of Cedar county.

From Dixon's Ferry via Albany, Illinois, and Camanche, Iowa, by the county seat of Cedar county to Iowa city.

From Iowa city by the county seat of Linn county, and by the county seat of Delaware county, and by the mouth of Elk creek, to Prairie La Porte.

From Burkhart's Point in Des Moines county, by Wapello to Grandview.

From Du Buque on the Territorial road, established by an act of the last Congress, to Keosauqua, in Van Buren county, and to Palmyra, Mo. and from Keosauqua to Jefferson city, Mo.

From Montpelier by the county seat of Cedar county, to the county seat of Jones county.

From Peru, Illinois, by Princeton, by Andover, Millersburgh, by Drury's landing to Bloomington, Iowa.

From Galena by Belleview, by Morton's mills, to the county seat of Jones county.

From Charleston by Goodnoe's mills, by Burliston's settlement, by Elk ford to the Point on the Territorial road where the said road crosses the Wabsepinica river, and thence to the county seat of Linn county.

Your Memorialists recommend the discontinuance of the following route:—

From Wapello by Cateese and Sipenamo to Napoleon.

Resolved, That his Excellency the Governor be requested to furnish the President of the Senate, the Speaker of the House of Representatives, and our Delegate in Congress, with copies of this memorial.

[No. 2.]

PREAMBLE AND JOINT RESOLUTIONS RELATIVE TO THE UNSURVEYED LANDS.

Whereas the country purchased of the Sac and Fox Indians, in the month of October, 1837, is rapidly populating, by a respectable and industrious class of citizens, making large farms, building towns, and constructing extensive machinery, which must necessarily be divided and subdivided by the future survey of the Government of the United States, the result of which will be loss, litigation and serious difficulty, the never failing check to such laudable industry. Therefore,

Be it resolved, by the Council and House of Representatives of the Territory of Iowa, That our Delegate in Congress be requested to use his best exertions to obtain an appropriation for the survey of all the unsurveyed lands in the Territory of Iowa, to which the Indian title has been extinguished.

And be it further resolved, That the Governor of this Territory be requested to forward four copies of these resolutions, one to our Delegate in Congress, one to the Speaker of the House of Representatives, and one to the President of the United States, and one to the Commissioner of the General Land Office.

[No. 3.]

MEMORIAL

To the Honorable the Senate and House of Representatives of the United States in Congress assembled,

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully call your attention to the improvement of the navigation of the Iowa and Cedar rivers. Your memorialists believe that the removal of a few obstructions, in the Cedar branch of the Iowa, would render this river navigable, for at least six months of the year, and for at least one hundred miles from its junction with the Iowa. The navigation of this river would render incalculable advantages to the inhabitants of the rich and densely populated country through which it flows. Towns and villages of some considerable importance, already exist on the banks of this river, which have no other facilities of communication with the Mississippi river, than those afforded by land.

Your memorialists, would refer your honorable body to the known liberality of the government, in granting donations to the States and Territories for the improvement of their harbors and the navigation of their rivers.

Your memorialists ask the extension of the same liberality for the improvement of the navigable streams in Iowa.

Your memorialists believe that a liberal donation from the government, for the improvement of the navigation of the Cedar and Iowa rivers, would not only develope the great resources of country through which these streams flow, but would render marketable vast quantities of the public lands, which would otherwise be unsaleable.

Resolved, That his Excellency the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 4.]

MEMORIAL,

To the Honorable the Senate and House of Representatives of the Congress of the United States.

Your memorialists, the Council and House of Representatives of Iowa Territory, beg leave to represent, that a large portion of the citizens of this Territory, in that part of the same watered by Skunk river and its numerous tributaries, are destitute of any kind of water conveyance for the exports and imports of the country except that which may be afforded by the improvement of said stream; which improvement your memorialists believe to be entirely practicable.

Your memorialists would represent that the country is already thickly settled by an industrious, enterprising class of citizens from the older settled parts of the United States, bringing with them their habits of industry and enterprise which have already produced a surplus of the products of the soil beyond the demands for the consumption of the country, and the inconvenience from the want of navigation by said river is already seriously felt.

Your memorialists beg leave to further represent to your honorable body that on account of the meandering of said stream, in making the surveys of the United States, and the consequent reservation of the same from sale, the country is deprived of its use for hydraulic purposes. We therefore ask your honorable body to order a survey of said river at as early a period as practicable, by a competent corps of engineers under the authority of the United States, with a view to ascertain the practicability of improving the navigation of the same.

Resolved, That his excellency the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 5.]

MEMORIAL

FOR A DONATION OF LAND FOR LITERARY PURPOSES.

To the Senate and House of Representatives of the United States.

Your memorialists the Legislative Assembly of the Territory of Iowa, now in session, beg leave to represent to your Honorable body, that there is no portion of the United States of America, more destitute of the means of education, than the people of the Territory of Iowa. It is deemed unnecessary by your memorialists, to attempt to enter into detail in relation

to the importance of education, while they are mindful of the character and intelligence possessed by the members comprising your honorable body.

Your memorialists, are convinced that the important support which education contributes and affords to the welfare of our Government, is but an item in the many arguments that might be offered in its favor.

Your memorialists are fully persuaded from the former liberality your honorable body has manifested on frequent occasions, by making donations in land, or appropriations in money, for the purpose of education in other Territories that you will manifest the same spirit on this occasion, to the infant but prosperous Territory of Iowa.

Your memorialists are fully convinced that your Honorable body must be aware of the great disadvantages which your memorialists must necessarily labor under for the want of funds for the purpose of education, in consequence of their frontier position.

Your memorialists would therefore pray your honorable body, to take the subject under their wise deliberation, and give it that just and impartial investigation which its magnitude demands.

Your memorialists in conclusion, would earnestly recommend to your consideration the propriety, and urge the importance of making a donation equal to two entire Townships of Land in the Territory of Iowa, for the purpose of establishing a college in said Territory.

Resolved, That the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives and one to our Delegate in Congress.

[No. 6.]

MEMORIAL

To Congress for establishing another Land District in this Territory.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled,

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully call the attention of your honorable body to the necessity of establishing another land district in this territory.

This territory is now divided into two land districts, the land offices of which are situated, the one at the town of Du Buque, the other at the city of Burlington.

The Du Buque land district extends south to the township line that divides townships seventy-seven and seventy-eight, rendering the south-western extreme of this district more than one hundred miles from the land office.

This subjects the numerous and *bona fide* settlers residing in this part of the Du Buque land district to many and unnecessary inconveniences.

The settlers in the northern part of the Burlington land district suffer many difficulties from the distance to the land office, and from the bad roads and impassable streams at certain seasons of the year.

Your honorable body will readily perceive, by reference to the map of Iowa, the great difficulties and many inconveniences suffered by the inhabitants of the middle part of this territory, being compelled to go to either extreme of the territory to secure their homes.

Your memorialists would, therefore, most respectfully recommend the passage of a law creating a new land district, the office for which shall be located at Iowa city, the seat of government for Iowa territory. This location, your memorialists believe would have the desired effect of affording more facilities to the settlers in purchasing the public lands than any other point that could be selected, as the lands on the Mississippi river have either already been sold or are now in market. This location would be nearly in the centre of a large district of country, a part of which has already been surveyed, and to the whole of which the Indian title has been extinguished.

[No. 7.]

MEMORIAL

To the Congress of the United States on the subject of amending the Organic Law of the Territory of Iowa.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That the inhabitants of the Territory of Iowa, are put to great inconvenience, and in many cases have suffered actual loss by reason of the limited jurisdiction conferred upon Justices of the Peace by the law organizing this Territory.

Your memorialists would further represent, that in a great many cases it is preferable for those who may have a good and just cause of action, where the amount due is more than fifty dollars, to submit to the loss and neglect, to enforce the claim, than to seek redress in a court of record, thereby subjecting themselves to the expense and trouble of traveling in many cases twenty or thirty miles to the place where the court is held, and all the expense incidental to prosecuting a suit to final judgment.

Your memorialists would therefore respectfully pray your honorable body so to amend the organic law of this Territory, as to extend the jurisdiction of justices of the peace to the sum of one hundred dollars.

Resolved, That His Excellency the Governor, be requested to forward three copies of the above memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our delegate in Congress.

[No. 8.]

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would most respectfully represent, That at the last session of your honorable bodies, the sum of five thousand dollars was appropriated for the purpose of laying out and establishing a road in this Territory, commencing at Burlington, and running through the Territory to its western boundary, in a direction to the Indian Agency, on the Des Moines river, under the superintendence of R. C. Tilghman, United States Assistant Engineer. Your memorialists would respectfully represent that said road has been surveyed through to said western boundary of the Territory, and completed as far as Skunk river, in Des Moines county, being about one half of the work, and for want of means, the said superintendent has been compelled to suspend further operations. Your memorialists would further represent, that five thousand dollars more would be sufficient to complete this laudable work, which is not only beneficial to the Territory, but also to our nation, for the transportation of mails and the conveyance of munitions of war, which is of great importance, situated as this Territory is, upon the borders of an Indian country.

Your memorialists would therefore earnestly request your honorable bodies to grant to this Territory the further sum of five thousand dollars, for the completion of said road.

Resolved, That the Governor be requested to forward two copies of this memorial, one to the Secretary of War, and one to our delegate in Congress.

[No. 9.]

A PREAMBLE AND RESOLUTONS

To the Congress of the United States asking for an appropriation for the improvement of a Territorial road on the Des Moines river.

Whereas, the Legislative Assembly of last session passed a law authorizing the survey and opening of a Territorial road, commencing at Keokuk on the Mississippi river in Lee county, running thence upon the north bank of the Des Moines river, passing through the towns of Farmington, New Lexington, Bentonsport, Columbus and Philadelphia; thence up to and terminating at Iowaville on the Des Moines river, formerly Iowa city; said road if improved must necessarily be of great importance both to the Territory and the general government. Keokuk, the commencing place of this road, is the natural and most convenient depot for all the extensive

Des Moines country, being situated at the foot of the Des Moines rapids and immediately above the mouth of the Des Moines river. This road when finished will afford great facilities for the transportation of mails, passing as it does through a number of towns and a densely populated country, terminating on the Indian borders, thereby affording the remotest of our inhabitants the benefit of mails,

And, Whereas this road passes over a number of tributary streams to the Des Moines river, which at many seasons of the year are backed up by the said river, making them impassable,

And, Whereas the improvement of said road is deemed to be of too much magnitude to be undertaken in the ordinary way of improving such roads,

Therefore, Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to use his influence in obtaining an appropriation of ten thousand dollars for the opening of said road.

Be it further Resolved, That the Governor be requested to forward one copy of this preamble and resolution to our delegate in Congress.

[No. 10.]

MEMORIAL

To Congress for the improvement of the roads therein mentioned.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

The Council and House of Representatives of the Territory of Iowa, would most respectfully represent, that a great portion of the direct communication between the State of Illinois and the interior of this Territory, is cut off for the want of a road opposite the town of Bloomington in this Territory, to Drury's Mills, Illinois, a distance of only four miles. An appropriation of four or five thousand dollars would sufficiently improve this road. This improvement would not only be of great benefit to the government in the transportation of the mails; but would be of immense importance to the citizens of Illinois and Iowa.

Your memorialists also ask an appropriation of five thousand dollars for the improvement of the Territorial road from Bloomington to Iowa city, the seat of government of this Territory.

Also, an appropriation of six thousand dollars for the improvement of the Territorial road from the ferry landing opposite Oquaka, Illinois, to Napoleon in Johnson county; and an appropriation of ten thousand dollars for the improvement of the Territorial road from Black Hawk via Wapello and Mount Pleasant, to the southern boundary line of the county of Van Buren, in a direction to Jefferson city, Missouri.

Your memorialists ask a further appropriation of three thousand dol-

lars, to erect two bridges across the Muscatine slough, the one at the head of the slough at Bloomington, the other at or near section one, seventy-five north, range three west. This improvement would shorten the mail road from Bloomington to Black Hawk at least five miles.

Resolved, That His Excellency, the Governor, be respectfully requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to Hon. W. W. Chapman, our delegate in Congress.

[No. 11.]

A MEMORIAL

To the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin.

To His Excellency, Martin Van Buren, President of the United States:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent: That by the ninth and tenth sections of a treaty concluded July 15th, A. D. 1830, between the commissioners on behalf of the United States and the Sacs and Foxes, Sioux and other tribes of Indians, a certain tract of country therein described, was reserved for the use and occupation of the half breeds of the Sioux nation of Indians.

They would further represent, that the tenth section of the above recited treaty authorizes and empowers the President of the United States "to assign to any of the said half breeds, to be held by him or them in fee simple, any portion of said land," &c.

Therefore, your memorialists respectfully request that your Excellency will make such division among said half breeds, whenever they may desire the same; for your memorialists believe that such a course will cause permanent settlements to be made on said reservation, and tend greatly to promote the prosperity and security of that portion of the Territory. And your memorialists, &c.

[No. 12.]

MEMORIAL

For the survey of the Harbor at the town of Du Buque.

To the Honorable the Senate
and House of Representatives of the United States.

Your memorialists the Council and House of Representatives of the Territory of Iowa, respectfully represent: That it has ever been the wise policy of our national government to encourage, foster and protect commerce, by extending to it every facility consistent with the constitutional powers of the same, in removing as far as possible every obstruction to the navigation of our great rivers, the natural channels of trade and travel, the construction of harbors to render secure all vessels engaged in the trade of our country, thus bringing as it were distant ports together, uniting all parts of the country in one common interest; and that where obstructions to this free intercourse existed, it has only been necessary to make your honorable bodies acquainted with the facts, to ensure their early attention and efficient aid in removing such obstructions. With the numerous precedents which the proceedings of Congress afford, we beg leave to call your attention to the necessity of the improvement of the Harbor at Du Buque, confident that the utility of the same cannot admit of a reasonable doubt, when the advantage it will be both to the citizens of the same and to the United States are seen and appreciated.

That its importance may be seen, your memorialists would further represent, that Du Buque is situated on a slough of the Mississippi river; that for one and a half miles below, and two miles above, the slough is connected with the river only by a narrow and shallow inlet; that the depth of the water in the slough is less than upon the Rapids, consequently in low water, boats are compelled to land outside the island in front of the town, rendering it very difficult to get freight on shore, and when in higher stages of water the boats can pass up the slough to a landing on an arm of the river convenient to the town, those bound for the various ports above Du Buque are compelled to descend below the foot of the island one and a half miles below Du Buque, and then pass up on the outside of the island.

This delay and difficulty will be entitled to no little weight, when it is taken into consideration that no boats pass by Du Buque without landing, and when your honorable bodies reflect that a vast extent of country north of this place is fast becoming settled with an industrious and business population.

Your memorialists further represent, that the head of the bay into which boats in moderate stages land, is about six hundred and fifty yards from the foot of Lake Peosta, a beautiful sheet of water one mile long, separated from the main channel of the Mississippi only by a portage of four

hundred yards. Your memorialists are of opinion that by uniting Lake Peosta with the Mississippi at Eagle Point, where a strong current strikes the shore, by a canal ten feet deep, and connecting it at the foot with the bay in front of the town by a canal eight feet deep, a strong current can be produced, which will bring sufficient water into the slough to enable the largest boats in the trade, at all seasons of the year, to come with ease to the best landing, thus shortening the distance of travel to boats going up at least three miles and giving a current to sweep away the filth that collects in the bay, producing water in its healthful state. The length of the two canals will not exceed one thousand yards, and boats are able in the high stages of water to pass over six hundred yards of the line of the proposed canal.

Your memorialists would further represent, that by these short canals a high and beautiful landing will be made for two miles up the river, connecting Du Buque with the town of Eagle Point. As the site, the entire extent is beautifully calculated for the same, and the unparalleled rapidity with which Du Buque is growing, warrants the assurance that the day is not far distant when the two towns will meet and comprise the city of Du Buque.

Your memorialists would further represent, that Du Buque is the commercial depot for all the lead on the west side of the Mississippi, as well as the landing for a vast extent of country back, which is calculated to sustain a dense population, and is becoming filled with industrious farmers, which being yet in the hands of government, must be enhanced by the increase of commercial facilities. With these facts before you, your memorialists pray that you will cause a survey of the proposed improvement to be made by a suitable engineer, confident that a work of so much importance will not be permitted to go undone when the cost is so small in comparison with the good to be effected.

And that you will make an appropriation sufficient to complete the work which it is confidently believed will not cost more than fifteen thousand dollars.

Resolved, That the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives and one to our Delegate in Congress.

[No. 13.]

JOINT RESOLUTION,

Requesting our Delegate in Congress to urge the passage of a law for a Post Road.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to urge the passage of a law establishing a post road from Andover, Illinois, by Illinois city, Wyoming, Iowa, to Moscow.

[No. 14.]

MEMORIAL

'To Congress for an appropriation for a road opposite Burlington, in the Mississippi bottom.

To the Honorable the Senate and House of Representatives of the United States:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent: That the sum of twenty-five hundred dollars was appropriated at the last session of Congress for the improvement of the road across the Mississippi bottom, opposite the city of Burlington, in the State of Illinois, that the sum already appropriated is insufficient to improve the said road, and will be comparatively lost unless a further appropriation shall be made to complete said work.

Your memorialists would further represent, that the said road is one of the principal thoroughfares from the State of Illinois to the Territory of Iowa, that during the high water of the spring and summer seasons, said road is altogether impassable, that the travel west to the city of Burlington is diverted from its proper course, and that travelers and emigrants cannot reach the city of Burlington without ferrying about three miles and a half during such high water.

Your memorialists would further represent, that said road, if improved, would be an important thoroughfare for the passage of troops and the transportation of the munitions of war from the western States of the union, to the south-western frontier of the Territory, and the northern frontier of the State of Missouri.

Your memorialists further represent, that great difficulty has been experienced hitherto in the transportation of the mails for the want of said improvement; that their passage has been frequently interrupted and delayed, and that the people of the southern part of the Territory, in consequence of such delay, have already experienced great inconvenience.

Your memorialists, therefore request a further appropriation of seven thousand five hundred dollars, for the completion of said road, believing that such sum would make said road passable at all seasons of the year.

Resolved, That His Excellency, the Governor, be requested to forward one copy of this memorial to the President of the Senate, one copy to the Speaker of the House of Representatives, one copy to the Hon. W. W. Chapman, our delegate in Congress, and one to the Hon. John T. Stuart of the House of Representatives, from the State of Illinois.

[No. 15.]

MEMORIAL

To Congress on the subject of a turnpike road from the city of Burlington via Mount Pleasant to Fairfield.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, beg leave to represent to your honorable bodies, that the rapid settlement and prosperous condition of the agricultural and manufacturing interests of the interior of our territory and the consequent increase of travel and business, and the growing surplus of the products of our rich and fertile region, demand facilities for conveying our articles of export to some point on the Mississippi river, as well as a convenient channel for the conveyance of the imports of the Territory.

Believing that a turnpike road from the city of Burlington into the interior, would add more than its cost to the value of the public domain, as well as afford a facility of transportation of incalculable advantage to the industrious farmers and enterprising merchants of our country, we therefore pray your honorable bodies to authorize a survey of a route for a macadamized road from the city of Burlington, commencing at the west end of High street, thence on the nearest and best route by New London and Mount Pleasant to Fairfield, in Jefferson county, and also grant an appropriation of money or land to make the same; and also a sum sufficient to erect a bridge across Skunk river on said road.

Resolved, That the Governor be requested to forward three copies of the foregoing memorial, one to the President of the Senate, one to the Speaker of the House of Representatives and one to our delegate in Congress.

[No. 16.]

JOINT RESOLUTION

On the subject of Post Offices, &c.

Whereas the Legislative Assembly of this Territory have at the present session memorialized Congress for the establishment of a mail route on the national road from Du Buque to the southern boundary of the Territory; and whereas it is confidently believed that the same will be granted; therefore

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to use his best

exertions to have a mail carried upon said route as soon as the same is established, and also to recommend the establishment of post offices on said route as follows: One at the Falls of the Maquoketa in Du Buque county, and that Arthur Thomas be appointed post master; one at Buffalo fork in Jones county, and that George H. Walworth be appointed post master; one at Ivanhoe in Linn county, and that Anson Cowles be appointed post master; one at or near Astoria in Washington county, and that David Goble be appointed post master; one at Washington in Henry county, and that John Courey be appointed post master.

Resolved, That his Excellency the Governor, be requested to forward one copy of this resolution to the Postmaster General, and one to our delgate in Congress.

[No. 17.]

MEMORAL

For the speedy settlement of the Du Buque land claim.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent: That the inhabitants of that part of the Territory, including the greater portion of the county of Du Buque, and known as the Du Buque claim, are materially injured and subjected to much inconvenience and disquietude in consequence of the postponement and delay of the sales of public lands in that district, caused by the pendency of that claim. And further, that these persons have settled upon and improved their lands, (many of them under permits from the United States agent) in the full belief that the benefits of the pre-emption law would be extended to them, and that much of their property consists in their improvements, and that any unnecessary delay in settling this claim must operate prejudicial to their interests. We therefore pray your honorable bodies to have some speedy action on the subject, that they may purchase their farms and homes.

Resolved, That the Governor be requested to forward three copies of the foregoing memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 18.]

A MEMORIAL

To Congress for an appropriation to remove obstructions on the Rapids of the Mississippi.

To the Honorable the Senate and House of Representatives of the United States.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully call your attention to the great importance of removing the obstructions to the navigation of the Mississippi river, occasioned by the rapids in said river, generally designated as the Des Moines and Rock river, or upper and lower rapids, they would suggest an important difference in the character of the navigation of the Mississippi from all other streams of the west, above the mouth of Missouri river, that it is not so much affected by dry and wet seasons; the upper Mississippi at all seasons, except on the rapids, furnishing abundance of water at all its lowest stages for boats drawing four feet.

As evidence of the practicability of removing said obstructions, they refer to the report of the engineer employed by the United States to make a survey of said rapids, and to the success attending the work on the lower rapids the past season. The extent of country to be benefited by the removal of said obstructions, can be best appreciated by an examination of the maps of the country above them; they would refer to the annual messages of the Executives of Wisconsin and Iowa Territories, as evidence of the rapid increase, of the importance of the country to be benefited by the proposed improvements.

Your memorialists are satisfied from information they have collected, that the number of arrivals and departures of steam boats from the ports of Galena and Du Buque the past season, amount to four hundred, having an estimated tonnage amounting to thirty thousand tons.

They would state as their firm conviction, that a much greater tonnage is employed in the trade above the lower rapids now than was employed in the entire trade of the Mississippi valley, above the mouth of the Ohio twenty years ago; that the trade of Du Buque alone is now greater than was the trade of St Louis then. An important item of this trade is lead, furnishing four fifths of the entire consumption of the United States, and in which all are interested.

The government is largely and directly interested in the removal of said obstructions, as thereby the expense would be greatly lessened and the facility greatly increased in the transportation of troops, military stores and government supplies. In illustration of this, they refer to the freighting government account this last fall of the steamboat Detroit, with supplies for St Peters, at six dollars per hundred pounds, when, if these obstructions had not been in the way, they believe the freight might have been transported at one dollar per hundred pounds, or less. They

would respectfully call your attention to the fact that almost the entire Territory bordering upon and above these rapids are government lands not yet brought into market, and which are settling with a rapidity heretofore unparalleled; that the sale of these lands will afford a large and increasing revenue for many years to come; that any increased facilities in the intercourse with the country will increase its value and expedite its settlement and sale.

The average price of freight from St Louis above the rapids, at seasons when the rapids are not an obstruction, will hardly range so high as fifty cents; and at seasons when it is necessary on their account to re-ship, they rise as high as two dollars, and even higher, per hundred pounds; that these rapids may be fairly estimated as constituting such an obstruction to the navigation as to render necessary re-shipment at them one half the business season; and your memorialists are confident in the opinion that the obstructions of these rapids increase the cost of transportation upon a fair estimate of the entire freights over them, both ascending and descending, one hundred per cent. and that the price of passage on steamboats is affected in nearly the same rates.

They would call your attention to the subject, that in consequence of these rapids a much smaller class of steamboats are employed in the trade, greatly to its prejudice, and a direct trade without the expenses of re-shipment with New Orleans and other distant and important ports, obstructed.

Your memorialists state that not only the country bordering on the Mississippi above these rapids, but the entire union will, in nearly an equal degree, enjoy the benefits accruing from the removal of these obstructions to the navigation of the upper Mississippi, by the increased value it will give to the public lands, by lessening of the expense of the transportation of lead, and thereby lessening the costs of its production to the consumer, and by the increased facility of its trade and settlement, in which all are interested.

Your memorialists would submit the opinion, that the entire expense which will be incurred in the improvement of the rapids so as to render the navigation over them equal in goodness and safety to the navigation generally of upper Mississippi, will not equal the increased expense of one year, to the transportation over them occasioned by their obstruction.

Your memorialists, therefore, urge upon your consideration the great propriety for the above considerations and others, which will readily suggest themselves, of making such speedy and competent appropriations, and adopting such measures as will in the shortest time consistently with economy ensure the removal of the obstructions occasioned to the navigation of the upper Mississippi by the before designated rapids, &c. &c.

[No. 19.]

A RESOLUTION

Requesting our Delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to use his best exertions to have a line of semi-weekly post coaches put upon the mail route from Davenport to Du Buque, via Pleasant Valley, Parkhurst, Wabesipinica, Camanche, Charleston and Belleview.

Resolved, That His Excellency the Governor, be requested to forward two copies of this resolution, one to the Post Master General, and one to our delegate in Congress.

[No. 20.]

PREAMBLE AND RESOLUTION

For the benefit of the former Sheriffs.

Whereas, William B. Slaughter, Secretary of the Territory of Wisconsin, has refused or neglected to pay the sheriffs in the counties on the west side of Mississippi river for taking the census in the year 1838,

Therefore, Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be instructed to use his best exertions to procure pay for the said Sheriffs.

[No. 21.]

MEMORIAL

To Congress for an appropriation to improve Roads from Iowa city to Prairie Du Chien and from Du Buque to the county seat of Delaware county.

To the Honorable the Senate and
House of Representatives of the United States:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully ask your attention to the subject of improving the Territorial road from Iowa city to Prairie Du Chien, and

would therefore represent to your honorable bodies that said road will form a truly important link in the communication between the garrisons on the Upper Mississippi and those on the Missouri river, and as a road has already been surveyed and partly improved, by a former act of Congress, from the northern boundary of Missouri to Iowa city, the road now asked to be improved will form one continued communication along our frontier, and affording the surest means of protection from Indian Hostilities. An appropriation of twenty thousand dollars will render this road from Iowa city to Prairie Du Chien a great facility for the transportation of arms, ammunition and troops in time of war, and for the furnishing of supplies for the garrisons above mentioned.

Your memorialists would further represent that the county of Delaware is a flourishing county next west of the county of Du Buque, has been organized at the present session of our Legislature, and a direct communication is much needed from Du Buque to the seat of justice of the said county of Delaware which could be afforded if an appropriation of five thousand dollars should be made for the establishment and improvement of said road.

Your memorialists, therefore, respectfully but earnestly ask for the passage of an act appropriating the above amount for the purpose aforesaid, and as in duty bound, &c.

Resolved, That his Excellency the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 22.]

MEMORIAL

To Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent: That the construction of a Territorial road from Keokuk, in the county of Lee, through West Point in said county, to Mount Pleasant, in a direction to Iowa city, the seat of government of said Territory, is a subject of great importance to the people of the Territory through which it would pass. The low stage of the Mississippi river at certain seasons of the year renders it necessary for steamboats to land their cargoes at Keokuk, and it is therefore necessary for the citizens in the south and southwest part of the Territory to transport their goods by land where there are no suitable roads or bridges over the numerous streams which they must necessarily pass. There-

fore, we respectfully ask that you should appropriate the sum of ten thousand dollars, to be expended in constructing a road from Keokuk by West Point, in Lee county to Mount Pleasant in Henry county, to be laid out under the direction of some experienced engineer.

Resolved, That his Excellency be requested to forward two copies of this memorial, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 23.]

JOINT RESOLUTION RELATIVE TO A POST ROUTE.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our Delegate in Congress be, and he is hereby requested to use his best exertions to have a semi-weekly post route established, direct from Burlington city to Keosauqua in Van Buren county.

Resolved, That his Excellency the Governor is respectfully requested to forward a copy of this resolution to our Delegate in Congress.

[No. 24.]

RESOLUTION

Relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly.

Resolved by the Council and House of Representatives of the Territory of Iowa, That our delegate to Congress be requested to obtain an appropriation of ten thousand dollars to defray the expenses of the extra session of the Legislative Assembly to be held in July next.

Resolved, That the Governor is hereby requested to forward one copy of the above resolution to our Delegate in Congress.

[No. 25.]

MEMORIAL

To the Hon. Amos Kendall, Post Master General of the United States.

Your memorialists the Council and House of Representatives of the Territory of Iowa, respectfully represent, That on the first day of July A. D. 1839, a contract was entered into on route No. 2858 to carry the mail from Burlington in the Territory of Iowa, to Peoria in Illinois, once a

week in two horse stages. It was ascertained that all the intermediate post offices on this route were supplied with cross mails, and the Territorial officers and citizens of Burlington, believing that the Post Master General would sanction the change after understanding the great advantage it would confer without any additional expense arising from it, prevailed upon the contractor to combine this route, with route No. 2788 as thereby the mail would be carried through from Peoria to Burlington three times a week, in four horse post coaches in two days, whereas according to the contract it would be carried between these points but once a week in two horse coaches. The contractor has in accordance with the solicitations just mentioned, carried the mail thrice a week, on Route No. 2788, from Peoria to Burlington, greatly to the advantage of the whole country, and to the injury of no portion of it. The Post Master General it is hoped will not suffer the remonstrances of five small and unimportant offices that are without this mail, well supplied by cross routes, to defeat the interests of the whole Territory.

It is by this mail that every thing from Washington reaches the officers of the Territory and a contraction of these facilities would greatly embarrass them in the discharge of their official duties, and retard the reception and transmission of intelligence from nearly all the States to a degree amounting not merely to a privation but an absolute grievance.

Resolved, That the Governor be requested to forward one copy of this memorial to the Post Master General of the United States.

RULES

FOR THE GOVERNMENT OF THE

HOUSE OF REPRESENTATIVES.

TOUCHING THE DUTY OF THE SPEAKER.

I. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum shall cause the journal of the preceding day to be read.

II. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

III. He shall rise to put a question, but may state it sitting.

IV. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye;" and after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for, the House shall decide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

V. When any motion or proposition is made, the question, "Will the House now consider it," shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.

VI. The Speaker shall examine and correct the Journal before it is read. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

VII. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

VIII. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

IX. All acts, addresses and joint resolutions, shall be signed by the Speaker, and all writs, warrants and subpœnas issued by order of the House shall be under his hand and seal, attested by the clerk.

X. In cases of any disturbances or disorderly conduct in the lobby, the Speaker or chairman of the committee of the whole House, shall have power to have the same cleared.

XI. ORDER OF THE BUSINESS OF THE DAY.

After the Journal is read, the following order shall govern :
1st—Petitions or memorials to be offered.
2d—Resolutions.
3d—Reports of committees.
4th—Bills, messages and communications on the Speaker's table.
5th—Bills and resolutions ready for a second reading.
6th—Bills on their passage.
7th—Reports in possession of the House, which offer grounds for a bill are to be taken up in order that the bill may be ordered in.
8th—Bills or other matters before the House and unfinished the preceding day.
9th—These matters being despatched for expediting business, the general file of bills and other matters are to be taken up, agreeable to their first introduction to the House.

OF DECORUM AND DEBATE.

XII. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

XIII. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the members called to order he is at liberty to proceed. If otherwise he shall not be permitted to proceed without leave of the House, and if the case require it he shall be liable to the censure of the House.

XIV. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

XV. No member shall speak more than twice to the same question without leave of the House, nor more than once until every member choosing to speak shall have spoken.

XVI. If a question pending be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted to speak again without leave.

XVII. Whilst the Speaker is putting any question or addressing the House none shall walk out of or across the House, or when a member is speaking shall entertain private discourse, nor whilst a member is speaking shall pass between him and the chair.

XVIII. No member shall vote on any question in the event of which

he is immediately and particularly interested, or in any case where he was not present when the question was put.

XIX. Upon a division and count of the House on any question no member without the bar shall be counted.

XX. Every member who shall be in the House when the question is put shall give his vote, unless the House for special reasons shall excuse him.

XXI. When a motion is made and seconded it shall be stated by the Speaker, or being in writing, it shall be handed to the Chair and read aloud by the Clerk before being debated.

XXII. Every motion shall be reduced to writing if the Speaker or any member desire it.

XXIII. After a motion is stated by the Speaker or read by the Clerk it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

XXIV. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried shall be considered equivalent to its rejection.

XXV. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The committee of the whole House; a standing committee; a select committee.

XXVI. A motion to adjourn shall be always in order: that and the motion to lie on the table, shall be decided without debate.

XXVII. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and until it is decided shall preclude all amendment and further debate upon the main question.

XXVIII. On a previous question there shall be no debate.

XXIX. When a question is postponed indefinitely it shall not be acted upon again during the session.

XXX. Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

XXXI. Motions and reports may be committed at the pleasure of the House.

XXXII. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

XXXIII. When a motion has been once made and carried in the affirmative or negative it shall be in order for any member in the majority

to move for the reconsideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions except a motion to adjourn.

XXXIV. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

XXXV. Every order, resolution or vote to which the concurrence of the Council shall be necessary, shall be read to the House and laid on the table on a day preceding that in which the same shall be moved unless the House shall otherwise expressly allow.

XXXVI. Petitions, memorials and other papers addressed to the House shall be presented by the Speaker or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless, where the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

XXXVII. A proposition requesting information from the Governor, Secretary or any other Territorial officer, shall lie on the table one day for consideration unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees, and when adopted the clerk shall cause the same to be delivered.

XXXVIII. Any five members, including the Speaker, if there be one, shall be authorized to compel the attendance of absent members.

XXXIX. Upon calls of the House or in taking the Ayes and Noes on any question the names of the members shall be called alphabetically.

XL. No member shall absent himself from the service of the House unless he is sick and unable to attend.

XLI. Upon a call of the House the names of the members shall be called over by the Clerk and the absentees noted, after which the names of the absentees shall again be called over and the Sergeant-at-Arms shall be directed by the Speaker to compel their attendance.

XLII. No committee shall sit during the sitting of the House without special leave.

OF BILLS.

XLIII. Every bill shall be introduced by motion for leave, or by an order of the House on the report of the committee. One day's notice at least shall be given of the motion to bring in a bill.

XLIV. Every bill shall receive three several readings in the House previous to its passage, and all bills shall be despatched in order as they were introduced unless where the House shall direct otherwise; but no bill shall be twice read on the same day without special order of the House.

XLV. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

XLVI. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed then the question shall be whether to a select or standing committee, or to a committee of the whole House. If to a committee of the whole House, the House shall determine on what day; but if the bill be ordered to be engrossed the House shall appoint the day when it shall be read a third time.

XLVII. Not more than three bills originating in the House, shall be committed to the same committee of the whole, such bills being analogous in their nature, which analogy shall be determined by the Speaker.

XLVIII. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

XLIX. All bills ordered to be engrossed shall be executed in a fair round hand.

L. No amendment except by way of rider shall be received to any bill on its third reading.

LI. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

LII. That all bills on their second reading shall be read by their title, unless the reading of said bill shall be called for, by a member of the House.

OF COMMITTEES OF THE WHOLE HOUSE.

LIII. In forming committees of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

LIV. Upon bills committed to committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

LV. All amendments made to an original motion in committee shall be incorporated with the motion and so reported.

LVI. All amendments made to a report committed to a committee of the whole House, shall be noted and reported as in case of bills.

LVII. All questions whether in committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks the largest sum and longest time shall be first put.

LVIII. The rules of the House shall be observed in committee of the whole House, so far as they are applicable.

LIX. No standing rule, or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two thirds of the members present, nor shall the order of business, as established by the rules of the House be postponed or changed, except by a vote of at least two thirds of the members present.

LX. It shall be in order, for the committee on enrolled bills to report at any time.

LXI. When a member moves the reference of any subject to a standing committee of the House, he shall have the liberty of being a member of the same during the consideration of the subject so referred.

JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

II. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

IV. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

V. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

VI. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

VII. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

VIII. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same did originate, and shall be entered on the Journal of each House; the said committee shall report the day of pre-

sentation to the Governor, which shall also be entered on the journal of each House.

IX. All orders, resolutions and votes, which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days and leave of two thirds of that House in which it shall be renewed.

XII. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

XIII. After each House shall have adhered to their disagreements, a bill or resolution is lost.

XIV. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

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Assembly

3rd. Leg.

On motion of Mr. Temple,

Ordered, That the House proceed to the election of Recording Clerk.

No one person having received a majority on the first ballot, the House proceeded to a second ballot, and upon counting the same, it was found that Robert W. Gray had received a majority of the whole number of votes given, and was therefore declared duly elected Recording Clerk.

On motion of Mr. Isett,

Ordered, That the House proceed to the election of an Engrossing Clerk.

Upon counting the ballots, it was found that Wm. C. Townsend had received a majority of the whole number of votes given, and was therefore declared duly elected Engrossing Clerk.

On motion of Mr. Steele,

Ordered, That the House proceed to the election of an Enrolling Clerk.

No choice being made on the first ballot, the House proceeded to a second ballot,

And upon counting the votes given, it was found that A. S. Annable had received a majority, and was therefore declared duly elected Enrolling Clerk.

On motion of Mr. Leffler,

Ordered, That the House proceed to the election of a Sergeant-at-Arms.

No choice being made on the first ballot, the House proceeded to a second ballot, and upon counting the same, it was found that H. B. Hendershott had received a majority of the whole number of votes given, and was therefore declared duly elected Sergeant at-Arms.

On motion of Mr. Lash,

Ordered, That the House proceed to the election of Door-keeper.

Upon counting the ballots, it was found that T. H. Curts had received a majority of the whole number of votes given, and was declared duly elected Door-keeper.

On motion of Mr. Box,

The House proceeded to the election of a Messenger.

No choice being made on the first ballot, the members proceeded to a second ballot,

And, upon counting the same, it was found that John Spaine had received a majority of the whole number of votes given, and was declared duly elected Messenger.

On motion of Mr. Van Antwerp,

The House proceeded to the election of a Fireman.

No choice being made on the first ballot, the House proceeded to a second ballot,

And upon, counting the same, it was found that W. M. Stockton

had received a majority of the whole number of votes given, and was therefore declared duly elected Fireman.

On motion of Mr. Summers,

The House adjourned until two o'clock, P. M.

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2 O'CLOCK, P. M.

The several officers elected during the morning's session, came forward and were sworn into their respective offices.

On motion of Mr. Summers,

Resolved, That a committee of two be appointed to inform the Council that the House of Representatives is now organized and ready to proceed to Legislative business.

Messrs. Summers and Miller were appointed said committee.

Mr. Lash offered the following,

Resolved, That the standing rules of the House of Representatives of the last session be adopted for the government of this House; which,

On motion of Mr. Steele,

Was laid on the table.

Mr. Langworthy offered the following, which was adopted.

Resolved, That the Chief Clerk give the officers of this House the necessary instructions to aid them in the performance of their duties.

On motion of Mr. Langworthy, Ordered,

That a committee of one from each electoral district be appointed to prepare rules for the government of this House.

Whereupon, Messrs. Langworthy, Box, Steele, Browning, Lash, Wilson, of J., Toole, Felkner, Walworth, and Summers, were appointed said committee.

On motion of Mr. Steele,

Resolved, That smoking be not allowed in this House while in session.

On motion of Mr. Langworthy,

Resolved, That the following be the standing committees of this House;

On the Judiciary,
" Common Schools,
" Internal Improvements,
" Claims,
" Enrollments,
" Expenditures,
" Territorial Affairs,
" Roads and Highways,
" Corporations.
" Township and County Boundaries,

On Public buildings.

Mr. Walworth offered the following,

Resolved, That each member of this House be furnished with twenty copies of the "Territorial Gazette," and twenty copies of the "Hawkeye and Patriot" as often as they may be published during the session of this Legislature.

Mr. Langworthy moved to amend by striking out twenty and inserting fifteen.

Mr. Van Antwerp offered the following as a substitute.

Resolved, That each member of this House be furnished during the present session, with such newspapers as they may direct, the number of copies not to exceed thirty.

On motion of Mr. Langworthy,

The Resolution with the substitute was laid on the table until to-morrow.

Mr Leffler presented the petition of sundry citizens of the county of Des Moines, relative to the survey of a Territorial road from Burlington to Henry county, which was laid on the table.

On motion of Mr. Hendershott,

Resolved, That the Editors of the several newspapers in this Territory, all Ministers of the Gospel and all ex-members, be permitted to take seats within the bar of this House.

On motion of Mr. Walworth,

Resolved, That the Chief Clerk of this House be directed to make arrangements with the Post Master of this place, for the payment of all postage on letters and papers sent to and from, members of this House during its session.

Mr. Wilson of H. moved to adjourn until to-morrow morning at 9 o'clock, which was lost.

On motion of Mr. Hebard,

Resolved that the hours to which this House shall adjourn during the session, shall be 10 o'clock in the morning and two in the afternoon.

On motion of Mr. Langworthy,

The House adjourned.

Wednesday Morning, November 4, 1840.

On motion of Mr. Teeple,

Ordered, That the Secretary of the Territory, be requested to furnish each member of this House with a copy of the Statutes of this Territory.

Also, the Journals of the House of Representatives of the second Legislative Assembly.

Messrs. Hastings and Springer, a committee from the Council, were announced, who informed the House that the Council was now organized, and ready to proceed to business.

On motion of Mr. Van Antwerp,

Resolved, That a committee of two be appointed to act in conjunction with a corresponding committee on the part of the Council, to wait upon His Excelleney the Governor, and inform him that the two Houses are now ready to receive any communication he may have to make to them.

Messrs. Van Antwerp and Browning were appointed said committee.

On motion of Mr. Summers,

Ordered, That a Committee of three be appointed to act in conjunction with a similar committee on the part of the Council, to prepare Joint Rules regulating the intercourse between the two Houses.

Messrs. Summers, Hendershott, and Porter were appointed said committee.

Mr. Lash offered the following:

Resolved, That each member of this House be furnished with fifteen copies of the Gazette and Hawkeye, each weekly.

Mr. Box moved to amend by striking out "fifteen" and inserting "ten."

Mr. Summers offered the following as a substitute:

Resolved, That the Chief Clerk furnish each member of this House with twenty copies weekly of such newspaper or papers as he may order.

On motion of Mr. Porter,

Ordered, That the resolution, together with the amendments, be referred to a select committee.

Messrs Porter, Toole, and Mason were appointed said committee.

A message from the Council, by Mr. Wallace, their Secretary.

Mr. Speaker:

I am instructed to inform the House of Representatives that the Council have appointed Messrs. Hawkins and Springer a committee to act in conjunction with a similar committee appointed on the part of the House of Representatives, to wait upon the Governor and inform him that the two Houses are now organized and ready to receive any communication that he may have to make to them.

Also, that they have appointed Messrs. Browne, Bailey, and Greene a committee to act in conjunction with a similar committee to be appointed on the part of the House of Representatives, to draft rules for the government of the two Houses.

On motion of Mr. Walworth,

Ordered, That the Secretary of the Territory be requested to provide the Chief Clerk and members of this House with the necessary stationary for their use during this session, including writing and

wrapping paper, pen and paper knives, letter stamps, wafers, sealing wax, and ink, together with such other things as may be necessary for the convenience of the House.

Mr. Van Antwerp, from the joint committee appointed to wait upon the Governor, reported that His Excellency would deliver a message to the House of Representatives immediately.

A communication was then received from the Governor by Mr. J. Williams, his private Secretary, which was read at the Clerk's table, and is as follows:

GENTLEMEN OF THE COUNCIL
AND OF THE HOUSE OF REPRESENTATIVES:

I conceive it to be my first duty, on our present meeting, to direct your attentiou to the Providential favors which our common country has experienced in the degree of health dispensed towards its citizens, and the unusual abundance with which the soil has rewarded the labor bestowed upon it. The unparalleled improvements in our Territory present an unerring index to the prosperity and happiness of the people, which should excite within our breasts feelings of the most profound gratitude towards the author of those favors and the gracious dispenser of all good.

The excitement produced by the intrusions upon the rights of the citizens of Iowa, by the authorities of Missouri, near the boundary line, has subsided. The prosecution commenced under the laws of the Territory against a Sheriff of Missouri, has been dismissed, and no farther attempts have been made by the authorities of that State to exercise jurisdiction north of Sullivan's line. The committee of Congress, in the House of Representatives, at the last session, after an elaborate examination of the subject, were of opinion, that the legitimate boundary line, as defined in the original act of Congress and in the Constitution of the State of Missouri, would begin at the centre of the Des Moines rapids, in the Mississippi river, and run from thence on a parallel of latitude due west, which would be several miles south of the line contended for by the authorities of this Territory. The committee, at the same time this opinion was expressed, recommended the adoption of the line commonly known as the old Indian boundary, or Sullivan's line; and reported to the House of Representatives in Congress a bill to establish that as the permanent boundary line between the State of Missouri and the Territory of Iowa. This report appeared to be founded in equity. This line had been generally conceded as the boundary between Missouri and this Territory. It had divided the Surveyor's General districts and the land districts of the United States lands. The citizens who purchased land south of this line did so with the impression that they were purchasing in the State of Missouri, and those who purchased north of it, with the belief that they were purchasing in the Territory of Iowa. The purchasers of these lands were governed in their purchases by their locations. Some

preferred being in Missouri, and others in the Territory. Were this line now altered, it would be attended with great inconvenience to many citizens on both sides of it. We therefore trust that the bill, as reported, will be passed by Congress at the ensuing session, and that the line thus designated may be finally established as the boundary between the State of Missouri and this Territory. Though a strictly legal line might embrace within this Territory a small portion of the inhabitants south of this line, yet we have never had a desire to embrace within the limits of this Territory any tract of country that had been purchased by individuals at the land office in Missouri and settled upon by them as being within that State—and I trust that the same liberal feelings will be reciprocated by the inhabitants of Missouri towards our citizens.

At the special session of the legislative assembly, a memorial was passed, memorializing the President of the United States to cause the annuities due the Sac and Fox Indians to be paid to the heads of families or to such persons as a majority of the nation might request. The memorial was immediately transmitted to Washington, but previous to its arrival an order had issued from the Indian department, dated 18th August, 1840, directing the annuity for the present year to be paid to the chiefs as heretofore. On the 28th of September the Indians were assembled at the Agency for payment. They arrayed themselves into two parties. One party wanted the money distributed on principles of justice and equity among the different bands and to the heads of families. The other party contended for its payment to a few of the chiefs, to be distributed by them alone. I was present on the occasion, and addressed both parties. I advised them to compromise the difference among themselves—read and explained to them the treaties, as well as the intercourse law of the United States and the regulations of the Indian department. I also explained to them the order of the Indian department of the 18th August, and informed them, that, according to my understanding of the order, the money must be paid to the same chiefs and braves that received it last year. I had the names of the chiefs and braves read to them, and advised them to meet in friendly council by themselves, without the interference of any white men, and to decide among themselves as to the receipt and distribution of the money—and told them that when they had agreed among themselves, the money would be paid them. The council adjourned in the evening, and the chiefs and braves who received the money last year were expected to have met in friendly council next morning to arrange their difficulties and receive their money. But some arrangements appear to have been made at the Agency during the night, unknown to me, that frustrated the council to be held on the morning of the 29th, and Keo-kuck, through the Agent, had advised Maj. Pilcher to leave the Indian country with the money, which he did that morning. This removal of the money from the In-

dian country caused great excitement and dissatisfaction among the Indians. When Maj. Pilcher left the Agency he informed me that the funds, being in paper, could be changed for specie, and might be returned for payment in about three weeks thereafter. I informed the Indians of what Maj. Pilcher had told me, which appeared for the time present to reconcile them. But I have learnt, since my return from the Indian country, that some mischievous individuals have been impressing upon the minds of the Indians, the belief, that the annuity will not be paid until spring. This was calculated to dissatisfy them with the government, lead to difficulties among themselves, and endanger the peace of our borders. I therefore, with a view to check these evils, issued a peremptory order to the Agent on the 15th of October, directing him to obtain the funds that had been set apart for the payment of the annunity for 1840, and to pay it to the same chiefs and braves whose names were found to the receipt roll of last year. This I conceive to be in strict accordance with the order of the department. Those chiefs and braves number about thirty, and are distributed about equally among the different parties; and should the money be paid to them in accordance with my order to the Agent, and they be left to dispose of it among themselves, without the interference of any of the traders, I have little doubt but that it will be distributed among the different bands justly, and be paid, as far as it will go, towards the liquidation of their just debts. But should the payment, from any consideration, be much longer delayed, there is danger that the excitement produced by its postponement will burst beyond the bounds of restraint, and the Indians commence fighting among themselves, and thereby endanger the peace of our frontier. I have conceived it to be my duty to present the foregoing facts for the information of the legislative assembly. It is certainly our duty to look to these things, to be watchful of their operation and of the movements of the Indians, so that we may not be taken by surprise. And while we make use of all the means under our control to sustain peace and harmony among our Indian neighbors as well as between them and our own citizens, we should be prepared to meet every possible contingency that might endanger the peace of our frontier. I have in my report to the Indian department, given a detailed account of the situation of the Indians, with a full explanation of my views as to the cause, and propable issue that may be produced by the excitement that now exists among them. The situation of this nation, in connexion with the Winnebagoes who have recently been removed to the tract of country within this Territory, known as the neutral ground, bordering in part on our northern settlements, and partly on the Sac and Fox country, should admonish us to be on our guard and to depend upon ourselves for defence in case hostilities should be commenced by them. In consideration of this state of things, I would respectfully suggest to the legislative assembly the expediency of authorizing by law the

organization of a number of volunteer companies of mounted riflemen, say one company at least to each regiment of militia within the Territory, with authority for the commandant of any brigade to increase the number to a battalion within his brigade, and to provide for calling them into service in case of Indian depredations or threatened invasion. This precautionary measure can do no harm and may ultimately secure our frontier from an Indian war.

The Secretary of War informed me some time since, that the Department had determined to establish a depot of public arms and munitions of war at Rock Island, to be supplied to the citizens of the Territory under proper regulations, should the same be wanted to enable them to defend themselves against Indian hostilities, but I have not yet heard that any have been deposited at that place.

The votes given at the late general election for and againt a State Convention, were against a Convention by a large majority.—The sentiments of the people of the Territory thus indicated, will necessarily preclude all further legislation on the subject at the present session. The people have, by their votes, expressed their preference for a Territorial Government for the time being. It will therefore become your duty to adopt a regular financial system for the Territory, by which the Territory will be enabled to control funds sufficient to meet the necessary expenses incidental to Territorial affairs. I would, therefore, recommend to the consideration of the legislative assembly a review of the financial laws so as to provide a revenue sufficient in amount to meet the actual wants of the government, distributing the burthen and the benefits among every class of community upon principles of exact justice to all. The Auditor of the Territory will report to you his views on this subject, to which I solicit your respectful attention.

On an estimate forwarded to the Treasury Department of the United States by the Executive of the Territory, estimating the expenses for the year 1840, there has been appropriated for the pay and mileage of members of the present legislative assembly, for the pay of officers, for printing, furniture, stationary, fuel and all other incidental expenses, $27,050. This sum is deemed sufficient to meet all necessary expenses. I would therefore recommend to the consideration of the legislative assembly the propriety of confining the expenditures authorized by them, within the appropriation. The Secretary of the Territory informs me that there are upwards of six thousand dollars due individuals for furniture, stationary and services rendered to the legislative assembly at the two first sessions, and for which no funds have been provided for payment. This deficiency I reported to the Treasury Department with my estimate for the expenses of the year 1841, and solicited an appropriation to meet it.

This method of contracting debts with individuals beyond the means of payment, is practicing a deception upon the public creditors, and ought, in my opinion, to be carefully avoided.

By reference to the appropriation bills, it appears that there were allowed to the clerks and officers of the legislative assembly at the two first sessions the following sums, to wit: first session, to the clerks and officers of the Council, $2,850, and to the clerks and officers of the House of Representatives, $3,300: second session, to the clerks and officers of the Council, $3,525, and to the clerks and officers of the House of Representatives, $2,925. These aggregate sums were embraced in the appropriation bills, but there is no law in existence in the Territory that defines the officers to whom this money was paid, or the compensation allowed to any such officers. Until such a law shall be passed, establishing the number of officers and fixing their compensation, it will be impossible for the Executive to comply with the annual requisition of the Secretary of the Treasury Department in furnishing him a correct estimate of the sum necessary to defray the current annual expenses of the legislative assembly of the Territory. The States generally define by law the number of clerks and officers employed in each branch of the legislative assembly. By the laws of Ohio, the number of clerks and officers to each branch, and the compensation of each, are specially defined. According to the laws of that State, the compensation of the clerks and officers of both branches of the legislative assembly, for a session of seventy-five days, would amount to $1,200. In this Territory, at the first session, it amounted to $6,150, and at the second to $6,450. These statementsare submitted to the candid consideration of the legislative assembly, with a request that a law may be passed to provide for organizing the legislative assembly, defining the number of officers to be employed, together wi h the compensation allowed to each.

In recommending this measure, I disclaim any desire on the part of the Executive to prescribe to the legislature the number or character of officers to be employed in their respective branches, or the compensation to be allowed to such officers. The legislature is the proper judge in these things; and it is but fair to presume that it will employ none but such as are necessary to the convenient despatch of business, and that a compensation adequate to the services of such officers will be allowed them respectively.

I am not aware that any important general subject will be presented for legislative action. Your predecessors have passed laws embracing all general subjects. Their recent enactments would seem to require their continuance in force, excepting in cases where they may have been found defective. Frequent changes of general laws are always attended with inconvenience to the public, and should be altered only with great caution.

Should any subject requiring the attention of the legslative assembly be communicated to the Executive during your session, it shall be promptly laid before you; and you may rest assured of the co-operation of the Executive in all measures that may be calculated to secure

the prosperity of our country and to advance the physical, intellectual and moral condition of its inhabitants.

That all your efforts may harmonize in promoting the public good, is the sincere desire of,

Gentlemen, your very obedient servant,

ROBERT LUCAS.

BURLINGTON, IOWA TERRITORY, November 3d, 1840.

On motion of Mr. Walworth,

Resolved, That eight hundred copies of the Governor's message be printed for the use of the members of this House.

The Speaker announced a communication from C. Swan, Acting Commissioner of public buildings at Iowa City, which was read, and laid upon the table.

On motion of Mr. Isett,

Ordered, That a standing committee on militia be appointed in addition to the regular standing committees already provided for.

Mr. Miller offered the following,

Resolved, That John H. M'Kenny be employed to do the incidental printing of this House; and

A motion was made by

Mr. Hendershott to lay the resolution upon the table; on which question the Yeas and Nays were called for by Mr. Browning, and were as follows:

YEAS—Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker, Wilson, of H. and Cox, Speaker—16.

NAYS—Messrs. Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, and Wilson, of J.—8.

So the resolution was laid on the table.

On motion of Mr. Porter,

The House adjourned.

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2 O'CLOCK, P. M.

Mr. Langworthy from the committee appointed to prepare rules for the government of the House, reported the Standing Rules of the last Session with amendments, which were read, and

On motion of Mr. Summers,

The report was concurred in, and seventy-five copies ordered to be printed for the use of the members of the House.

Mr. Porter from the Select Committee, to whom was referred the resolution relative to taking newspapers, &c., made the following report:

The Committee to whom was referred the Resolution authorizing the furnishing of "twenty copies of the Iowa Territorial Gazette and twenty copies of the Hawkeye and Patriot, to each member of this House, as often as they may be published, during this session of the Legislative Assembly, together with several amendments offered to said resolution, beg leave to report:

That having given the subject due consideration, they respectfully recommend the adoption of the following resolution:

Resolved, That the Chief Clerk furnish each member of this House with twenty copies of the Gazette and twenty copies of the Hawkeye and Patriot as often as those papers may be publish during the session.

Mr. Summers offered the following as a substitute:

Resolved, That the Chief Clerk furnish each member of this House with twenty copies weekly of such newspaper or papers as they may order.

Mr. Box moved to strike out "twenty copies weekly of such newspaper or papers as they may order," and insert "ten papers from each office," which was lost.

The question then recurred on the adoption of the substitute, which was also lost.

Mr. Lash moved to strike out "twenty" and insert "fifteen" in the original Resolution, which motion was lost.

The question then recurred on the report of the Committee, which was decided in the negative.

Yeas 11. Nays 13.

The Yeas and Nays being desired by Mr. Summers.

Those who voted in the affirmative were Messrs. Browning, Felkner, Lewis, Mason, Miller, Porter, Teeple, Toole, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative were Messrs Avery, Box, Brierly, Hebard, Hendershott, Isett, Langworthy, Lash, Steele, Summers, Van Antwerp, Whitaker, and Cox Speaker.

Mr. Isett offered the following,

Resolved, That the Clerk be instructed to furnish each member of this House with thirty copies weekly of any newspapers published in this Territory, which he may direct, which was lost.

Mr. Whitaker moved to adjourn, which was determined in the negative.

On motion of Mr Walworth,

Ordered, That each member of this House be furnished with thirty copies weekly of any paper or papers published in this City which he may direct.

On motion,

The House adjourned.

Thursday Morning, November 5, 1840.

The Speaker announced the following named gentlemen to compose the several Standing Committees.

On the Judiciary—Messrs. Leffler, Miller, Browning, Lewis and Mason.

On Finances—Messrs. Toole, Porter, Felkner, Box, and Hebard.

On Internal Improvements—Messrs. Langworthy, Brierly, Robertson, Hendershott, and Whitaker.

On Common Schools—Messrs. Summers, Walworth, Wilson of J., Teeple, and Robertson.

On Claims—Messrs. Steele, Wilson of H., Avery, Isett, and Lash.

On Expenditures—Messrs. Lash, Box, Van Antwerp, Steele, and Hendershott.

On Territorial Affairs—Messrs. Hebard, Avery, Felkner, Whitaker, and Steele.

On Roads and Highways—Messrs. Teeple, Wilson of H., Wilson of J., Isett, and Summers.

On Public Buildings—Messrs. Isett, Summers, Brierly, Porter, and Felkner.

On the Militia—Messrs. Van Antwerp, Isett, Walworth, Steele, and Whitaker.

On Corporations—Messrs. Hendershott, Brierly, and Mason.

On Townships and County Boundaries—Messrs. Walworth, Robertson, and Wilson of H.

On Engrossed Bills—Messrs. Lash and Toole.

On Enrolled Bills—Messrs. Mason and Hebard.

Mr. Miller, on leave being granted, presented a Memorial in relation to the Penitentiary, which was read a first time.

Mr. Steele, presented a Petition from sundry citizens of Van Buren county, asking a charter for John Godden to erect a dam across the Des Moines river, which was laid upon the table.

On Motion of Walworth,

Ordered, That a Select Committee of one from each electoral district, be appointed to draft a Memorial to Congress, on the subject of mail routes.

Messrs. Walworth, Box, Lewis, Browning, Porter, Wilson of J., Teeple, Isett, Summers, and Mason, were appointed said Committee.

Mr. Miller gave notice, that he would, on an early day, bring in a bill to abolish imprisonment for debt, whether on original, mesne, or final process.

Mr. Summers, from the Joint Committee appointed to prepare Rules for regulating the intercourse between the two Houses, made the following report:

The Joint Committee appointed on the part of both Houses, to prepare Rules for regulating the intercourse between the two Houses, have examined the Joint Rules of the last Session, and recommend their adoption.

The Rules having been read, were on motion, adopted. (See Appendix.)

On motion of Mr. Langworthy,

The Governor's message was taken up and considered.

On motion of Mr. Walworth,

Ordered, That that part of the Governor's message recommending a review of the financial laws, and the adoption of a regular financial system for the Territory, be referred to the Committee on Finances.

On motion of Mr. Summers,

Ordered, That so much of the Governor's message as relates to the establishment of a depot of arms, be referred to the Committee on Territorial Affairs.

On motion of Mr. Hendershott,

Ordered, That, that portion of the Governor's message which relates to the expenditures, and officers of the House, be referred to a Select Committee of one from each electoral district.

Whereupon, Messrs. Hendershott, Miller, Whitaker, Lash, Wilson of J., Toole, Felkner, Van Antwerp, Summers, and Langworthy were appointed said Committee.

On motion of Mr. Walworth,

Ordered, That, that part of the Governor's message, which relates to the payment of the annuities of the Sac and Fox Indians, and to the organization of volunteer companies, be referred to the Committee on the Militia.

On motion of Mr. Lewis,

The following resolution was taken from the table:

Resolved, That John H. M'Kenny be employed to do the incidental printing of this House.

Mr. Browning offered the following as a substitute:

Resolved, That a Committee of three be appointed to call on J. H. M'Kenny, publisher of the Territorial Gazette, James G. Edwards, editor and publisher of the Hawkeye and Patriot, and receive bids for the incidental printing of the House during the present session, and report the same as soon as practicable.

Mr. Miller having accepted of the same, the question recurred on the passage of the substitute, previous to which a motion was made by Mr. Summers to refer the same to the Committee on Expenditures, with instructions to report on to-morrow morning, which was agreed to.

Mr. Langworthy offered the following:

Resolved, That the printing of the daily slips of the Journal of the House be dispensed with, and that the Clerk prepare a condensed synopsis of the same for the papers in this city, which,

On motion of Mr. Summers,

Was laid upon the table.

Mr. Mason offered the following:

Resolved, That the Committee to which was referred the resolution in relation to the incidental printing, be requested to report to this House the terms on which the editors of this city will execute the work.

Which passed in the affirmative—Yeas 13, Nays 12.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were Messrs. Avery, Box, Brierly, Browning, Hebard, Lewis, Mason, Miller, Porter, Toole, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative, were Messrs. Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

On motion of Mr. Felkner,

Ordered, That the report of the Acting Commissioner of the Public Buildings at Iowa City, be taken from the table and referred to the Committee on Public Buildings.

Mr. Mason offered the following:

Resolved, That five hundred copies of the Acting Commissioner's report on the Public Buildings be printed.

And the question being put, shall the resolution pass? It was determined in the negative.

Said Report reads as follows:

To the Honorable THOMAS COX,
Speaker of the House of Representatives:

SIR—I have the honor to transmit herewith the Annual Report of the Acting Commissioner of Public Buildings at Iowa City. *The report being a Cash report only*, it may not be improper in this place to state for the information of the House that the amount of unpaid notes in my office, given for lots in Iowa City is not far from $20,000.

I am, sir, most respectfully,

C. SWAN,
Acting Com. P. B. Iowa City.

BURLINGTON, Nov. 4th, 1840.

COMMISSIONER'S OFFICE OF PUBLIC BUILDINGS,
IOWA CITY.

To the Honorable, the Council and
House of Representatives:

GENTLEMEN:—In compliance with law, I have the pleasure to present the Annual Report of the Acting Commissioner of Public Buildings, at Iowa City. The following is therefore respectfully submitted in the order in which the different items are numbered:

First—The amount of money in my hands on the first day of July last, being the date of my last Report, was $10,138 91

There has been received since the date of the last Report, the balance of the appropriation made by Congress for the erection of public buildings at Iowa City, - - - - - 5,360 00

The amount of cash received since the date of my last Report and up to this time, exclusive of the above, is as follows, to wit:

Received cash for lots, sold in 1839,	- -	2,150	75
" " for tools, since July 1st,	- -	5	00
" " for rock and lumber,	- -	8	25
" " for blacksmithing,	- -	15	50
" " for maps of Iowa City,	- -	5	25
		$17,683	66

Second—From the above fund, the following expenditures have been defrayed, according to law, to wit: the sum of $1,515 57 has been paid by the Acting Commissioner on bills that were audited before the date of my last Report, but having been paid since, I have vouchers for the same.

Thirdly—The following audited bills have been paid by me since the date of my last Report, in the order in which they stand; the same being for labor, materials, and board, including three hundred dollars expended on Iowa Avenue:

Aug. 28th.	Parmele & Hess, for powder and tools,	$47	18
Sept. 17th.	Chas. Connelly, for lumber,	479	81
" 8th	J. Bridgman & Co. for freight of safe,	8	35
July 22d.	Wm. H. Ladd & Co. for copper box for corner stone,	2	00
Aug. 22d.	Wm. Skeen, for expenses on building, as per bill and pay roll, including work on Avenue and hauling rock,	3,302	65
July 21st.	John F. Rague & Co. account paid as per bill audited for services,	50	00
" 7th.	T. B. Wilson, for work,	4	69
Aug. 22d.	Chas. Connelly, for joists, lintles, and put-locks, as per contract,	250	00

July	17th.	John H. M'Kenny, for printing,	10 00
"	2d.	Lyman Dillon, for team work, as per bill,	29 52
Aug.	21.	Jos. Woodworth, for expenses in quarry on Cedar,	200 00
"	1st.	John Cunningham's board bill,	111 17
"	8th	Caffee & Johnson, for brick on contract,	800 00
Jnly	28th.	Ragne, M'Donald & Co. for materials for building,	89 05
Aug.	4th.	John Flinn, for hewing timber,	6 60
"	1st.	Jos. Woodworth, expenses in quarry and team work, as per roll,	600 53
Sept.	16th.	Jos. Woodworth, cash paid for blacksmithing and powder,	5 75
July	2d.	A. Cote, for hauling lumber for the capitol,	6 50
"	6th.	Pat. Larkin, for labor,	10 94
Aug.	29.	Wesley Jones. for powder,tools, and brimstone,	45 51
Sept.	26.	Holt and De Forest, for ropes, shovels, and buckets,	20 23
Aug.	27.	Green Weaver, for sand,	57 38
Sept.	1st.	Francis Baldwin, hauling rock for water table,	20 00
"	8th.	John Cunningham, three water barrels,	3 00
July	31st.	A. Willis, for blacksmithing,	76 04
Sept.	16th.	do do	9 41
"	5th.	Cyrus Sanders, county surveyor, sub-dividing out lots,	12 50
Oct.	8th.	Lyman Dillon, as per bill audited,	73 75
"	"	do do for 2,240 feet of plank,	44 20
"	7th.	do do for lime delivered on contract,	454 50
"	1st.	William Skeen, foreman of the building, for balance on pay rolls, as per bill,	1,263 40
"	5th.	Parmele & Hess, mason's lines and files,	3 00
Sept.	29.	Robert Fletcher, balance on carpenter's work,	212 25
"	28.	Walter Butler's board bill,	185 02
Oct.	8th.	F. M. Irish, team work of self and Nichols,	36 00
Aug.	31.	Myron Ward, for hauling safe from Bloomington,	8 00
Oct.	22.	John Ronalds, for lumber for capitol,	429 00
"	24.	Felkner & Myres, for lumber, per contract,	150 00
"	24.	A. Willis, for iron for capitol,	2 38
"		Henry Usher, for blacksmithing,	18 94
Sept.	8th.	John H. M'Kenny, for printing,	45 00
July	15.	John Ronalds, for services as per bill,	54 00
"	15.	Robert Ralston, do do	259 25
Oct.	24.	do paid for safe at St. Louis,	135 00

Sept. 12.	do	bill of iron, powder, and tools,	30 23
July 10.	John F. Rague,	on contract for working plans for the building, as per receipt,	150 00
Oct. 24.	Hanby & Herron,	for timber and labor on the 2d tier of joists, as per contract,	600 00
Oct. 24.	Charles Connelly	for timber for the roof, on contract, -	300,00
" "	Jos. Woodworth,	balance of pay rolls in quarry and hauling rock as per receipted bills, -	2,382 23
Oct. 25.	Walter Butler,	for 1250 feet of pine plank,	43 75
" 28.	John Curray,	4,000 bushels sand on contract,	200 00
" "	F. Richards,	for board and team work in Cedar quarry in August, -	34 93
" 29.	Paid the expenses on the Iowa Capitol, agreeable to pay roll receipted, and a bill given for the same by Wm. Watt (Foreman) -		1,470 53
Oct. 29.	Paid to Jos. Woodworth,	for services as per bill, -	55 00
Oct. 30.	John Cunningham,	board and lumber, -	61 00
" "	ditto,	board of Skeen and Woodworth in August, -	7 45
	Paid Caffee & Johnson	for brick on contract, as per their receipts, -	135 00
			$16,677 19

After deducting the above amount of disbursements from the amount under the first head, there is found a balance in the hands of the Acting Commissioner, on the 1st day of Nov. A. D. 1840, the sum of - $1,006 46

Add to the above, the amount of cash received for lots, sold at the last sale, and since up to this date, - 1,250 00

Total, $2,256 46

Being the amount of funds in the hands of the Acting Commissioner at the date of this report.

It will be perceived on referring to this as well as former reports, that I have received nothing on my salary up to this date, it being one year and six months.

In the expense as above reported, is included timber and materials for the second tier of joists, part of the roof, doors, a quantity of iron on hand, together with nails already paid for, and the plank for all the floors, three thousand bushels of sand, six hundred bushels of lime,

two-thirds rock enough in the rough to complete the building. And I would further report, that I have disposed of lots since the last sale to the amount of several thousand dollars, to be paid for in labor and materials for the capitol in the course of next spring and summer, or when called for by the Acting Commissioner, and which amount does not appear in my above cash report; but will be credited to the Territory in the office whenever the said materials are received, or labor performed.

The estimated expenses for erecting the building (exclusive of columns) up to the bottom of the cornice, $8,000 00

One thousand five hundred of which is on the ground, in materials and lumber, already paid for. The inside walls of the building are erected to the second floor. The outside wall of the north end to the top of the second tier of windows. East front to the centre; the south end and west front, nearly to the bottom of the same. I have caused temporary roofs to be erected over all the walls, to secure them from frost and rain during the winter.

I would respectfully suggest the propriety of so reducing the minimum price of lots unsold, that they will meet with a ready sale, and create a fund sufficient to complete the capitol without delay, as it has been ascertained by fair experiment that the money cannot be realized for that purpose at the present prices.

I have legal vouchers for all the disbursements which have been made. The books in my office are open to be examined at any time if thought necessary, by your honorable body. The pay rolls of the different departments being on file, are also deposited in my office. The above report and suggestions I have the honor to transmit to your honorable body as in duty bound.

A duplicate of the above I have caused to be furnished to the honorable, the Council,

I remain, with sentiments of esteem,

Respectfully, your obedient servant,

C. SWAN,

Acting Commissioner of Public Buildings at Iowa City.

NOVEMBER 1, A. D. 1840.

On motion of Mr. Browning,

The House adjourned.

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2 O'CLOCK, P. M.

Mr. Summers gave notice that he would on some future day introduce a bill regulating a lawful fence, and to provide against tresspassing animals.

Mr. Wilson of Henry, on leave of the House, offered the following, which was adopted.

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of reducing the fees of all civil officers of this Territory, or such officers as the committee may think best and report by bill or otherwise.

Mr. Hendershott, by leave of the House offered the following, which was also adopted.

Resolved, That a select committee be appointed to revise the act defining the duties of justices of the peace and to regulate their proceedings.

Messrs. Hendershott, Browning and Mason were appointed said committee.

Mr. Mason gave notice that he would on some future day introduce a bill to collate, remodel, and amend the revenue laws.

Mr. Leffler, on leave offered the following:

Resolved, That the following be adopted as an amendment to the rules of this House, that all incidental printing shall be done by special order of the House and that when any member may desire to have any bill, report, memorial, or other document printed, the number of copies to be printed shall be stated in such order, which

On motion of Mr. Walworth,

Was laid upon the table until to-morrow.

On motion of Mr. Hebard,

The House adjourned.

Friday Morning, November 6, 1840.

Mr. Wilson of J. gave notice that he would on some future day, introduce a bill relative to vice and immorality.

No. 1. H. R. file, "A memorial to Congress in relation to the Penitentiary," was taken up and read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House on said memorial.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Porter reported, that the Committee had, according to order, had said Memorial under codsideration, and directed him to report the same without amendment.

On motion of Mr. Leffler,

Ordered, That said memorial be referred to the committee on Public Buildings.

Mr. Miller, in accordance with previous notice, introduced No. 2, H. R. file, entitled "A Bill to abolish imprisonment for debt," which was read a first time.

A message from the Council by Mr. Wallace their Secretary, Mr. Speaker:—

I am directed to inform the House of Representatives that the Council have adopted the Rules, (reported by the Joint Committee) to regulate the intercourse between the two Houses and have appointed Messrs. Johnston, Hall and Parker, a committee on Enrolled Bills to act in conjunction with a similar committee appointed by the H. of Representatives.

Mr. Lash, from the committee on Expenditures, made the following report,

The Standing committee on Expenditures to whom was referred sundry resolutions relative to the incidental printing of this House, have had the same under consideration and beg leave to make the following report:

Your Committee, in accordance with their instructions called on John H. McKenny, publisher of the Gazette, who informed your Committee that he would do the incidental printing for this House during the present session as low as he possibly could, and was willing to submit a detailed bill of his account to this House, subject to any deduction or modification this House may deem proper.

Your Committee then called at the office of James G. Edwards and found him absent, they then sent to his residence by one of his workmen, who, on his return, informed your Committee that Mr. Edwards could not confer with them until morning, which he has failed to do. Your Committee held a conference with his foreman, who informed us that they did not expect the incidental printing from the Legislature, nor did they want it, for if they did not get it, it would be the means of completely building up their establishment.

Your Committee therefore, are of the opinion that the Editor of the Hawkeye wishes to make political capital of the whole circumstance.

Therefore, your Committee recommend the adoption of the following resolution:

Resolved, That John H. McKenny be employed to do all the incidental printing for this House during the present session.

Mr. Lash, also, offered the following communication from James G. Edwards, which he stated he had received after the report of the Committee was made out:

To the Committee on Expenditures,
of the House of Representatives:

Gentlemen:—I will execute in a workman-like manner, the incidental printing of the House, at 70 cents per thousand for composition,

and 70 cents per token for press work, making 140 cents per 1,000 ems, which is about one half less than what is now allowed.

Respectfully,

JAMES G. EDWARDS.

Burlington Nov. 6th.

A motion was made by Mr. Lewis, to refer the report together with the communication from James G. Edwards, to a Select committee.

Which was determined in the negative. Yeas 12, nays 13.

The yeas and nays being desired by Mr. Browning.

Those who voted in the affirmative were, Messrs. Avery, Box, Brierly, Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were Messrs. Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

A motion was made by Mr. Mason to adjourn, which was decided in the negative. Yeas 11, nays 14.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative were Messrs. Avery, Browning, Hebard, Lewis, Mason, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

A motion was made by

Mr. Walworth to amend the resolution recommended by the committee by striking out all after the word "Resolved," and inserting the following:

Resolved, That the incidental printing of this House, be given to that Press in this city, which will perform the services for the lowest price; and before any action was had on the same,

Mr. Summers called for the previous question.

The question was then put: Shall the main question be now put? And was determined in the affirmative. Yeas 14, Nays 11.

Those who voted in the affirmative were Messrs. Box, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

Those who voted in the negative were Messrs. Avery, Brierly, Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

A motion was made by Mr. Porter, that the House adjourn; which was decided in the negative.

Yeas 12. Nays 13.

Those, who voted in the affirmative were Messrs. Avery, Box,

Browning Hebard, Lewis, Mason, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative were Messrs. Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

The main question then being put, was decided in the affirmative.

Yeas 15. Nays 10.

These who voted in the affirmative were Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

Those who voted in the negative were Messrs. Avery, Browning, Hebard, Lewis, Miller, Porter, Toole, Walworth, Wilson of H. and Wilson of J.

And so it was

Resolved, That John H. McKenny shall be employed to do all the incidental printing for this House, during the present Session.

And then the House adjourned.

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2 O'CLOCK, P. M.

On motion of Mr. Summers,

The following Rosolution was taken from the table:

Resolved, That the following be adopted as an amendment to the Rules of this House.

That all incidental printing sball be done by special order of the House, and that when any member may desire to have any bill, report, memorial, or other document printed, the number of copies to be printed, shall be stated in such order.

Amotion was made by Mr. Leffler, to amend said resolution so as it should be considered as the 58th Rule of this House.

Which was agreed to.

The question then recurred on the passage of the Resolution, as amended; which passed in the affirmative.

On motion of Mr. Summers,

The House adjourned until Monday morning.

Monday Morning, November 9, 1840.

On motion of Mr. Summers,

Joseph M. Robertson, member elect, from the district composed of the counties of Scott and Clinton, having presented his credentials, and being duly sworn was permitted to take his seat.

Mr. Mason presented the petition of Geo. W. Jones, praying for a charter to keep a Ferry across the Mississippi river, at the Town of Dubuque, which together with his petition and the petition of the citizens of the county of Dubuque heretofore presented on the same subject, were referred to the Committee on Corporations.

Mr. Brierly offerred a "preamble and Joint Resolution in relation to Post routes and Post Offices" which was,

On motion of Mr. Summers,

Referred to the Select Committe appointed to memorialize Congress on the subject of Mail Routes.

On motion of Mr. Summers,

Ordered, That a Select Committee be appointed to ascertain on what terms a Reporter to this House, can be employed.

Messrs. Summers, Toole and Leffler, were appointed said Committee.

On motion of Mr. Walworth,

Resolved, That a Committee of one be appointed from each of the following electoral districts, viz: Dubuque, Cedar, Jones, and Linn, and Johnson and Muscatine, to take into consideration the expediency of memorialzing Congress, for an apropriatiou, to Bridge the South fork of the Makoketa, and the Wapsepinica rivers, where the military road, from Dubuque to Iowa City crosses said rivers, and also for general repairs on, and the continuation of said road.

Messrs. Walworth, Langworthy and Felkner, were appointed said Committee.

Mr. Langworthy offered the following,

Resolved, That the Secretary of the Territory be requested to report to this House, the several sums due to individuals from the Territory.

Also all balances of former appropriations now in his hands, and the amounts due the Territory from the former Secretary and others, and a general expose of the Financial affairs of the Territory, so far as the same may be under his control,

Which under a rule of the House, lies upon the table one day.

The Speaker laid before the House, the report of the Auditor of Public Accounts, which was read and is as follows:

AUDITOR'S OFFICE, IOWA TERRITORY,
BURLINGTON NOV. 9, 1840.

To the Honorable the Legislative Assembly:

GENTLEMEN—Agreeably to the provisions of the law imposing on me that duty, I herewith submit to you the annual report of this office:

The items which constitute the funds of the Territory, and which have come under the control of this office, are arranged under their respective heads, with such remarks as have suggested themselves to my mind as worthy of your consideration.

On the 23d of February last, soon after entering upon the discharge of my duties, I addressed a circular to the respective Boards of County Commissioners throughout the Territory, on the subject of the Territorial Revenue, a copy of which accompanies this report, marked "A."

I regret to state, that a number of the counties have failed to comply with the provisions of the law requiring a duplicate assessment roll of their respective counties to be furnished the Treasurer of the Territory—and a number of those furnished I find in some respects defective. It is, therefore, not within my power to furnish so full and satisfactory a report as is desirable.

GENERAL REVENUE.

The amount of revenue collected and paid into the Treasury for the year 1839, - - - -	$138 07
The amount of arrears of taxes, as far as the counties have reported assessment rolls for 1839, - - -	442,65½
There have been no funds paid into the Treasury on account of revenue for the current year up to this date.	
The amount of revenue due the Treasury from the respective counties for 1840, as shown by assessment lists as far as received, - - - - -	912,82½

Amount of outstanding warrants against the Treasury—to whom issued, and on what account.

1840.

March 12. To Maj. Henry King, Brigade Inspector, 1st Brig. 1st Div. as per account audited, - -	$28,00
To V. P. Van Antwerp, Adjutant General, for salary as per accounts on file, - - - -	225,00
To O. Fairfield, for stationary, out of contingent fund, -	10,00
To the Clerk and Sheriff of Scott Co. for costs of suits rendered against the Territory, - - -	31,11
To Henry Heffleman, Sheriff of Van Buren county, for	

services in maintaining jurisdiction in a portion of said county claimed by the State of Missouri, under the provisions of "An Act for the relief of Van Buren Co." - 320,00
Nov. 2d. To Maj. Henry King, for services as Brigade Inspector, 1st Brig. 1st Div. as per account rendered, - 32,00
Nov. 6. To John H. M'Kenny, out of contingent fund, 10,00

Total amount of outstanding warrants, $656,11

I would respectfully call the attention of the Legislative Assembly to the contradictory provisions in the act entitled "*An act concerning costs and fees*," approved Jan. 23, 1839.

Under the head of "Sheriff fees" in said act, an allowance of $1,50 per day is provided for, and made payable out of the Territorial Treasury for Sheriffs or Deputy Sheriffs, while in attendance on the respective district courts—and in the 17th section of said act the same allowance is made, payable out of the county Treasury.

Several accounts have been presented as above provided for, and suspended for Legislative action.

There appears also to be contradictory provisions contained in the 7th, 15th, and 16th sections of said act, relative to costs and fees, payable out of the Territorial Treasury, to which I would respectfully call your attention.

LAND TAX.

I would respectfully suggest to the Legislative Assembly, the propriety of procuring tract books for the use of this office; in which to have entered the names of the original patentees, and dates of purchase of each tract of land in the Territory.

Such a record, I deem indispensable in the proper discharge of the duties of Auditor. It would be found a great convenience to the assessors and collectors of counties, in enabling this office to furnish them with official tract books, of their respective counties, showing each tract of land that may be subject to taxation.

In many cases lands may become lost in the copying of duplicates, or neglect on the part of the county assessors or clerks in placing others upon the list which are annually becoming subject to taxes.

The cost, as near as I can calculate, of procuring full and complete tract books of all the surveyed lands in the Territory, would probably not vary much from four hundred dollars.

A TABULAR STATEMENT,

Exhibiting the amount of Territorial Revenue assessed in the respective counties, for the years of 1839 *and* 1840, *as far as reported to this office.*

	1839.	1840.
Cedar,	(No assessment returned.)	

Clayton,	do.	
Clinton,		$18,87½
Des Moines,	$102,12	261,95
Dubuque,	130,23	62,93
Henry,	58,41	96,35½
Muscatine,	24,48½	167,35
Scott,	(No assessment returned.)	
Jackson,	do	
Johnston,		43,64¼
Jones,	(No assessment returned.)	
Lee,	139,07	
Linn,	(No assessment returned.)	
Louisa.	39,65	111,27
Jefferson,	29,89	
Washington,	13,72	
Van Buren,	44,15	150,56
	581,72½	912,83½
		581,72½
Total amount for the years 1839, '40,		$1494,56

Permit me to suggest to the Legislative Assembly, a revision of existing laws levying and regulating the Territorial Revenue.

I am aware that by some it may be considered measurably unimportant to adopt and establish any permanent financial system under a Territorial Government. But when it is considered that there are many expenses incidental to our present form of government, which it is not to be expected that the General Government will pay—and which cannot be claimed as a right, it certainly cannot be deemed otherwise than correct policy to levy upon correct principles, a Territorial Tax, the burthen of which shall be equal upon all classes of citizens.

The present revenue laws of the Territory authorizes the respective boards of county commissioners to assess a tax for county purposes, which assessment is regulated entirely by the necessities of the respective counties.

Five per cent upon this assessment constituents the territorial revenue. It will be seen that under our present financial laws the burthen of a Territorial Tax, levied as at present, operates unequally upon the different counties. In some counties it may be found necessary to levy a heavy tax, while in others, a comparatively light tax would be found sufficient for county purposes.

The amount of tax at present assessed for Territorial purposes, is deemed sufficient for the ordinary expenses that are now made payable out of the Territorial Treasury, provided the amount assessed be promptly paid—but it is to be feared that in consequence of the liabi-

lities of many of the counties, where county orders have been issued to the creditors of the county, and are outstanding for a greater amount than the tax assessed, which county orders are receivable in payment for tax, that the collectors will not be enabled by the receipts in money for tax to pay the per cent applicable to territorial purposes.

I would therefore recommend that the laws regulating a Territorial Revenue be so amended as to operate equally upon every class of citizens and that the amount assessed for Territorial purposes be required to be paid in money.

I am unable to report the exact liabilities of the Territorial Treasury, but, am induced to believe that they will exceed the receipts into the Treasury.

It is to be supposed that the law requiring the costs of suit in certain cases to be paid out of the Territorial Treasury will form a considerable item in the expenditures—as well as the requirements of an act entitled "An act for the relief of Van Buren county," approved, January 13, 1840. Accounts have already been presented and allowed on the requisition of the board of county commissioners of that county in favor of the former Sheriff for $320. I am unadvised of the probable amount for which the Territory will be liable under the requirements of this act,

PUBLIC BUILDINGS AT IOWA CITY.

The sum of twenty thousand dollars, appropriated by Congress, for the erection of public buildings at the seat of government of the Territory, has been transferred into the Territorial Treasury, and paid out on the warrants of the Auditor, as follows, to wit:

1840, June 3.	To John F. Rague & Co. contractors as per estimate certified by acting commissioner, on file,		$10,000
" " 6.	To Chauncy Swan, acting commissioner of public buildings, on account of bills audited and credited to his account. -		4,640
" Aug. 26.	To same—on receipted acts, audited and credited to his account, - -		3,360
" Sept.	To John H. McKenny, as per bill audited for printing, - - - -		45,00
" Oct.	To C. Swan, acting commissioner, &c. on accounts audited and credited to his account,		1,155
" "	To William Skein, requisition of acting commissioner, - - -		800
Total amount - - - - -			$20,000

Bills audited and allowed and credited to the account of the acting commissioner for work done and materials fur-

nished to capitol—on file, - - - -	$25,945,61
	20,000,00
Leaving to the credit of acting commissioner,	$5,945,61

I would sugest the propriety of so amending the law requiring all accounts against tha Territory on account of the public buildings to be audited before they are paid, so as to authorize the acting commissioner to pay out of any public funds in his hands arising from the sale of lots or otherwise, previous to their being so audited.

Under existing laws the acting commissioner is required to execute bonds covering all probable amounts that may come under his contract in his official capacity. The provisions of law requiring all accounts to be audited before they are paid, subject laborers and other creditors of the Territory to too much unnecessary inconvenience. It is necessarily the case in the erection of the capitol, that many small accounts will be incurred, which would scarcely be worth the trouble and expense of bringing or sending to this office to be audited—while there can be no inpropriety in authorising the acting commissioner, whose official responsibility is well protected under existing laws, to pay the funds of the Territory which come in his hands to the creditors of the Territory on account of the public building, and filing his vouchers for such disbursements in this office at a subsequent period.

All of which is respectfully submitted.

JESSE WILLIAMS, *Auditor.*

(A.)

(CIRCULAR.)

AUDITOR'S OFFICE, Iowa Territory, }
Burlington, April 23, 1840. }

To the Honorable Board of County Commissioners of County.

GENTLEMEN.—It will be perceived that by the provisions of an act entitled "An act to provide for a Territorial revenue," Approved, January 25th, 1839, that five per cent of the gross amount of Taxes in each county is applicable to Territorial purposes.

In the second section of said act, it is made the duty of the respective boards of County Commissioners within the Territory, to furnish the Territorial Treasurer, immediately after the same may be filed with a copy of the Duplicate assessment list for the respective counties, together with the sum which will be due from tho counties respectively to the Territory for the current year.

No such duplicate assesment list for your county for the year 1839, has been received by the Territorial Treasurer.

I have therefore, to request, that you cause be transmitted at your

earliest convenience to the Territorial Treasurer, a copy of the Duplicate assessment list of your county for the year 1839, and also, for the current year of 1840, correctly footed up and certified in accordance with the true meaning and intent of the revenue laws of the Territory.

It is hoped that your Honorable body will take immediate measures to comply with the foregoing at the earliest practical period. A compliance on your part is *indispensable* to the discharge of the duties imposed on this office.

Very respectfully,
Your obedient servant,
JESSE WILLIAMS.
Auditor Public Accounts.

On motion of Mr. Isett,

Ordered, That one hundred copies of the report be printed for the use of the House, and that it be referred to the Committee on Finances.

No. 2. H. R. file, entitled "A Bill to abolish imprisonment for debt" was taken up and read a second time, and

On motion of Mr. Summers,

Was referred to the Committee on the Judiciary.

Mr. Summers asked leave of absence for Mr. Miller, until Wednesday next, which was granted.

Mr. Browning gave notice, that he would on some future day, introduce a Bill to amend an act concerning Grand and Petit jurors approved January 4, 1839.

Mr. Isett gave notice, that he would on some future day introduce "A Bill to confer on certain associations of the citizens of this Territory the powers and immunities of corporations or bodies politic in Law.

Mr. Avery gave notice, that he would on some day hereafter, introduce a "A Bill to define more specifically the duties of county Surveyors."

On motion of Mr. Porter,

Ordered, That three members be added to the select Committee appointed to take into consideration the road leading from Dubuque, via Iowa City to the Missouri line.

The chair appointed Messrs. Porter, Teeple and Whitaker.

On motion of Mr. Browning,

Resolved, That the Sunday School Society, have the privilege of using this Hall from 9 to 11 o'clock A. M. every Sabbath during the sitting of the Legislature.

On motion of Mr. Lewis,

Ordered, That a Committee of three be appointed, to consist of one member from Lee county and two from Van Buren county to memorialize Congress, upon the propriety of appropriating money to com-

plete a Territorial road, leading from Keokuck up the Des Moines river to Iowaville.

Messrs. Lewis, Steele and Brierly were appointed said Committee,

On motion of Mr. Walworth,

The House adjourned until to-morrow morning.

Tuesday Morning, November 10, 1840.

Mr. Robertson presented the petition of sundry citizen of the town of Rockingham, praying that a law may be passed, authorizing John H. Sullivan to vacate for re-survey, a certain portion of said town.

Ordered, That said petition be referred to a select committee.

Messrs. Robertson, Summers, and Isett were appointed said committee.

On motion of Mr. Teeple,

Ordered, That the Committeeon the Judiciary, be instructed to examine the ninth section of an Act entitled "An Act organizing a Board of County Commissioners in each county in the Territory of Iowa, approved December 14, 1838, and compare the same with the fifth section of an Act entitled "An Act for assessing and collecting county revenue, approved January 24th, A. D. 1839.

On motion of Mr. Wilson of H.,

Resolved, That the Committee on Internal Improvements take into consideration the propriety of memorializing Congress, and instructing our Delegate in Congress to use his best endeavors to procure an appropriation for the purpose of improving the Rapids of the Mississippi River, at or near the mouth of the Des Moines River.

Mr. Mason offered the following:

Resolved, That the slips detailing the proceedings of this House be printed as heretofore.

A motion was made by Mr. Porter, to lay the resolution upon the table;

And the question being put; Shall the resolution be laid upon the table?

It was determined in the affirmative—Yeas 23, Nays 1.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Porter, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Mr. Mason voted in the negative.

So the resolution was laid upon the table.

The Speaker laid before the House the Report of the Territorial Treasurer, which was read and laid upon the table.

The resolution offered on yesterday by Mr. Langworthy, calling upon the Secretary of the Territory for a general expose of the financial affairs under his control,

Was taken up and adopted.

Mr. Browning, in accordance with previous notice, introduced No. 3. H. R. file, entitled "A Bill to amend an Act concerning Grand and Petit Jurors, approved, January 4th, 1839, which was read a first time,

Ordered, That 40 copies of the same be printed for the use of the House.

Mr. Summers gave notice, that he would, on some day hereafter, introduce a Bill, to provide for the location of County Seats in new counties, and for other purposes.

Mr. Felkner gave notice, that he would, on some future day, introduce a Bill to reduce the average value of lots in Iowa City, as fixed by an Act directing the valuation of lots in Iowa City, and to provide for executing Deeds to the same.

On motion of Mr. Teeple,

The House adjourned until to-morrow morning.

Wednesday Morning, November 11, 1840.

On motion of Mr. Walworth,

Ordered, That a Committee of one from each electoral district be appointed to take into consideration the expediency of memorializing Congress on the subject of negociating with the Sac and Fox Indians for a new purchase of lands.

Messrs. Walworth, Browning, Miller, Steele, Porter, Wilson of J. Teeple, Isett, Robertson, and Mason, were appointed said Committee.

On motion of Mr. Wilson of H.

Resolved, That the Committee on Roads and Highways inquire into the expediency of revising or modifying such portions of the road law, whereby it will be more effectual in its application to the improvement of roads and highways, and report by bill or otherwise.

On motion of Mr. Lewis,

Ordered, That the Committee on Mail Routes, be instructed to inquire into the expediency of memorializing Congress, on the subject of establishing a Mail Route from Keosauqua, in Van Buren county, to the southern line of said county.

Mr. Summers, in accordance with previous notice, introduced No. 4, H. R. File, entitled "A Bill concerning enclosures and trespassing animals," which was read a first time,

A motion was made by Mr. Teeple to have said Bill printed, which was decided in the negative.

Mr. Summers, from the Committee appointed for the purpose of making arrangements for having a Reporter to this House, made the following report.

The Select Committee, to which was referred a resolution of the House, requiring them to ascertain on what terms a Reporter could be employed, to report the proceedings, &c., during the present session, have performed the duty assigned them, by calling on several persons. said to be competent to perform the duties of Reporter, and find that they cannot employ a Reporter for a less sum than five dollars per day.

Your Committee are of the opinion that a Reporter would be of public utility; they therefore submit the following for adoption:

Resolved, That the House elect a Reporter by ballot.

A motion was made by Mr. Porter to lay the Report on the table, which was disagreed to.

The question then recurred on the adoption of the Report;

And the question being put, Will the House concur in the Report of the Committee?

Was determined in the negative—Yeas 7, Nays 19.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative were

Messrs. Hendershott, Isett, Langworthy, Leffler, Steele, Summers, and Van Antwerp.

Those who voted in the negative ,were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Lash, Lewis, Miller, Mason, Porter, Robertson, Teeple, Toole, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

So the Report was rejected.

Mr. Walworth, on previous notice, introduced No. 5, H. R. File, "A Memorial to Congress for an appropriation to improve and continue the Military Road from Dubuque, via of Iowa City, to the Missouri line;" which was read a first time.

Mr. Lash gave notice, that he would, on some future day, introduce A Bill, to establish a Territorial Road, from Mott's Ferry, on the Des Moines river, by the way of Keokuk, Montrose, and Franklin, in Lee county, to Mount Pleasant, in Henry county.

On motion of Mr. Mason,

The Resolution offered by him on yesterday, in relation to the printing of the daily slips, &c., was taken up and considered.

A motion was made by

Mr. Miller, to strike out all after the word "Resolved," and insert the following:

That James G. Edwards be employed to print the Journal of this House for a reasonable, usual, and just price, provided he furnish the House the daily slips without charge.

Mr. Hendershott offered the following as a substitute:

Resolved, That the daily Journals of this House be furnished for twenty succeeding days, which was lost. Yeas 5, Nays 21.

The yeas and nays being desired by Mr. Miller,

Those who voted in the affirmative were

Messrs. Box, Felkner, Hendershott, Isett, and Teeple.

Those who voted in the negative, were

Messrs. Avery, Brierly, Browning, Hebard, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

A motion was made by

Mr. Summers, That the whole subject be indefinitely postponed.

Mr. Box moved, That the same be laid upon the table, subject to the order of the House, which was lost.

The question then recurred on the motion made by Mr. Summers, which was decided in the negative. Yeas 11, Nays 15.

Those who voted in the affirmative, were,

Messrs. Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Steele, Summers, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were

Messrs. Avery, Box, Brierly, Browning, Hebard, Lewis, Mason, Miller, Porter, Robertson, Teeple, Toole, Walworth, Wilson of H., and Wilson of J.

On motion of Mr. Leffler,

The Resolution, with the amendment of Mr. Miller, was laid upon the table until to-morrow.

No. 3, H. R. File, entitled,

"A Bill, to amend an Act concerning Grand and Petit Jurors, approvided, January 4th, 1839," was read a second time.

Ordered, That said bill be referred to the Committee on the Judiciary.

On motion of Mr. Lash,

The House adjourned.

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2 O'CLOCK, P. M.

Mr. Lewis gave notice, that he would on some future day bring in

a "Bill to amend an act entitled "an act for opening and regulating Roads and Highways approved January 17, 1840.

Mr. Whitaker gave notice, that he would on some day hereafter, introduce "A Bill, relating to counties and county boundaries,"

Mr. Wilson of H. gave notice, that he would on some future day, introduce "A Bill, granting a charter to keep a Ferry across Skunk river at Rome in Henry County, for the benefit of Joseph Jeffers of said place."

Mr. Teeple gave notice, that he would on some day hereafter, introduce a Bill, to district the county of Washington into three county Commissioner's districts."

Mr. Box gave notice, that he would on some day hereafter introduce "A Bill to define more clearly the duties of county Treasurers" and also

A Bill to change the mode of collecting county revenue.

Mr. Hebard gave notice, that on some future day he would introduce "A Bill, to secure the right of way, to those owners or occupants, whose lands are separated by the lands of intervening owners.

Mr. Summers gave notice, that he would on some future day, bring in "A memorial to Congress for an appropriation, to improve the Mail route, leading from Davenport to Dubuque.

Mr. Langworthy gave notice, that on some future day, he would introduce a Joint Resolution, to provide for the printing of the Laws of the present session.

On motion of Mr. Walworth,

Ordered, That 40 copies of the memorial introduced by him during the forenoon's session, be printed.

Mr. Felkner on previous notice, introduced

No. 6. H. R. file, entitled "A Bill to amend "an act, directing the valuation and Sale of Lots in Iowa City, and to provide for executing Deeds to the same" which was read a first time.

Ordered, That forty copies of said bill be printed for the use of the House.

On motion of Mr. Summers,

Resolved, That the Committee on Roads and Highways, be instructed to enquire into the expediency, of so amending an act defining the duties of Supervisors of Roads and Highways "as to require persons to perform labor on the public highways, in proportion to the valuation of their property.

On motion of Mr. Hebard,

Ordered, That a Committee of one from each of the counties of Des Moines, Henry and Van Buren, be appointed to prepare a memerial to Congress, for an appropriation to continue the construction of the Road, commenced by the United States, leading from Burlington westward, through the aforesaid counties,

Messrs. Hebard, Lewis and Wilson of H. were appointed said Committee.

On motion of Mr. Langworthy,

Resolved, That when a bill, memorial or joint resolution shall be ordered to be printed the number of copies need not be stated but shall be forty.

On motion of Mr. Summers,

The House adjourned.

Thursday Morning, November 12, 1840.

On motion of Mr. Walworth,

Ordered, That a Committee of one from each electoral District be appointed, to draft a Bill to establish certain Territorial roads.

Messrs. Walworth, Isett, Hebard. Wilson of H. and Wilson of J. Miller, Langworthy, Robertson, Steele and Teeple were appointed said Committee.

On motion of Mr. Robertson,

Resolved, That the Committee on Roads and Highways, be instructed to enquire into the expediency of memorializing Congress, upon the subject of an appropriation to be applied upon the mail route from Burlington to Davenport.

Mr. Langworthy offered the following:

Resolved, That William W. Coriell, publisher of the Iowa News at Dubuque, be and he is hereby authorized to print the usual number of copies of the Journal of this House in pamphlet form, and have the same ready for distribution within four months from the close of the present session, and that he be allowed the usual compensation for such work.

A motion was made by Mr. Walworth, to lay the resolution upon the table; which was agreed to—Yeas 20, Nays 6.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative were Messrs Avery, Box, Brierly, Browning, Felkner, Hebard, Lash, Leffler, Lewis, Miller, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., and Wilson of J.

Those who voted in the negative, were Messrs. Hendershott, Isett Langworthy, Mason, Summers and Cox Speaker.

On motion of Mr. Toole,

Ordered, That a select Committee be appointed, to draft a memorial to Congress, asking for an appropriation to improve the navigation of the Iowa, Cedar, Des Moines, and Skunk rivers.

Messrs. Toole, Steele and Porter were appointed said Committee.

Mr. Robertson gave notice that he would on some future day, introduce a Bill to amend an act providing for the appointment of Districts

prosecutors and defining their duties, approved January 15, 1839, also A Bill to amend an act fixing the time for the annual meeting of the Legislative Assembly, approved January 23, 1837.

Mr. Lash in accordance with previous notice introduced

No. 7. H. R. file entitled, "A Bill to locate and establish a Territorial road from Mott's Ferry on the Des Moines river, via. Keokuck, Montrose and Franklin in Lee county to Mount Pleasant in Henry county," which was read a first time.

Mr. Wilson of H., in accordance with previous notice introduced,

No. 8, H. R. file entitled "A Bill to authorize Joseph Jeffreys to establish and keep a Ferry across Skunk river at the town of Rome;" which was read a first time,

On motion of Mr. Porter,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The bill was then read a 2d time.

On motion of Mr. Porter,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time Mr. Speaker resumed the chair, and Mr. Summers reported, that the Committe had, according to order, had said Bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr. Walworth,

Ordered, That the Bill be refered to the Committee on Corporations, with instructions to report on to-morrow.

Mr. Teeple in accordance with previous notice, introduced,

No. 9, H. R. file entitled "A Bill to District the county of Washington into three county Commissioner's Districts;" which was read a first time.

No. 4, H. R. file entitled, "A Bill concerning enclosures and trespassing animals," was read a second time, and,

On motion of Mr. Summers,

Referred to the Committee on the Judiciary.

No. 5, H. R. file, entitled "A Memorial to Congress, for an appropriation to improve and continue the Military road, leading from Dubuque via Iowa City to the Missouri line," was read a second time, and,

On motion of Mr. Steele,

Referred to the Committee on Territorial affairs.

No. 6, H. R. file entitled "A Bill to amend an act directing the valuation and Sale of Lots in Iowa City, and to provide for executing Deeds to the same," was read second time, and,

On motion of Mr. Miller,

Referred to the Committee on Public Buildings.

The Resolution in relation to the printing of the daily slips &c. to-

gether with the amendment offered by Mr. Miller yesterday being the order of to day, was taken up.

A motion was made by Mr. Langworthy, to refer said resolution and amendment to a select Committee,

And the question being put, shall the resolution &c. be referred? It was determined in the negative,

YEAS 13. NAYS 13.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative were, Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative were, Messrs. Avery, Browning, Hebard, Lash Lewis, Mason, Miller, Porter, Robertson, Toole, Walworth, Wilson of H. and Wilson of J.

Mr. Langworthy then moved to strike out the name of "James G. Edwards" and insert that of "John H. McKenney"

And previous to the question" being put

A motion was made by Mr. Hendershott, that the House do now adjourn; which was decided in the affirmative.

YEAS 17. NAYS 9.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were Messrs. Avery, Browning, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Porter, Robertson, Summers, Teeple, Van Antwerp, Whitaker, Wilson of H. and Cox, Speaker.

Those who voted in the negative, were Messrs, Box, Brierly, Hebard, Lewis, Miller, Steele, Toole, Walworth and Wilson of J.

So the House adjourned until 2 o'clock P. M.

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2 O'CLOCK, P. M.

The House resumed the consideration of the Resolution relative to the printing of the Journals.

The question pending at the time of the adjournment being on the motion of Mr. Langworthy, to strike out of said resolution the name of James G. Edwards, and insert that of John H. McKenny.

Mr. Walworth moved a call of the House, which was ordered, and upon calling the roll, it was found that Messrs. Browning and Porter were absent. Whereupon,

The Sergeant-at-Arms was directed to enforce their attendance.

After sometime, Messrs. Browning and Porter appearing, the question was taken on the amendment to the resolution, which was carried in the affirmative—Yeas 15, Nays 11.

The Yeas and Nays being desired by Mr. Miller,

These who voted in the affirmative were Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker and Cox, Speaker.

Those who voted in the negative were Messrs. Avery, Browning, Hebard, Lewis, Miller, Porter, Robertson, Toole, Walworth, Wilson of H. and Wilson of J.

A motion was made by Mr. Box, to postpone said resolution indefinitely, which was determined in the affirmative.

Mr. Robertson, on leave, introduced No. 10, H. R. File, entitled "A Bill to establish a Territorial Road from Davenport to Bellview," which was read a first time.

Mr. Walworth offered the following:

Resolved, That Crum & Bailey, of Bloomington, be employed to print three hundred copies of the Journal of this House, and that they be paid such price for the same as shall be hereafter allowed by law.

A motion was made by Mr. Summers, to lay the resolution upon the table.

And the question being put, Shall the resolution be laid on the table?

It was determined in the affirmative—Yeas 20, Nays 6.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Miller, Robertson, Steele, Summers, Teeple, Van Antwerp, Whitaker, Wilson of H. and Cox, Speaker.

Those who voted in the negative were

Messrs. Browning, Lewis, Porter, Toole, Walworth, and Wilson of J.

So the resolution was laid upon the table.

Mr. Browning, on leave, introduced No. 11, H. R. File, entitled "A Memorial to Congress for the benefit of Jeremiah Smith, Jr.," which was read a first time.

Ordered, That the 42d rule be suspended, and the Memorial be read a second time now.

The Memorial was then read a second time.

On motion of Mr. Miller,

The House resolved itself into a Committee of the Whole House for the consideration of said Memorial.

After some time, Mr. Speaker resumed the Chair, and

Mr. Box reported, that the Committee had, according to order, had said Memorial under consideration, and instructed him to report the same, with an amendment;

Which was agreed to.

Ordered, That the Memorial be engrossed for a third reading to-morrow.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:—

I am directed to inform the House of Representatives, that the Council have passed "A Preamble and Joint Resolution, asking our Delegate in Congress to use his influence to obtain an additional appropriation for the survey of the Des Moines River. Also,

A Resolution, requesting our Delegate in Congress to use his influence to procure additional Mail facilities on the route leading from Fort Madison to Bentonsport.

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

On motion of Mr. Miller,

The House adjourned.

Friday Morning, November 13, 1840.

Mr. Porter presented the petition of sundry citizens of Henry County, and the petition of Elizabeth Jones, praying that a law may be passed to divorce said Elizabeth Jones from her husband Berry Jones.

Said petitions were referred to a Select Committe, viz:

Messrs. Porter, Summers, and Isett.

Mr. Lash, from the Committee on Engrossed Bills, reported

No. 11, H. R. File, entitled "A Memorial to Congress for the benefit of Jeremiah Smith, Jr., to be correctly engrossed.

Mr Leffler, from the Committee on the Judiciary, reported

No. 3. H. R. File, entitled "A Bill to amend an act concerning Grand and Petit Jurors," approved, January 4, 1839, without amendment.

Mr. Hendershott, from the Committee on Corporations, made the following report:

The Committee on Corporations, to whom was referred Bill No. 8, H. R. File, entitled "A Bill to authorize Joseph Jeffreys, to establish and keep a Ferry across Skunk River, at the Town of Rome, beg leave to report: That they have had the same under due consideration, and they are of opinion that an act to regulate Ferries, passed at the session of the Iowa Legislature of 1838-'39, makes ample provision for all persons wishing to establish Ferries across all streams, except the Mississippi; and your Committee are of opinion that it is impolitic to

grant chartered privileges under such circumstances. Therefore your Committee request to be discharged from any further consideration of this subject.

The Committee were accordingly discharged.

Mr. Robertson, in accordance with previous notice, introduced No. 12, H. R. File, entitled "A Bill to amend an Act fixing the time for the annual meeting of the Legislative Assembly, which was read a first time.

The Speaker laid before the House a communication from the Secretary of the Territory, transmitting information in relation to the Financial affairs of the Territory, in obedience to the order of the House of the 10th instant.

Ordered, That there be two hundred copies of the same printed.

Said communication reads as follows:

SECRETARY'S OFFICE,
BURLINGTON NOV. 12, 1840.

The Honorable, the Speaker of the House of Representatives:

SIR—Conformably to a resolution of the House of Representatives of the 10th instant, requesting information from the Secretary of the Territory as to the amount of arrearages at present due by the Territory, &c. &c., together with "a general expose of the financial affairs of the Territory, so far as the same may be under his control," I have the honor to submit the following:

Under the instructions of the Treasury Department, the only claims against the Territory which can be recognized by me, in making disbursements, are such as have received the sanction of the law making power of the Territory. In order to ascertain the amounts yet due to various individuals, I have therefore compared my vouchers for payments made up to the present time, with the several laws making the appropriations; leaving out all such claims, if any there be, as are not embraced in these laws. The result of this comparison shows Iowa to be yet indebted to the following persons, in the amounts set opposite their names respectively:

Bridgman & Partridge,	$109 00
Henry Moore,	4 00
John S. David,	68 00
James G. Edwards,	1,528 00
Methodist Episcopal Church,	300 00
Morgan Reno,	61 90
T. S. Parvin,	387 00
Dolan & Ladd,	26 37
Chase & Kimball,	47 25
Robert Mack.	26 75
Jesse Williams,	28 00

Webber & Remey,	55 15
Geo. W. Hight,	100 00
Russell & Reeves,	1,907 75
W. J. A. Bradford,	182 00
A. C. Donaldson,	170 00
W. W. Coriell,	75 00
Andrew Logan,	75 00
A. W. Carpenter,	124 50
J. H. M'Kenny,	957 81
Sam'l R. Murray,	20 00
J. N. Hetzel,	35 00
J. M. Garrigues,	12 00
John B. Russell,	12 00
A. L. M'Crea,	5 00
Henry Hefflemen,	50 00
J. W. Tallman,	50 00
J. G. M'Donald,	15 00
Jos. T. Fales,	500 00
B. F. Wallace,	350 00
J. B. Browne,	225 00
W. H. Wallace,	225 00
Levi Hager,	169 50
Evan Evans,	90 00
	$7,991 98

The liabilities of the Territory, it will be thus seen, over and above her present available resources, amount to seven thousand nine hundred and ninety-one dollars and ninety-eight cents. In the estimate submitted by the Executive of the Territory to the Secretary of the Treasury of the United States, for the expenses of Iowa for the year 1841, an item of $6,729 42 is inserted to meet these liabilities. This amount, added to that which it is understood remained unexpended in the hands of the late Secretary Conway, at the time of his decease, will, if appropriated by Congress, entirely relieve the Territory from the monetary embarrassments with which, ever since her organization, she has been beset. The accomplishment of an end so desirable, once attained, it will remain for Legislative wisdom to say whether or not she shall be kept so in time to come.

A few explanatory remarks, as to some of the debts enumerated in the above list, may here be in place.

When, in July last, the appropriation of $14,000 was put into my hands, to meet arrearages of the Territory then existing, it was discovered that the amount would fall short, by more than one-third, of entirely effecting the object for which it was intended. All the demands having the sanction of the law, were presumed to be equally

just and honest, and all the claimants were equally urgent in asking payment. Under such circumstances, the course suggested not only by a sense of justice, but an ardent desire to dispense, as far as possible, equal favor to all, was adopted, viz: to make a *pro rata* distribution of the funds among the several creditors of the Territory; nor, with the exception of a very few instances, in which, previous to ascertaining the whole amount of the deficit, I had placed my unconditional acceptance upon orders drawn on me by creditors, thus rendering myself *personally responsible*, was there any material departure from this rule in the disbursement of the entire sum appropriated.

Owing to a *proviso* contained in the law appropriating the $14,000 to which allusion has already been made, several of the creditors of the Territory were entirely cut off from the portion which, under other circumstances, would have been paid them. The *proviso* is in these words:

"Provided no part of this appropriation shall be used for the payment of members of the said Legislative Assembly for per diem wages, or mileage, or extra services; or for the payment of any of the members thereof, or of its clerks, or for stationary for their individual use."

The claims affected by this prohibitory clause are those of Messrs. J. B. Browne, and Wm. H. Wallace, pay for extra services as presiding officers of the different branches of the Legislative Assembly, session 1838–'39; Joseph T. Fales and B. F. Wallace, Secretaries of the House of Representatives and Council, for preparing for publication and distributing Journals of session 1839–'40; together with allowances for clerk hire, made to Messrs. S. R. Murray, J. N. Hetzel, J. M. Garrigues, J. B. Russell, A. L. M'Crea, J. G. M'Donald, W. J. A. Bradford, and Morgan Reno. Should the appropriation asked for from the general government be made at the next session of Congress, it is to be hoped that the law will be so framed as to make no distinction in favor of or against any particular class of creditors. Palpable injustice has attended the operations of the above recited proviso.

The resolution of the House, in compliance with which this communication is made, also calls upon me for information with regard to "all balances of former appropriations now in my hands, and the amount due the Territory from the former Secretary," &c. My reply to the first part of this call must necessarily be very brief.—*There are no balances of former appropriations in my hands.* Every dollar drawn by me has been paid, the vouchers for the same forwarded to the accounting officers at Washington, and my account with the United States, excepting the *partial* payments by me made, which are as yet suspended, *balanced*.

The settlement of the account of the late Secretary with the Treasury Department, will devolve upon his legal representatives, and not

on me, as the resolution of the House would seem erroneously to imply. It is impossible, therefore, for me to state, with any thing like precision, the amount of the default of Mr. Conway, if, indeed, he is so at all. An examination of the duplicate vouchers on file in my office, however, some time since, gave rise to the impression, expressed at the time, that his vouchers fall short, by about $2,000, of covering the amount of moneys drawn by him from the Treasury. Measures have already been taken by the Department, I have been informed, to further the final adjustment of the account; and whatever balance may be found to be due the United States, will, it is inferred, when collected, be placed at the disposal of the Territory, should any of the debts, to defray which it was appropriated in the first instance, remain unpaid at that time.

The sum set apart by Congress for the expenses of the present session of the Legislative Assembly is 27,050. Application to the proper Department for a warrant for this amount, was made by me on the 14th ultimo; and inasmuch as all appropriations heretofore entrusted to me have been regularly accounted for, I know of no reason why its reception should not be anticipated at an early day.

Very respectfully,

Your obedient servant,

JAMES CLARKE,

Secretary of the Territory.

No. 7, H. R. file entitled "A Bill to locate and establish a Territorial road from Mott's Ferry on the Desmoines river via: Keokuck, Montrose, and Franklin in Lee County to Mount Pleasant in Henry County" was read second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time, Mr. Speaker resumed the Chair, and Mr. Hendershott reported that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments; in which the House concurred.

On motion of Mr. Miller,

The Bill was referred to the Delegations from the counties of Lee and Henry.

No. 9, H. R. file, entitled "A Bill to district the county of Washington into three County Commissioner's Districts" was read a second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the whole House for the consideration of said Bill.

After some time, Mr. Speaker resumed the Chair, and Mr. Walworth reported that the Committee had, according to order, had said

Bill under consideration, and instructed him to report the same without amendment.

On motion of Mr. Teeple,

Ordered, That the Bill be engrossed for a third reading on Monday next.

No. 10, H. R. file, entitled "A Bill to establish a Territorial road from Davenport to Bellview," was read a second time.

Ordered, That said Bill be engrossed for a third reading on *M*onday next.

No. 1, C. F. entitled "A Preamble and Joint Resolution, asking our Delegate in Congress, to use his influence to obtain an additional appropriation for the Survey of the Des *M*oines river," and,

No. 3, C. F. entitled "A Resolution requesting our Delegate in Congress to use his influence to procure additional mail facilities on the route leading from Fort Madison to Bentonsport," were severally read a first time.

No. 11, H. R. File, entitled "A memorial to Congress for the benefit of Jeremiah Smith, Jr., was read a third time.

On motion of Mr. Browning,

By unanimous consent of the House, the memorial was amended by adding the following:

Resolved, That his Excellency Robert Lucas, be requested to forward a copy of this memorial to our Delegate in Congress as soon as practicable.

The memorial was then passed, and ordered to be sent to the Council for concurrence.

Mr. Lewis gave notice, that he would, on some future day, introduce "A Bill to provide for the expression of the opinion of the people of the Territory of Iowa, as to voting *viva voce* or by *ballot.*"

A motion was made by Mr. Walworth, to take up the resolution offered by him on yesterday, relative to giving the printing of the Journal to Messrs. Crum & Bailey, of Bloomington, which was lost.

On motion of Mr. Leffler,

The House adjourned until Monday next.

Monday Morning, November 16, 1840.

*M*r. Isett presented the memorial of T. S. Parvin, asking compensation for services rendered as private Secretary to the Governor, during the 1st Session of the Legislative Assembly; which was refered to the Committee on Claims.

On motion of *Mr.* Lash,

Ordered, That two hundred copies of the report of the acting Commissioner of Public Buildings at Iowa City, be printed.

Mr. Robertson in accordance with previous notice, introduced

No. 13, H. R. file entitled, "A Bill to authorize John H. Sullivan to vacate for resurvey a portion of the Town of Rockingham" which was read a first time.

Mr. Langworthy from the Committee on Internal Improvements reported

No. 14, H. R. file entitled, "A memorial to Congress for an appropriation to improve the Rapids of the *Mississippi* river," which was read a first time, and ordered to be printed.

Mr. Lash from the Committee on Engrossed Bills, reported

Nos. 9. and 10. H. R. file as correctly engrossed.

No. 1. C. F. entitled "A Preamble and Resolution asking our Delegate in Congress, to use his influence to obtain an additional appropriation, for the Survey of the Des *Moines* river," was read a second time.

On motion of *Mr.* Box,

The House resolved itself into a Committee of the whole House, for the consideration of said Preamble and Resolution.

After some time *Mr.* Speaker resumed the Chair, and *Mr.* Leffler reported, that the Committee had, according to order, had said Preamble and Resolution under consideration and directed him to report the same without amendment.

Ordered, That said Preamble and Resolution be read a third time on to-morrow.

No. 3, C. F. entitled "A Resolution requesting our Delegate in Congress, to use his influence to procure additional Mail facilities on the route from Fort Madison to Bentonsport," was read a second time, and,

On motion of Mr. Summers,

Ordered, to be read a third time on to-morrow.

No. 3, H. R. file entitled "A Bill to amend an act concerning Grand and Petit Jurors," was read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some considerable time Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had according to order, had said Bill under consideration, and instructed him to report the same without amendment.

Several amendments having been proposed,

On motion of Mr. Walworth,

The Bill was recommitted to the Committee on the Judiciary.

No. 12, H. R. file entitled "A Bill to amend an Act fixing the time

for the annual meeting of the Legislative Assembly," was read a second time.

On motion of Mr. Box,

Ordered, That said Bill be laid upon the table until the 1st Monday in January next.

No. 9, H. R. file entitled "A Bill to district the county of Washington into three County Commissioner's Districts," and,

No. 10, H. R. file entitled "A Bill to establish a Territorial Road from Davenport to Bellview," were severally read a third time, passed and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason gave notice, that he would on some future day introduce "A Bill to amend an Act entitled, an act organizing a Board of County Commissioners in each county in the Territory.

On motion of Mr. Toole,

The House adjourned.

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2 O'CLOCK, P. M.

Mr. Toole from the Select Committee to which was referred the subject of Memorializing Congress for an appropriation to improve certain rivers within the Territory, reported

No. 15, H. R. file entitled "A Memorial to Congress for an appropriation to improve certain rivers within the Terrritory," which was read a first time.

Mr. Lewis in accordance with previous notice, introduced

No. 16, H. R. file entitled "A Bill to provide for ascertaining the wishes of the legal voters of this Territory on the mode of voting by *ballot* or by *Viva Voce*" which was read a first time.

Mr. Teeple in accordance with previous notice, introduced

No. 17, H. R. file entitled, "A Bill supplementary to an act defining the duties of Supervisors of Roads and Highways, approved Jan. 17, 1840." which was read a first time, and ordered to be printed.

Mr. Summers in accordance with previous notice, introduced

No. 18, H. R. file entitled "A Bill to establish County Seats in new counties and for other purposes," which was read a first time.

On motion of Mr. Walworth,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,

On motion of Mr. Walworth,

Referred to the Committee on Territorial Affairs.

On motion of Mr. Langworthy,

The following Resolution was taken from the table and adopted.

Resolved, That William W. Coriell publisher of the Iowa News at Dubuque, be and is hereby authorized, to print the usual number of copies of the Journals of this House in pamphlet form, and have the same ready for distribution within four months from the close of the present Session, and that he be allowed the usual compensation for such work.

On motion, The House adjourned.

Tuesday Morning, November 17, 1840.

On motion of Mr. Lash,

Ordered, That the Committee on the Judiciary inquire in the expediency of so altering the revenue laws, as to require any person who may wish to retail ardent spirits in any town or village in this Territory, to first obtain the consent of a majority of the legal voters of said town or village, and that they report by bill or otherwise.

Mr. Hebard, from the Seloct Committee appointed for that purpose, reported

No. 19, H. R. File, entitled "A Memorial to Congress, for an appropriation to continue the construction of the Agency Road,"

Which was read a first time.

Mr. Leffler, from the Committee on the Judiciary, reported back to the House,

No. 2, H. R. File, entitled "A Bill to abolish imprisonment for debt," and recommended that the same do not pass, and asked that the Committee might be discharged from the further consideration of said Bill.

On motion of Mr. Summers,

Said Report was laid upon the table.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the subject of reducing the Fee Bill,

Reported, That they had accordingly had the same under consideration, and came to the conclusion, and deemed it inconsistent to make any alteration in said Bill.

No. 13, H. R. File, entitled "A Bill to authorize John H. Sullivan to vacate for re-survey, a portion of the Town of Rockingham," was read a second time.

On motion of Mr. Robertson,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 14, H. R. File, entitled

"A Memorial to Congress for an appropriation to improve the Rapids of the Mississippi river," was read a second time.

On motion of Mr. Walworth,

The House resolved itself into a Committee of the Whole House, for the consideration of said Memorial.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Memorial under consideration, and instructed him to report the same without amendment.

On motion of Mr. Walworth,

The Memorial was amended by adding the following:

"That copies of this Memorial be forwarded to the Governor of the State of Missouri, to the Governor of the State of Illinois, and to the Governor of the Territory of Wisconsin, with a request that it may be submitted to their several Legislatures, with a recommendation that they join with this Legislature in memorializing Congress on the subject.

On motion of Mr. Summers,

Ordered, That said Memorial be engrossed and read a third time on to-morrow.

No. 15, H. R. File, entitled

"A Memorial to Congress for an appropriation to improve certain rivers within the Territory," was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 16, H. R. File, entitled

"A Bill to provide for ascertaining the wishes of the legal voters of this Territory on the mode of voting by *ballot* or by *viva voce*," was read a second time.

On motion of Mr. Hendershott,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

A motion was made by Mr. Leffler, to postpone said Bill indefinitely.

And the question being put, was determined in the negative:

Yeas 5, Nays 21.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Langworthy, Leffler, and Summers.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Lash, Lewis, Mason, Miller, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

On motion of Mr. Porter,
Said Bill was laid upon the table.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed

No. 2, C. F. "A Bill for the benefit of ther minor heirs of Joseph Swazey, deceased."

No. 7, C. F. "A Bill to attach Benton county to Linn for Judicial purposes," &c.

No. 2. C. F. "A Preamble & Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville on the Des Moines river," and

No. 4, C. F. "A Joint Resolution, requesting the influence of our Delegate in Congress, in procuring the appointment of a Commissioner, to select two Townships of land for the support of the University of Iowa,"

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

Mr. Browning gave notice, that he would, on some future day, introduce a Bill to amend the several acts relative to Mechanics' Liens, and for other purposes, approved, December 17, 1838, and Jan. 16, 1840.

On motion of Mr. Steele,
The House adjourned.

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2 O'CLOCK P. M.

No. 1. C. F. entitled

"A Preamble and Resolution asking our Delegate in Congress to use his influence to obtain an additional appropriation for the Survey of the Des Moines river," and

No. 3, C. F. entitled

"A Resolution requesting our Delegate in Congress to use his influence to procure additional Mail facilities on the route leading from Fort Madison to Bentonsport," were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 2, C. File, entitled

"A Bill for the benefit of the minor heirs of Joseph Swazey, dec'd.

No. 2, C. F. entitled

"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville, on the Des Moines river."

No. 4, C. F. entitled,

"Joint Resolution, requesting our Delegate in Congress to use his influence in procuring the appointment of a Commissioner to select two Townships of land for the support of the University of Iowa," and

No. 7, C. F. entitled

"A Bill to attach Benton County to Linn, for Judicial purposes,"

Were severally read a first time.

Mr. Wilson of J., in accordance with previous notice, introduced

No. 20, H. R. File, entitled

"A Bill prohibiting Vice and Immorality," which was read a first time, and ordered to be printed.

Mr. Mason, in accordance with previous notice, introduced

No. 21, H. R. File, entitled

"A Bill to amend the several acts for assessing and collecting county revenue," which was read a first time, and ordered to be printed.

On motion of Mr. Toole,

Ordered, That a Select Committee, composed of one member from each Electoral District, be appointed to draft a Memorial to Congress for an appropriation to improve Roads and Mail Routes in this Territory.

Messrs. Toole, Lewis, Porter, Wilson of J., Avery, Isett, Van Antwerp, Robertson, Box, and Mason, were appointed said Committee.

On motion of Mr. Miller,

Ordered, That the Committee on the Judiciary, be instructed to inquire into the expediency of revising the bail law, and if they find it necessary, bring in a Bill for that purpose; and to bring in a Bill for the benefit of insolvent debtors.

No. 17, H. R. File, entitled

"A Bill supplementary to "An Act defining the duties of Supervisors of Roads and Highways," approved, January 17, 1840," was read a second time, and,

On motion of Mr. Summers,

Referred to a Committee of the Whole House on to-morrow.

Mr. Mason, in accordance with previous notice, introduced

No. 22, H. R. File, entitled

"A Bill to amend an Act organizing a Board of County Commissioner in each county in the Territory of Iowa," which was read a first time.

Mr. Miller gave notice, that he would, on to-morrow, bring in a Bill to amend an act entitled "An Act to provide for the appointment of Justices of the Peace, &c., Also, a Bill to define the duties of Constables in cases of imprisonment.

On motion of Mr. Toole, the House adjourned.

Wednesday Morning, November 18, 1840.

On motion of Mr. Toole,

Resolved, That a Select Committee, composed of one member from each Electoral District be appointed, to examine thoroughly, the present Revenue Laws, and report to this House, such amendments or alterations as they may deem necessary.

Messrs. Toole, Avery, Felkner, Mason, Miller, Robertson. Walworth, Whitaker, Wilson of H., and Wilson of J., were appointed said Committee.

On motion of Mr. Porter,

Ordered, That the Committee on the Militia, be instructed to inquire into the expediency of so amending the Militia Law, as to exempt persons having conscientious scruples, from bearing arms, at least in time of peace.

Mr. Hebard offered the following.

Resolved, That the Chief Clerk be directed to procure and put up in a convenient place in this House, a Map of Iowa Territory, for the use of the members of this House.

A motion was made by Mr. Walworth, to amend said resolution, so as to authorize the Chief Clerk to procure a copy of Jesse Williams's Map of Iowa, for each member of this House.

And the question being put, Will the House agree to the amendment?

It was determined in the negative. Yeas 7, Nays 17.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Porter, Teeple, Toole, Van Antwerp, and Walworth.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Langworthy, Lash, Lewis, Miller, Robertson, Steele, Summers, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

The question then recurred on the adoption of the resolution, which passed in the affirmative.

Mr. Teeple, from the Committee to which was referred the resolution relative to memorializing Congress, for an appropriation on the Mail Route from Burlington to Davenport, reported

No. 23, H. R. File, entitled "A Memorial to Congress, for an appropriation to improve the road from Burlington to Davenport;" which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 13, 14, and 15, H. R. File, as correctly engrossed.

Mr. Hebard, from the Committee to which was referred

No. 5, H. R. File, "A Memorial to Congress, for an appropriation to improve and continue the Military road from Dubuque to the Missouri line," reported the same back to the House, with amendments.

Mr. Avery, in accordance with previous notice, introduced

No. 24, H. R. File, entitled

"A Bill supplementary to an act defining the duties of county Surveyors," approved, Dec. 25th, 1838, which was read a first time.

Mr. Porter, from the Committee appointed for that purpose, introduced,

No. 25, H. R. File, entitled

"A Bill to divorce Elizabeth Jones from her husband Berry Jones," which was read a first time, and

On motion,

The 42d rule was suspended and the Bill read a second time.

On motion of Mr. Walworth,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed. And after debate,

The question then being, Shall the Bill be engrossed, and read a third time on to-morrow?

Was determined in the affirmative. Yeas 15, Nays 9.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Isett, Lash, Lewis, Miller, Porter, Robertson, Steele, Toole, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Box, Hendershott, Langworthy, Leffler, Mason, Summers, Van Antwerp, Walworth, and Wilson of J.,

So the Bill was ordered to be engrossed, and read a third time on to morrow.

On motion of Mr. Langworthy,

The House adjourned.

2 O'CLOCK P. M.

Mr. Box, in accordance with previous notice, introduced No. 26. H. R. file entitled "A Bill to amend an act to provide for the election of County Treasurers and to define their duties," which was read a first time.

Mr. Browning, in accordance with previous notice, introduced No. 27, H. R. file entitled "A Bill to amend the several acts relating to Mechanics liens and for other purposes," which was read a first time, and ordered to be printed.

Mr. Miller, in accordance with previous notice, introduced No. 28, H. R. file entitled "A Bill amendatory of an act entitled an "act to provide for the appointing of Justices of the Peace &c." and, No. 29. H. R. file entitled "A Bill defining the duties of Constables in cases of imprisonment," which were severally read a first time.

No. 2, C. F. entitled "A Preamble and Joint Resolution asking an appropriation for the improvement of a Territorial Road from Keokuck to Iowaville on the Des Moines river," was read a second time.

Ordered, That said Preamble and Resolution be read a third time on to-morrow.

No. 2. C. F. entitled "A Bill for the benefit of the minor heirs of Joseph Swazey deceased," was read a second time, and

On motion of Mr. Lewis,

Ordered, That the 42nd rule be suspended and the Bill be read a third time now,

The Bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 4, C. F. file entitlod "A Joint resolution, requesting the influence of our Delegate in Congress, in procuring the appointment of a Commissioner, to select two Townships of land for the support of the University of Iowa," and,

No. 7, C. F. entitled "A Bill to attach Benton County to Linn for Judicial purposes," were severally read a second time, and ordered to be read a third time on to-morrow.

No. 19, H. R. file entitled "A Memorial to Congress for an appropriation to continue the construction of the agency Road," was read a second time.

On motion the House resolved itself into a Committee of the whole House on said memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had according to order had said memorial under consideration, and instructed him to report the same without amendment,

On motion of Mr. Hebard,

Ordered, That said Memorial be engrossed for a third reading on to-morrow.

No. 20, H. R. file entitled "A Bill prohibiting Vice and Immorality," was read a second time, and

On motion of Mr. Summers,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had according to order had said Bill under consideration, and directed him to report the same with several amendments; to which the House agreed.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 21, H. R. file entitled "A Bill to amend the several acts for assessing and collecting County Revenue," was read a second time, and,

On motion of Mr. Summers,

Referred to the select Committee appointed this day to examine the present Revenue Laws.

No. 22, H. R. file entitled "A Bill to amend an act, organizing a Board of County Commissioners in each county in the Territory of Iowa," was read a second time, and,

On motion of Mr. Teeple,

Referred to a select Committee viz: Messrs. Teeple, Mason and Summers.

No. 13, H. R. file entitled "A Bill to authorize John H. Sullivan to vacate for resurvey, a portion of the Town of Rockingham," and,

No. 14, H. R. file entitled "A Memorial to Congress, for an appropriation to improve the Rapids of the Mississippi river," were severally read a third time passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Lewis gave notice, that he would on some future day, introduce a Bill to amend an act entitled an act concerning divorce approved January 15, 1839.

On motion of Mr. Hendershott,

The House adjourned.

Thursday Morning, November 19, 1840.

Mr. Summers gave notice, that he would, on some future day, introduce

A Bill to amend an Act to authorize John H. Sullivan & Adrian

H. Davenport, to establish and keep a Ferry across the Mississippi River at the Town of Rockingham, approved, Dec. 17, 1838.

On motion of Mr. Box,

Ordered, That the Committee on Public Buildings, be instructed to report to this House as soon as practicable.

No. 24, H. R. File, entitled

"A Bill supplementary to an Act defining the duties of County Surveyor," approved, Dec. 25th, 1838, was read a second time.

On motion of Mr. Summers,

Said Bill was referred to a Select Committee, viz: Messrs. Summers, Avery, and Felkner.

No. 26, H. R. File, entitled

"A Bill to amend an Act, to provide for the election of County Treasurers, and to define their duties." was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time,

Mr. Speaker resumed the Chair, and Mr. Avery reported,

That the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments; to which the House agreed.

A motion was made by Mr. Summers, to refer said Bill to the Select Committee appointed yesterday to examine the present Revenue Laws: which was determined in the negative.

A motion was then made by Mr. Browning, to postpone said Bill indefinitely.

And the question being put, Shall the Bill be indefinitely postponed?

Was determined in the affirmative.

No. 27, H. R. File, entitled

"A Bill to amend the several acts relative to Mechanics' Liens, and for other purposes;" was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After sometime spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed.

A motion was made by Mr. Hendershott, that said Bill be engrossed and read a third time on to-morrow. And after some debate,

A motion was made by Mr. Box, that the Bill be referred to the Committee on the Judiciary; which motion having precedence, was put, and determined in the affirmative.

No. 28, H. R. File, entitled

"A Bill amendatory of an Act entitled "An Act to provide for the

appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," was read a second time, and,

On motion of Mr. Hendershott,

Referred to the Select Committee appointed to examine the act relating to Justices of the Peace, &c.

No. 29, H. R. file, entitled

"A Bill defining the duty of Constables in cases of imprisonment, was read a second time.

On motion of Mr. Miller,

Ordered, That said Bill be referred to the Select Committee, appointed to examine the law relating to Justices of the Peace, &c.

No. 2, C. F. entitled

"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville, on the Des Moines river."

No. 4, C. F. entitled

"Joint Resolution, requesting the influence of our Delegate in Congress, in procuring the appointment of a Commissioner, to select two Townships of land for the support of the University of Iowa," and,

No. 7, C. F. entitled

"A Bill to attach Benton County to Linn, for Judicial Purposes;"

Also, No. 15, H. R. File, entitled,

"A Memorial to Congress, for an appropriation to improve certain rivers within the Territory," and,

No. 19, H. R. File, entitled

"A Memorial to Congress, for an appropriation to continue the construction of the Agency Road;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Hendershott gave notice, that he would, on some day hereafter, introduce

"A Bill, to repeal an Act entitled "An Act to prevent trespass and other injuries being done to the possession of settlers on the Public Domain, and to define the extent of the right of possession on the said land," approved, Jan. 25th, 1839.

On motion of Mr. Walworth,

The House adjourned.

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2 O'CLOCK, P. M.

No. 5, H. R. File, entitled

"A Memorial to Congress, for an appropriation to improve and continue the Military Road, from Dubuque to the Missouri line," was read a second time.

On motion of Mr. Box,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 17, H. R. File, entitled

"A Bill supplementary to "An Act, defining the duties of Supervisors of Roads and Highways," approved, Jan. 17, 1840, was read a second time.

On motion of Mr. Box,

Ordered, That said Bill do lie on the table until the 4th day of July next.

No. 23, H. R. File, entitled

"A Memorial to Congress, for an appropriation to improve the road from Burlington to Davenport," was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 20 and 25, as correctly engrossed.

No. 20, H. R. File, entitled

"A Bill prohibiting Vice and Immorality," was read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative—Yeas 14, Nays 10.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Isett, Leffler, Lewis, Miller, Porter, Teeple, Toole, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Hendershott, Langworthy, Lash, Mason, Robertson, Steele, Summers, Van Antwerp, Whitaker, and Cox, Speaker,

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

Ordered, That the Clerk acquaint the Council therewith.

No. 25, H. R. File, entitled

"A Bill to Divorce Elizabeth Jones from her husband Berry Jones," was read a third time,

And the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 15, Nays 9.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Brierly, Browning, Felkner, Isett, Lash, Lewis, Miller, Porter, Robertson, Steele, Teeple, Toole, Whitaker, Wilson of H., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Hendershott, Langworthy, Leffler, Mason, Van Antwerp, Walworth, and Wilson of J.

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

Ordered, That the Clerk acquaint the Council therewith.

Mr. Leffler, from the Committee on the Judiciary, reported No. 3, H. R. File, entitled

"A Bill to amend an Act concerning Grand and Petit Jurors," back to the House, with amendments, which was read a first time.

Mr. Hendershott, from the Committee on Corporations, to which was referred the Petition of George W. Jones, of Dubuque county, praying that a Charter granted to Timothy Fanning to keep a Ferry across the Mississippi River, at the town of Dubuque, at the Session of 1838–'39, be annulled, and that a Charter be granted to him instead thereof, &c. &c., submitted the following Report:

The Petitioner, George W. Jones, has not complied with the law of the Territory regulating Petitions, which requires that notice should be given, and that the affidavit of the Sheriff should accompany the Petition; but nevertheless, inasmuch as this Petition has been received by the House, and been referred to us, your Committee would further state, that they have carefully examined all the papers referred (including former Petition of George W. Jones, which by his request, has been withdrawn from the files of the House,) and they are of opinion, that so much of these petitions as sets forth, that Timothy Fanning obtained his charter in an unfair and illegal manner, is not supported by any evidence in possession of your Committee and is not sustained by the relations of the petitioner himself. The petitioner states that he purchased a certain ferry privilege, from the heirs and administrators of one Thomas Jordan, in the year 1836. It does not appear from any papers or documents before the Committee, what the nature of the privilege was, but under the then existing laws, licenses were granted by the circuit or county courts for keeping ferries for a term not exceeding three years; and your Committee are of opinion that a license to keep a ferry was the only privilege vested in said Jordan. Your Committee are further satisfied of this, because the petitioner alleges he was deprived of his privilege by the County Commissioners of Dubuque county, who granted a license to Timothy Fanning in July, 1838. The granting then of a charter to Timothy Fanning in Deeember, 1838, did not infringe the rights of the petitioner, as his license had then expired.

Again: it is urged by the petitioner, that the charter was illegally granted, for the reason that Timothy Fanning did not give the notice prescribed by law. Your Committee are of opinion that such notice was unnecessary in the case of the petition of Timothy Fanning, as the particular rights or privileges of any individual or individuals of any body politic or corporate, was not affected or infringed by the petition of said Fanning. Your Committee further state, that in regard to so much of the petition under consideration, which sets forth that Timothy Fanning has failed to comply with the provisions of his charter; the act of Incorporation granted to him provides a sure and effectual remedy for any violation of its provisions, by proof thereof

being made to the satisfaction of the Board of County Commissioners or District Court. Your Committee are therefore of opinion, that the prayer of the petitioner should not be granted, as he has suffered no wrong or injustice, and as it is certain that if it were granted, the rights acquired by Timothy Fanning, would be materially affected.

The House concurred in the report of the Committee.

A motion was made by Mr. Porter to adjourn until Monday next.

And the question being put, was determined in the negative.

Yeas 11, Nays 15.

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Hendershott, Lash, Leffler, Porter, Steele, Toole, Wilson of H., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Browning, Felkner, Hebard, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Van Antwerp, Walworth, Whitaker, and Wilson of J.

On motion of Mr. Robertson,

The House adjourned.

Friday Morning, November 20, 1840.

On motion of Mr. Summers,

Ordered, That a select Committee be appointed, to Memorialize Congress for a donation of land, sufficient to cut a Canal from Parkhurst at the head, to Davenport at the foot of the Upper Rapids, also, to cut a Canal from the head to the foot of the Lower Rapids, on the Mississippi river. Whereupon the Speaker appointed Messrs. Summers, Miller and Browning said Committee.

Mr. Summers, in accordance with previous notice, introduced No. 30, H. R. File entitled "A Bill, to amend an act to authorize John H. Sullivan and Adrian H. Davenport to establish and keep a Ferry across the Mississippi river at the Town of Rockingham," which was read a first time.

Mr. Hendershott, from the select Committee appointed for that purpose reported

No. 31, H. R. File entitled "A Bill providing for the election of Legislative Officers, defining their duties and fixing their compensation," which was read a first time, and ordered to be printed.

Mr. Toole, from the select Committee appointed for that purpose reported

No. 32, H. R. File entitled "A Memorial to Congress, for an ap-

propriation to improve certain Roads therein named," which was read a first time, and ordered to be printed.

Mr. Summers, from the select Committee to which was referred No. 24. H. R. File "A Bill supplementary to an act defining the duties of County Surveyors, approved Dec. 25, 1838," reported the same back to the House without amendment.

Mr. Teeple, from the select Committee to which was referred "A Bill to amend an act organizing a Board of County Commissioners in each county in the Territory" reported

No. 33, H. R. File as a substitute, which was read a first time and ordered to be printed.

No. 3, H. R. File entitled "A Bill to amend an act concerning Grand and Petit Jurors, approved January 4th 1839," was read a second time.

On motion of Mr. Lash,

Ordered, That said Bill be engrossed and read a third time on Monday next.

On motion of Mr. Steele,

The House adjourned until Monday morning next.

Monday Morning, November 23, 1840.

No. 24, H. R. File entitled "A Bill supplementary to an act defining the duties of county Surveyors, approved Dec. 25, 1838, was read a second time, and,

On motion of Mr. Avery,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 30. H. R. File entitled "A Bill to amend an act to authorize John H. Sullivan and Adrian H. Davenport to establish and keep a Ferry across the Mississippi river, at the Town of Rockingham," was read a second time;

On motion of Mr. Summers,

Ordered, That said Bill be engrossed for a third reading on to-morrow.

No. 31, H. R. File entitled "A Bill providing for the election of Legislative Officers, defining their duties and fixing their compensation," was read second time and,

On motion of Mr. Summers,

Referred to a Committee of the Whole House, and made the order of the day for Wednesday next.

A Message from the Council by Mr. Wallace their Secretary.

Mr. SPEAKER,

I am directed to inform the H. of R. that the Council have passed

No. 9. C. F. "A Bill to amend an act regulating conveyances."

No. 11. "A Bill to authorize Walter Terrell to build a dam across the Iowa river at Iowa City."

No. 1. C. F. "A Memorial for an appropriation to construct a Military road from Bloomington to Iowa City."

No. 2. "A Memorial for an appropriation to construct a Bridge over Big Cedar Creek &c."

No. 5. A Memorial for an appropriation, to improve the Iowa and Cedar Rivers," and,

No. 6. "A Joint Resolution respecting the reserved sections of land contiguous to Iowa City,"

In all of which the concurrence of the H. of R. is requested.

I herewith present for your signature "An Act for the benefit of the minor heirs of Joseph Swazey deceased."

"A Resolution requesting our Delegate in Congress, to use his influence to procure additional Mail facilities on the route leading from Fort Madison to Bentonsport. and,

A Preamble and Resolution, requesting our Delegate in Congress, to use his influence to obtain an additional appropriation for the Survey of the Des Moines river.

And then he withdrew.

Said Bill and Resolutions were severally signed by the Speaker.

No. 32, H. R. File entitled

"A Memorial to Congress, for appropriations to improve certain Territorial Roads therein named was read a second time;

On motion of Mr. Toole.

The House resolved itself into a Committee of the Whole House, for the consideration of said memorial.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had according to order, had said Memorial under consideration, and directed him to report the same with amendments; to which the House agreed.

A motion was made by Mr. Porter to strike out the 7th section of said Memorial, which was agreed to.

Ordered, That said Memorial be engrossed and read a third time to-morrow.

No. 33, H. R. File, entitled

"A Bill to amend an act organizing a Board of County Commissioners in each county in the Territory," was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Bills, &c. from the Conncil of the following titles, viz:

No. 1. "A Memorial for an appropriation to construct a Military Road from Bloomington to Iowa City."

No. 2. "A Memorial for an appropriation to construct a Bridge over Big Cedar Creek."

No. 5. "A Memorial for an appropriation to improve the Iowa and Cedar Rivers."

No. 6. "Joint Resolution respecting the reserved sections of Land contiguous to Iowa City."

No. 9. "A Bill to amend an act regulating conveyances."

No. 11. "A Bill to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City," were severally read a first time.

Mr. Porter gave notice, that he would, on some future day, introduce

"A Memorial for an appropriation to improve the road from Burlington to Fairfield."

Mr. Hendershott, in accordance with previous notice, introduced No. 34. H. R. entitled "A Bill to repeal an act to prevent trespass and other injuries being done on the public domain, and to define the extent of the right of possession on the public lands," approved Jan. 25, 1839, which was read a first time.

On motion of Mr. Miller,

Ordered, That the Committee on the Judiciary be requested to inquire into the expediency of passing a Law to authorize any person who so desires to commence his suit or action at Law in the District Court by filing his promissory note, due bill, bill of exchange or book account with the Clerk thereof, who thereupon shall issue a Summons or Capias as the case may require, against the defendant to appear at the next term of the Court, to answer the plaintiff in an action of assumpsit, the damages being laid in, one half more than the demand expressed on the face of the instruments before mentioned, and the Law being designed to favour those plaintiff, who are not able nor wish to employ Counsel, none in such suit shall be retained by him, and the filing and production of any such instruments as aforesaid on the trial of the cause shall be deemed sufficient, without the aid of a declaration to maintain such suit, which, with the exceptions already mentioned, shall be conducted according to the usual practice observed in other actions of assumpsit commenced by Attorney; and to authorize the Clerk of the Court when he shall think it necessary to demand of the plaintiff security for costs, before the institution of the suit, which security for costs when demanded shall not be extravagant but moderate.

On motion of Mr. Miller,

Ordered, That the Committee appointed to revise the Revenue Laws be requested to bring in a Bill to require the several Boards of County Commissioners in the Territory, to publish a synopsis of their official proceedings once or more every year, by written statements stuck up at three of the most public places in the county, or by two weeks publication in some weekly newspaper published in the county.

By request, leave of absence was granted to Messrs. Wilson of H. and Teeple, until Wednesday next, and, to
Messrs. Box and Steele, until to-morrow.

On motion of Mr. Porter,
The House adjourned until to-morrow morning.

Tuesday Morning, November 24, 1840.

Mr. Browning presented the petition of Joseph Wasson, and sundry other citizens, praying that a law may be passed, authorizing the said Joseph Wasson to build a dam across English river; which was referred to the Committee on Corporations.

On motion of Mr. Toole,

Ordered, That the Committee on Roads and Highways, be requested to enquire into the expediency of establishing a Territorial Road, from the mouth of the Iowa river, via Florence, in Louisa county, to Brighton, in Washington county, and report to this House by Bill or otherwise.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 5, 23, 24, 30, 32, and 33, as correctly engrossed.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the subject of so altering the Revenue Law, as to require any person, who may wish to retail ardent spirits in any town or village in the Territory, to first obtain the consent of a majority of the legal voters of said town or village, reported:

That the Committee had the same under consideration, and found it inexpedient to make any alteration in the same.

The House concurred in the report of the Committee.

No. 1, C. F. entitled

"A Memorial, for an appropriation to construct a Military Road from Bloomington to Iowa City," was read a second time.

On motion of Mr. Summers,

Ordered, That said Memorial be referred to a Select Committee: Whereupon,

The Speaker appointed Messrs. Summers, Isett, and Lewis, said Committee.

No. 2, C. F. "A Memorial for an appropriation to construct a Bridge over Big Cedar Creek," was read a second time, and,

On motion of Mr. Box,

Ordered, To be read a third time on to-morrow.

No. 5, C. F. entitled

"A Memorial for an appropriation to improve the Iowa and Cedar rivers," was read a second time.

Ordered, That said Memorial be referred to the Committee on Territorial Affairs.

No. 6, C. F. entitled

"A Joint Resolution respecting the reserved sections of land contiguous to Iowa City," was read a second time.

On motion of Mr. Felkner,

Ordered, That said Resolution be read a third time on to-morrow.

No. 9, C. File, entitled

"A Bill to amend an Act regulating Conveyances," was read a second time.

Ordered, That said Bill do lie upon the table.

No. 11, C. F. entitled

"A Bill to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City," was read a second time.

On motion of Mr. Langworthy,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Browning reported, That the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Langworthy, to strike out the enacting clause.

Previous to the question being put,

A motion was made by Mr. Felkner, that the Bill do lie upon the table, which was agreed to.

No. 34, H. R. File, entitled

"A Bill to repeal an Act, to prevent trespass and other injuries being done to the possession of settlers on the Public Domain, and to define the extent of the right of Possession on the public lands, approved, Jan. 25, 1839, was read a second time.

On motion of Mr. Leffler,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Summers, to postpone said Bill indefinitely.

And the question being put, Shall the Bill be indefinitely postponed?

Was determined in the affirmative—Yeas 19, Nays 4.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hebard, Isett, Langworthy,

Lash, Lewis, Mason, Miller, Porter, Robertson, Robertson, Summers, Toole, Van Antwerp, Walworth, Whitaker, and Wilson of J.

Those who voted in the negative, were,

Messrs. Browning, Hendershott, Leffler, and Cox, Speakr.

So the Bill was indefinitely postponed.

No. 5, H. R. file entitled

"A Memorial to Congress, for an appropriation to improve and continue the Military road from Dubuque, via Iowa City to the Missouri line."

No. 23, "A Memorial to Congress, for an appropriation to improve the road from Burlington to Davenport."

No. 30, "A Bill to amend an Act, to authorize John H. Sullivan and Adrian H. Davenport, to establish and keep a Ferry across the Mississippi river at the town of Rockingham.

No. 32, "A Memorial to Congress, for an appropriation to improve certain Territorial roads," and,

No. 33, "A Bill to amend the act, organizing a Board of County Commissioners in each county in the Territory," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk request the concurrence of the Council in the same.

No. 24, H. R. File entitled,

"A Bill, supplementary to an Act, defining the duties of County Surveyors," approved, Dec. 25, 1838, was read a third time.

A motion was made by Mr. Isett, that the Bill be committed to a Select Committee: which was agreed to.

The Speaker appointed Messrs. Isett, Avery, and Walworth, said Committee.

A motion was made by Mr. Walworth, that the House do now adjourn until to-morrow morning.

And the question being put,

Was determined in the affirmative—Yeas 15, Nays 8.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Isett, Langworthy, Leffler. Lewis, Mason, Porter, Summers, Van Antwerp, Walworth, and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Hendershott, Lash, Miller, Robertson, Toole, Whitaker, and Cox, Speaker.

So the House adjourned until to-morrow morning.

Wednesday Morning, November 25, 1840.

Mr. Toole presented the petition of sundry citizens of Louisa county, for a Territorial Road, from the mouth of the Iowa river, via Black Hawk and Harrison, to Iowa City; which,

On motion of Mr. Toole,

Was referred to a Select Committee. Whereupon,

The Speaker appointed Messrs. Toole, Isett, and Felkner, said Committee.

A message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives, that the Council have passed

No. 5, C. F. A Bill providing for the service of writs by copy in certain cases.

No. 4, C. F. A Memorial to Congress, on the subject of a mail route from Iowa City to Fort Leavenworth.

No. 7, C. F. A Preamble and Joint Resolution, relative to Mail routes in Van Buren county.

No. 10, C. F. Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque. Also,

No. 9, H. R. File. A Bill to district the county of Washington into three County Commissioners' Districts, with amendments.

In which the concurrence of the House is requested.

The Council have also passed, without amendment,

No. 5, H. R. File, "A Bill to establish a Territorial Road from Davenport to Bellview."

No. 13, H. R. File "A Bill to authorize John H. Sullivan to vacate for re-survey, a portion of the Town of Rockingham; and,

No. 11, H. R. File, "A Memorial to Congress, for the benefit of J. Smith, Jr."

And then he withdrew.

Mr. Hendershott, from the Committee on Corporations, to which was referred the petition of Joseph Wasson, asking the passage of a law, authorizing him to build a dam across English river, reported, that the Committee had had the same under consideration, and came to the conclusion, that the prayer of the petitioner should not be granted, and requested that the Committee might be discharged from the further consideration of the subject.

On motion of Mr. Browning,

Ordered, That the whole subject be referred to a Select Committee,

and that they have power to send for persons and papers. Whereupon,

The Speaker appointed Messrs. Browning, Teeple, and Summers said Committee.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 23d instant, present to the Governor for his approval,

"An Act, for the benefit of the minor heirs of Joseph Swazey, dec'd."

"A Preamble and Resolution, requesting our Delegate in Congress, to use his influence to obtain an additional appropriation for the survey of the Des Moines river," and,

"A Resolution, requesting our Delegate in Congress, to use his influence to procure additional mail facilities on the route leading from Fort Madison to Bentonsport."

No. 2, C. F. File, entitled

"A Memorial to Congress, for an appropriation to construct a Bridge over Big Cedar Creek," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 6, C. F. entitled

"A Joint Resolution, respecting the reserved sections of land, contiguous to Iowa City," was read a third time.

A motion was made by Mr. Box, that the Bill beindefinitely postponed.

And the question being put,

Was determined in the affirmative.

The House, in pursuance of the order made on the 23d instant, resolved itself into a Committee of the Whole House, for the consideration of

No. 31, H. R. File, entitled

"A Bill providing for the election of Legislative Officers, defining their duties, and regulating their compensation."

After some time spent therein

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

On motion of Mr. Leffler,

Ordered, That said Bill be referred to a Select Committee. Whereupon,

The Speaker appointed Messrs. Leffler, Box, and Lewis said Committee.

Mr. Hendershott gave notice, that he would, on some future day introduce a Memorial to Congress, asking for the disbursement of all future appropriations, for improvements in the Territory, to be made under the direction and supervision of the Governor.

Mr. Toole gave notice, that he would, on some day hereafter, being in a Bill, to establish a Seminary of Learning at Columbus City, in Louisa county, and for other purposes." Also,

"A Memorial to Congress, asking for aid in making the Iowa and Cedar river Canal."

Mr. Whitaker gave notice, that he would, on some future day, introduce

"A Bill, to repeal an Act entitled 'An Act to incorporate the Burlington and Des Moines Transportation Company."

Mr. Whitaker, on leave, introduced

No. 35, H. R. File, entitled "A Bill concerning Counties, and providing a way in which county lines may be altered," which was read a first time.

On motion of Mr. Langworthy,

Ordered, That the Committee on Territorial Affairs, be instructed to inquire into the expediency of Memorializing Congress, for a grant of the reserved sections of land contiguous to Iowa City, to the Territory, and that it may be sold for the use of said Territory, and that they report by Memorial or otherwise.

Bills, &c., from the Council of the following titles, viz:

No. 5. "A Bill providing for the service of writs by Copy, in certain cases."

No. 4, "A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth."

No. 7, "A Preamble and Joint Resolution, relative to Mail routes in Van Buren county," and,

No. 10, "A Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque," were severally read a first time.

No. 9, H. R. File, entitled

"A Biil to district the County of Washington, into three County Commissioners' Districts," as returned from the Council with amendments, was taken up, and the amendments read, and severally concurred in.

On motion of Mr. Toole,

The House adjourned until to morrow morning.

Thursday Morning, November 26, 1840.

Mr. Lash, from the Committee on engrossed Bills reported,

No 3, H. R. File, entitled "A Bill to amend an act concerning Grand and Petit Jurors," as correctly engrossed.

Mr. Porter, in accordance with previous notice, introduced

No. 36. H. R, File entitled "A Memorial to Congress, for an appropriation to improve the Territorial road, leading from Burlington to Fairfield in Jefferson county," which was read a first time, and ordered to be printed.

Mr. Isett, on leave introduced

No. 37. H. R. File entitled "A Memorial to Congress on the subject of amending the organic Law of this Territory," which was read a first time.

No. 4. C. F. "A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth," was read a second time.

Ordered, That said Memorial be read a third time on to-morrow.

No. 5. C. F. entitled

"A Bill providing for the service of writs by copy in certain cases," was read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill,

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Commmittee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

Pending the question of concurring in the amendments made by the Committee of the Whole House.

A motion was made by Mr. Brierly, that the Bill be committed to the Committee on the Judiciary, which was lost,

The question the being put, Will the house concur in the amendments made by the Committee?

Was deteremined in the affirmative.

Ordered, that said Bill be read a third time on to-morrow.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. Speaker:—

I am directed to inform the House of Representatives, that the Council have passed,

No. 6, C. F. "A Bill supplementary to an Act, regulating practice in the District Courts of the Territory of Iowa:"

In which the concurrence of the House is requested.

The Council have indefinitely postponed,

No. 15, H. R. File, "A Memorial to Congress, for an appropriation to improve certain rivers within this Territory."

I herewith present for your Signature,

"An Act to attach Benton County to Linn for Judicial, and other purposes,"

"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territrial Road from Keokuk to Iowaville on the Desmoines river,"

"A Joint Resolution, requesting the influence of our Delegate in Congress, to procure the appointment of a Commissioner, to select two Townships of land, for the support of the University of Iowa."

And then he withdrew.

The Speaker signed the aforesaid Act and Resolutions.

No. 7, C. F. "A Preamble and Joint Resolution relating to Mail Routes in Van Buren County," was read a second time, and ordered to be read a third time on to-morrow.

No. 10, C. F. "A Joint Resolution, asking an appropriation for the improvement of the Harbour of Dubuque," was read a second time.

A motion was made by Mr. Langworthy to strike out the word "Ten" and insert "Fifteen," which was agreed to. Making the sum asked for, fifteen thousand dollars,

Ordered, That said Resolution be read a third time on to-morrow.

No. 35, H. R. file entitled "A Bill concerning Counties, and providing a way, in which County lines may be altered, was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee on Township and County Boundaries.

No. 3, H. R. File entitled "A Bill to amend an act concerning Grand and Petit Juries" was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 6, C. F. "A Bill supplemental to an act, regulating the practice in the District Courts of the Territory of Iowa," was read a first time.

A motion was made by Mr. Hendershott, that the 41st rule be suspended, in order that he might introduce, "A Bill to divorce John Phillips and Nancy Phillips, his wife," and the motion being put was determined in the negative.

Mr. Hendershott gave notice, that he would on some future day, bring in a Bill to divorce John Phillips and his wife Nancy Phillips.

A motion was made by Mr. Summers, that a Standing Committee on Divorces be appointed which motion was lost.

Mr. Mason, from the Committee on enrolled Bills reported, "An Act to establish a Territorial road from Davenport to Bellview," as correctly enrolled.

Said Bill was then signed by the Speaker.

A motion was made by Mr. Teeple, to reconsider the vote of yesterday, taken on the indefinite postponement, of No. 6. C. F. "A Joint Resolution, respecting the reserved sections of land contiguous to Iowa City," which was agreed to, and,

On motion of Mr. Summers,

The Resolution was referred to the Committee on Territorial Affairs.

On motion of Mr. Miller,

The House adjourned until to-morrow morning.

Friday Morning, November 27, 1840.

Mr. Van Antwerp offered the following:

Resolved, That the Secretary of the Territory be directed to furnish each Clerk of the District Court in the Territory, with a copy of Jesse Williams's Map.

A motion was made by Mr. Summers, to strike out the words "District Court," and insert "Board of County Commissioners in each county."

Mr. Porter moved to amend said motion, so that each Commissioner in the several counties, be allowed one.

And previous to the question being put,

A motion was made by Mr. Lash, that the whole subject be laid upon the table;

And the question being put,

Was determined in the affirmative.

Mr. Hebard, from the Committee on Territorial Affairs, reported

No. 5, C. F. "A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers," back to the House, as the same in effect is embraced in a Memorial already passed, so far as those rivers were concerned, and in consequence thereof, recommended the indefinite postponement of the Memorial.

The question on concurring, being put,

Was determined in the negative.

The Memorial then passed to a second reading.

A Message from the Council by Mr. Wallace, their Secretary.

Mr. Speaker—The Council have passed

No. 6. C. F. "A Memorial to Congress, asking for the Survey of of a route for a Canal, from Iowa City to the Forks of the Iowa river."

No. 8. C. F. A Joint Resolution, asking the influence of our Delegate in Congress, to have the Organic Law so altered, as to permit the people of the several counties, to elect the Clerks of the District Courts.

No. 11, C. F. Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena, in Illinois, via Bellview.

No. 12, C. F. A Resolution, for an appropriation for the Territorial Library.

In which the concurrence of the House is requested.

The Council have also passed, without amendment,

No. 5, H. R. "A Memorial to Congress, for an appropriation to improve and continue the Military Road from Dubuque to the Missouri line.

No. 33, H. R. "A Bill to amend the Act, organizing a Board of County Commissioners, in each county in the Territory.

And then he withdrew.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the Resolution offered by Mr. Miller on the 23d instant, reported in favor of the principles contained in said Resolution.

A motion was made by Mr. Langworthy, that the report of the Committee be laid upon the table.

And the question being put,

Was determined in the negative. Yeas 12, Nays 13.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Felkner, Hebard, Langworthy, Lash, Porter, Robertson, Steele, Summers, Wilson of H., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Hendershott, Isett, Leffler, Lewis, Mason, Miller, Teeple, Van Antwerp, Walworth, Whitaker, and Wilson of J.

The question then recurring on the adoption of the report of the Committee, and being put,

Was determined in the negative. Yeas 9, Nays 16.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Brierly, Browning, Leffler, Lewis, Mason, Miller, Teeple, Walworth, and Wilson of J.

Those wo voted in the negative, were,

Messrs. Avery, Box, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Porter, Robertson, Steele, Summers, Van Antwerp, Whitaker, Wilson of H. and Cox, Speakər.

So the report of the Committee was rejected.

On motion of Mr. Summers,

Ordered, That the Committee be instructed to bring in a Bill, in accordance with the general principles of said Resolution, within ten days.

Mr. Leffler, from the Committee on the Judiciary, to which was referred

No. 27, H. R. File, entitled

"A Bill to amend the several acts, relative to Mechanics' Liens, and for other purposes," reported the same back to the House without amendment.

The Bill then passed to a second reading.

Mr. Mason, from the same Committee, reported

No. 38. H. R. file, entitled

"A Bill relative to Mechanics' Liens, and for other purposes," as the report of the minority of said Committee.

Which Bill was read a first time, and ordered to be printed.

Mr. Porter offered the following:

Resolved, That the members of each Electoral District, be furnished with a copy of Jesse Williams's Map, for the use of the several County Oommissioners, in their electoral districts, and as fast as each Commissioner shall go out of office, his successor shall be entitled to said Map."

A motion was made by Mr. Summers, to lay the Resolution upon the table, which was agreed to.

Mr. Van Antwerp, from the Committee on the Militia, to which was referred a Resolution, instructing them to enquire into the expediency of so altering the Militia Law, as to exempt persons having conscientious scruples, from bearing arms, at least in time of peace," submitted the following report:

The constitution and laws of our country, guarantee to each and every individual, an equality of rights, the preservation of which, your Committee are induced to believe, will be violated, by exempting one class or sect of men, from a subjection, under which another is liable; and, as all men are equally protected in their rights and immunities, justice demands, that they should be equally bound to maintain those rights.

Your Committee are therefore of opinion, that any alteration in the Militia law, exempting any particular class of citizens from bearing arms, is inexpedient; and therefore ask to be discharged from a further consideration of the subject.

The question being put, Will the House concur in the report of the Committee?

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Box, Browning, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Robertson, Steele, Summers, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Felkner, Mason, Miller, Porter, Wilson of H. and Wilson of J.

So the report of the Committee was concurred in.

On motion of Mr. Porter,

The House adjourned.

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2 O'CLOCK P. M.

No. 6, C. F. entitled,

"A Bill, supplemental to an Act regulating Practice in the District

Courts of the Territory," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After sometime spent therein,

Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments, to which the House agreed.

The Bill then passed to a third reading.

No. 36. H. R. File, entitled

A Memorial to Congress, for an appropriation to improve the Territorial Road from Burlington to Fairfield, in Jefferson county," was read a second time.

On motion of Mr. Hendershott,

Ordered, That said Memorial be referred to a Committee of the Whole House, and made the order of the day for Monday next.

No. 37, H. R. File, entitled

"A Memorial to Congress, on the subject of amending the Organic Law of this Territory," was read a second time.

On motion of Mr. Isett,

Ordered, That said Memorial be engrossed and read a third time on Monday next.

No. 4, C. F. "A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth."

No. 5, C. File, "A Bill providing for the service of Writs by copy in certain cases."

No. 7, C. F. "A Preamble and Joint Resolution, relating to Mail routes in Van Buren county."

No. 10 C. F. "A Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Resolutions, &c., from the Council, of the following titles, viz:

No. 6, "A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City to the forks of the Iowa river."

No. 8, "A Joint Resolution, asking the influence of our Delegate in Congress, to have the Organic Law so altered, as to permit the people of the several counties to elect the Clerks of the District Courts."

No. 11, "A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena, in Illinois, via Bellview."

No. 12. "A Resolution for an appropriation for the Territorial Library;" were severally read a first time.

Mr. Hendershott, in accordance with previous notice, introduced,

No. 39, H. R. file entitled

"A Bill to Divorce John Phillips and his wife Nancy Phillips," which was read a first time.

On motion of Mr. Hendershott,

The 42d rule was suspended, and the Bill read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that said Bill do lie upon the table until the first day of March next.

Mr. Lewis moved to amend said motion by layiug the Bill upon the table until Monday week.

Pending the question,

On motion of Mr. Hendrshott,

The House adjourned until Monday morning next.

Monday Morning, November 30, 1840.

Mr. Toole presented the petition of sundry citizens of Louisa county, praying that a Territorial Road may be located, leading from the mouth of the Iowa river, opposite New Boston Ill. to Iowa City, via: Harrison and Fredonia.

On motion of Mr. Toole,

Said petition was referred to a Select Committe, whereupon the Speaker appointed Messrs. Toole, Summers and Felkner, said Committee.

Mr. Summers, presented the petition of the citizens of Parkhurst, praying that said Town may be incorporated, and that the name be changed to that of Berlin, which,

On motion of Mr. Summers,

Was referred to a Select Committee. Whereupon the Speaker appointed, Messrs. Summers, Box, and Isett, said Committee.

The Speaker presented the petition of sundry citizens of Jackson county, praying that a Charter may be granted to John S. Faber, to keep a Ferry across the Mississippi river, at or near the mouth of the Tete De Mort.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Langworthy gave notice, that he would on some future day, introduce A Memorial, asking for the sale of the reserved mineral lands in this Territory.

Mr. Summers gave notice, that he would on some day hereafter, inroduce "A Bill to amend the acts therein named."

On motion of Mr. Toole,

Ordered, That the Committe on expenditures, be instructed to include in the appropriation Bill, an amount sufficient to meet the demand now standing against the Territorial Treasury as seen in the Auditor's report.

Mr. Isett, from the Committee on Public Buildings, to which was referred the report of Chauncey Swan, Acting Commissioner for the erection of Public Buildings at Iowa City, reported, that on a careful examination of the same, they have found it correct and satisfactory, and that they have examined the vouchers of the Commissioner for the sum disbursed, as stated in his report, and find them to be correct, and that the several accounts have been audited and filed in the office of the Auditor of the Territory.

As the report is a cash report, the Committee deem it unnecessary to recite the particular items contained therein, the same having been published and therefore subject to the examination of the House, and the people of the Territory.

Your Committee recommend the adoption of the measures suggested in the report, in relation to so reducing the minimum price of Lots unsold, that they will meet with a ready sale, and create a fund, sufficient to further the progress and completion of said Buildings.

The report shows assiduous attention to the duties of his office, on the part of the Acting Commissioner, and an expeditious prosecution of the work, highly creditable to him as a public officer. The Committee therefore, ask the adoption of the following resolution:—

Resolved, That the report of the Acting Commissioner be accepted, and that the Committee be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Isett, from the Committee on Public Buildings, reported

No. 6, H. R. File, entitled "A Bill to amend an act, directing the valuation and Sale of Lots in Iowa City, and to provide for executing deeds to the same," back to the House with amendments, which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills reported

No. 37, H. R. File, as correctly engrossed.

Mr. Mason, from the Committee on Enrolled Bills, reported that they did on the 27th instant, present to his Excellency, Governor Lucas "an act to establish a Territorial Road from Davenport to Bellview "for his approval.

Also "An act to authorize John H. Sullivan, to vacate for resurvey, a portion of the Town of Rockingham," as correctly enrolled.

The Speaker signed said act.

Mr. Toole, from the Select Committee appointed to examine the present Revenue Laws reported

No. 40, H. R. File, entitled "A Bill to repeal the Act requiring

each of the counties of this Territory, to pay five per cent on their assessment Rolls into the Territorial Treasury," which was read a first time.

No. 39, H. R. File, entitled

"A Bill to divorce John Phillips and his wife Nancy Phillips," being before the House as the unfinished business of Friday last, and the question being on the motion of Mr. Lewis to lay the Bill on the table, until Monday next, being an amendment to the motion made by Mr. Box to lay the same upon the table until the first day of March next.

And the question being put, was determined in the negative.

The question then recurring on the motion made by Mr. Box, and being put, was also determined in the negative,

YEAS 10.—NAYS 16.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were, Messrs. Box, Hebard, Lewis, Mason, Miller, Summers, Toole, Van Antwerp, Walworth, and Wilson of J.

Those who voted in the negative, were, Messrs. Avery, Brierly, Browning, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Porter, Robertson, Steele, Teeple, Whitaker, Wilson of H. and Cox Speaker.

On motion of Mr. Hendershott,

Ordered, That said Bill be engrossed for a third reading on to-morrow.

No. 36, H. R. File,

"A Memorial to Congress, for an appropriation to improve the Territorial road, from Burlington to Fairfield in Jefferson county," being the order of the day, was considered in Committee of the Whole House. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Lash reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with amendments, to which the House agreed.

On motion of Mr. Lash,

Ordered, That said Memorial be engrossed for a third reading on to-morrow.

No. 6, C. F.

"A Memorial to Congress, asking for the Survey of a route for a Canal, from Iowa City to the forks of the Iowa river," was read a second time, and

On motion of Mr. Toole,

Ordered, To be read a third time on to-morrow.

No. 8, C. F.

"A Joint Resolution, asking the influence of our Delegate in Congress, to have the Organic Law so altered, as to permit the people of the several counties, to elect the Clerks of the District Courts," was read a second time.

Ordered, That said Resolution be referred to the Committee on Territorial affairs.

No. 11, C. F.

"A Preamble and Joint Resolutiou, asking the establisement of a mail route from Iowa City, via Bellview, to Galena Illinois," was read a second time, and,

On motion of Mr. Box,

Ordered, To be read a third time on to-morrow.

No. 12, C. F.

"A Resolution for an appropriation for the Territorial Library," was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the Whole House, for the consideration of said Resolution.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Leffler reported that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Summers, that the Resolution be indefinitely postponed. And the question being put,

Shall the Resolution be indefinitely postponed?

Was determined in the affirmative.

YEAS 23.—NAYS 3.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were, Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Those who voted in the negative, were, Messrs. Hendershott, Isett and Toole.

So the Resolution was indefinitely postponed.

On motion of Mr. Steele,

The House adjourned.

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2 O'CLOCK, P. M.

No. 27, H. R. File, entitled

"A Bill to amend the several acts, relative to Mechanics' Liens, and for other purposes;" was read a second time.

On motion of Mr. Langworthy,

Ordered, That said Bill, together with No. 38, H. R. File, "A Bill relative to Mechanics' Liens, and for other purposes," be refer-

red to the Committee of the Whole House, and made the order of the day for to-morrow.

No. 5, C. F. File, entitlod

"A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers."

No. 6, C. F. "A Bill supplemental to an Act, regulating Practice in the District Courts of the Territory of Iowa," and,

No. 37, H. R. File, "A Memorial to Congress, to amend the Organic Law of this Territory;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Summers, to take from the table, the Resolutions in relation to furnishing the Clerks of the District Court with a copy of Jesse Williams's Map, which was agreed to.

A motion was made by Mr. Lash, that the Resolutions be indefinitely postponed.

And the question being put,

Was determined in the affirmative. Yeas 22, Nays 3.

The Yeas and Nays being desired by Mr. Whitaker,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Robertson, Steele, Toole, Teeple, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Isett, Summers, and Van Antwerp.

So the resolutions were indefinitely postponed.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they had this day presented to his Excellency, Governor Lucas, for his approval,

"An Act to attach Benton county to Linn, for Judicial purposes."

"A Preamble and Joint Resolution, asking an appropriation for the improvement of a Territorial Road from Keokuk to Iowaville, on the Des Moines river."

"A Joint Resolution, requesting the influence of our Delegate in Congress to procure the appointment of a Commissioner, to select two Townships of land, for the susport of the University of Iowa."

The Committee have examined, and found correctly enrolled,

"A Memorial to Congress for the benefit of J. Smith, Jr."

"An Act to amend the Act, organizing a Board of County Commissioners in each county in the Territory."

"A Memorial to Congress, for an appropriation to improve and continue the Military road, from Dubuque, via Iowa City, to the Missouri line," and,

"An Act to district the county of Washington into three County Commissioners' Districts."

The Speaker then signed said Acts and Memorials.

On motion of Mr. Teeple,

The House adjourned.

Tuesday Morning, December 1, 1840.

On motion of Mr. Summers,

Ordered, That the Committee on Roads and Highways, be instructed to report,

A Bill, to revive that part of "An Act, establishing certain Territorial Roads therein named," approved, Jan. 14, 1840, which provides for the location of a road from Camanche, in Clinton county, via Tipton, in Cedar county, to Iowa City, in Johnson county. Also,

A road from Lyons, to intersect the above named road. And also, to enquire into the expediency of so altering the road from Parkhurst, in Scott county, to Tipton, as to pass through Allen's Grove.

Mr. Wilson of H., offered the following:

Resolved, That the Secretary of the Territory, purchase of Jesse Williams, Maps of this Territory, one for each county in the Territory, for the use and benefit of the County Commissioners, and their successors in office, and pay for the same out of any moneys not otherwise appropriated.

A motion was made by Mr. Steele, that the Resolution do lie upon the table; which was disagreed to.

A motion was made by Mr. Summers, that the resolution be referred to the Committee on Expenditures, and that the Committee be instructed to introduce a Joint Resolution on the subject.

A motion was made by Mr. Langworthy, that the resolution be indefinitely postponed.

And the motion being put;

Was determined in the negative. Yeas 12, Nays 13.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hebard, Langworthy, Lash, Mason, Robertson, Steele, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Hendershott, Isett, Lewis, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H., and Wilson of J.

The question then recurring on the motion made by Mr. Summers, and being put,

Was also determined in the negative. Yeas 11, Nays 13.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, Hendershott, Isett, Lewis, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Box, Brierly, Browning, Felkner, Hebard, Langworthy, Lash, Mason, Miller, Robertson, Steele, Whitaker, and Cox, Speaker.

The question then being on the adoption of the Resolution,

It was determined in the negative. Yeas 9, Nays 16.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Isett, Lewis, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Mason, Miller, Robertson, Steele, Whitaker, Wilson of J., and Cox, Speaker.

So the Resolution was lost.

On motion of Mr. Steele,

Ordered, That the Committee on the Judiciary be instructed to enquire into, and report to this House, whether the Auditor has a legal right to pay the salary of the military officers in this Territory, out of the Territorial Revenue.

Mr. Steele offered the following:

Resolved, That a Select Committee of three, be appointed to examine the books and records of the Acting Commissioner of Public Buildings at Iowa City, and report to this House.

Mr. Box moved to amend, so that the Committee have power to send for persons and papers.

And previous to the queston being put,

A motion was made by Mr. Walworth, to lay the Resolution upon the table until to-morrow, which was agreed to.

Mr. Felkner offered the following:

Resolved, That one member from each Electoral District be appointed, whose duty it shall be to examine the papers of the Acting Commissioner of Public Buildings at Iowa City, which he may have with him at this place, that refer to his accounts, and report to this House on to-morrow.

A motion was made by Mr. Walworth, that the resolution do lie upon the table.

And the question being put.

Was determined in the affirmative.

Mr. Toole, in accordance with previous notice, introduced

No. 41, H. R. File, entitled

"A Bill to establish a Seminary of Learning, at Columbus City, in Louisa county," which was read a first time.

Mr. Isett, from the Select Committee to which was referred

No. 24, H R. File, entitled

"A Bill supplementary to an Act, defining the duties of County Surveyors, approved, Dec. 25, 1838," reported the same back to the House with amendments, which was read a first time, and ordered to be printed.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 36, and 39, H. R. File, as correctly engrossed.

In accordance with an order made yesterday, the House resolved itself into a Committee of the Whole House, for the consideration of Bills Nos. 27, and 38, H. R. File, relating to Mechanics' Liens, and for other purposes." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the Committee had, according to order, had said Bills under consideration, and directed him to report the same without amendment, and ask leave to sit again.

Leave was granted.

No. 40, H. R. File, entitled

"A Bill to repeal the act, requiring each of the counties of this Territory to pay five per cent on their Assessment Rolls, into the Territorial Treasury," was read a second time.

On motion of Mr. Langworthy,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Mason reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Browning, that the Bill be indefinitely postponed.

And the question being put,

Was determined in the affirmative.

No. 6. "A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City, to the forks of the Iowa river."

No. 11, C. F. "A Preamble and Joint Resolution, asking the establishment of a Mail Route from Iowa City, via Bellview, to Galena, in Illinois;" and,

No. 36, H. R. File, entitled

"A Memorial to Congress, for an appropriation to improve the Territorial Road from the city of Burlington to Fairfield, in Jefferson county," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 39, H. R. File, entitled

"A Bill, to divorce John Phillips and his wife Nancy Phillips," was read a third time.

A motion was made by Mr. Browning, that the Bill be referred to a Select Committee.

And the motion being put,

Was determined in the affirmative.

The Speaker appointed Messrs. Browning, Leffler, and Steele, said Committee.

Mr. Steele, on leave, offered the following:

Resolved, That the Committee, to which is referred, "A Bill to divorce John Phillips and his wife Nancy Phillips, be instructed to inquire into the expediency of the said parties' dividing all their property equally between them, in case the said Bill passed.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Lash, Mason, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Porter, Teeple, and Cox, Speaker.

So the resolution was agreed to.

A motion was made by Mr. Browning, that the House do now adjourn until to-morrow morning.

And the question being put,

Was determined in the affirmative. Yeas 23, Nays 2.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Steele, and Cox, Speaker.

So the House adjourned until to-morrow morning.

Wednesday Morning, December 2, 1840.

On motion of Mr. Brierly,

Ordered, That the Committee on Post Routes, be instructed to inquire into the expediency of establishing a Post Office at Johnson Meeks's on the Des Moines river, in the county of Lee, and that they report by Memorial or otherwise.

Mr. Summers gave notice, that he would, on to-morrow, or some future day, introduce

A Bill, to amend an Act, entiled "An Act to re-locate the county Seat of Jackson county," approved, July 24, 1840.

Mr. Miller gave notice, that he would, on some future day, introduce,

A Bill amendatory of "An Act, to establish a Territorial road from Burlington to Keokuk, and thence to the mouth of the Des Moines river."

Mr. Hendershott, from the Committee on corporations, to which was referred the petition of sundry citizens of Jackson county, asking that a charter may be granted to John S. Faber, empowering him to establish and keep a Ferry across the Mississippi river, at or near the mouth of the river Tete de Mort, made the following report:

On general principles, your Committee are of the opinion, that, by granting exclusive privileges to one individual, or corporate body, all the balance of community are excluded from a privilege which they are as justly entitled to as those to whom the privilege is granted.

Your Committee are of opinion further, that the granting of exclusive privileges in general, is in direct opposition to the spirit and principles of our republican institutions.

Your Committee are further of opinion, that no legislative body have any right to grant exclusive privileges to any person or persons for a term of years, to use the property of the General Government, as your Commmittee are informed, is the fact in the present case, and in consideration, your Committee do not find any evidence to satisfy them, that the petitioners have in the above case, complied with the law regulating the mode of petitioning the Legislature.

In consideration of the premises above stated, with others, your Committee recommend the adoption of the following:

Resolved, That the petition be rejected, and the Committee be discharged from the further consideration of the subject.

On motion of Mr. Summers,

The report of the Committee was laid on the table.

Mr. Steele, from the Committee on Claims, to which was referred the Memorial of T. S. Parvin, asking compensation for services as private Secretary to the Governor, during the first session of the Iowa Legislature, reported, that they had had the same under consideration, and after mature reflection, came to the conclusion, that the Legislature had no right to authorize the Secretary to appropriate any money now in his hands to such use.

Therefore, your Committee respectfully recommend the adoption of the following:

Resolved, That the Secretary of the Territory be requested to embody in his next estimates the claim of T. S. Parvin, setting forth the services and amount claimed.

The report of the Committee was concurred in.

And the question pending, Will the House adopt the resolution recommended by the Committee?

A motion was made by Mr. Hendershott, that the same do lie upon the table, which was agreed to.

A Message from the the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER—

I am directed to inform the House of Representatives, that the Council have passed,

No. 17, C. F. "A Bill to amend an Act, to provide for changing Venue in civil and criminal cases."

No. 19, C. F. "A Bill to amend an Act, establishing certain Territorial roads therein named.

No. 20, C. F. A Bill supplementary to an Act, entitled "An act to organize, discipline, and govern the Militia of this Territory."

No. 23, C. F. "A Memorial to Congress for an appropriation to improve certain Territorial Roads."

No. 9, C. F. "Joint Resolution, asking the alteration of the Organic Law, so as to make the Militia officers elective by the people."

No. 13, C. F. "Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a semi-weekly Mail route from Bloomington to Marion, in Linn county." Also, with amendments,

No. 19, H. R. File, "A Memorial to Congress, for an appropriation to continue the construction of the Agency Road.

In all of which the concurrence of the House of Representatives is requested.

The Council have passed, without amendment,

No. 14, H. R. File, A Memorial to Congress for an appropriation to improve the Rapids of the Mississippi River.

No. 30, H. R. File, "A Bill to amend an Act, to authorize John H. Sullivan and Adrian H. Davenport, to establish and keep a Ferry across the Mississippi river, at the town of Rockingham."

And have disagreed to amendments made by the House, to

No. 5, C. F. "A Bill providing for the service of writs by copy in certain cases," and,

No. 6, C. F. "A Bill, supplementary to an Act, regulating Practice in the District Courts of the Territory of Iowa."

And then he withdrew.

A motion was made by Mr. Wilson of H., to re-consider the vote of yesterday, on the indefinite postponement of No. 40, H. R. File, "A Bill to repeal the act requiring each of the counties of this Territory, to pay five per cent on their Assessment Rolls, into the Territorial Treasury," which was agreed to.

Ordered, That said Bill be referred to the Committee on Expenditures.

On motion of Mr. Hendershott,

Ordered, That No. 41, H. R. File, "A Bill to establish a Seminary of Learning at Columbus City, in Louisa county," be printed, and made the order of the day for Friday next.

The House again resolved itself into a Committee of the Whole House, for the consideration of Bills Nos. 27 and 28, H. R. File, relating to Mechanics' Liens. And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the Committee had, according to order, had said Bills under consideration, and directed him to report the same without amendment.

On motion of Mr. Browning,

Ordered, That said Bills be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Browning, Whitaker, Toole, Walworth, and Steele, said Committee.

Mr. Browning gave notice, that he would, on some future day, bring in a Bill, amendatory to the Act concerning Executions.

On motion of Mr. Steele,

The House adjourned.

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2 O'CLOCK P. M.

No. 24, H. R. File,

"A Bill supplementary to an act defining the duties of County Surveyors," was read a second time.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Bills &c. from the Council of the following titles, viz:

No. 17. "A Bill to amend An act, to provide for changing venue in civil and criminal cases."

No. 19. "A Bill to amend an act establishing certain Territorial roads therein named."

No. 20. "A Bill supplementary to an act entitled an act, to organize discipline, and govern the Militia of this Territory."

No. 23. "A Memorial to Congress for an appropriation to improve certain Territorial Roads."

No. 9. "A Joint Resolution, asking the alteration of the Organic Law, so as to make Militia officers elective by the people," and,

No. 13. "A Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a Semi weekly Mail route from Bloomington to Marion in Linn county."

Were severally read a first time.

No. 19. H. R. File, entitled

"A Memorial to Congress, for an appropriation to continue the construction of the Agency Road," as returned from the Council with an amendment was taken up, the amendment read and concurred in.

No. 5, C. F. entitled

"A Bill, providing for the service of writs by copy in certain cases," being under consideration as returned from the Council with the amendment of the House disagreed to.

A motion was made by Mr. Summers, that the House recede from their amendment.

Which motion being put,

Was determined in the negative.

YEAS 4.—NAYS 22.

The yeas and nays being desired by Mr. Summers.

Those who voted in the affirmative, were, Messrs. Felkner, Miller, Summers, and Toole.

Those who voted in the negative, were, Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Porter, Robertson, Steele, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J., and Cox, Speaker.

So the House insisted upon their amendment to said Bill.

No. 6, C. F. A Bill supplementary to an act, regulating practice in the District Courts of this Territory," as returned from the Council with the amendments of the House disagreed to, was taken up and considered.

On motion of Mr. Browning,

Ordered, That the House insist upon their amendments to said Bill.

Mr. Isett submitted the report of the Director of the Penitentiary at Fort Madison, which was read at the Clerk's table, and,

On motion of Mr. Steele,

Referred to the Committee on Public Buildings.

Mr. Robertson on leave, introduced a Joint Resolution, for the appointment of a Committee, to visit and examine the Penitentiary, which was read a first time.

Mr. Hebard offered the following:

Resolved, That this House elect by ballot, a Committee of three, whose duty it shall be to repair to Iowa City, and examine the Public Buildings, both as to the amount and quality of the work done, the materials on hand, the books papers and records of the Acting Commissioner. Also to collect all the information they may be able to procure, and report the whole to this House as soon as practicable.

Resolved, also that the Committee have power to send for persons and papers if necessary, examine witnesses and receive testimony.

A motion was made by Mr. Box, to amend said Resolution, so as to require one to be elected from each Electoral District, which was determined in the negative.

A motion was made by Mr. Walworth, to amend the Resolution so

as to require one to be elected from each Judicial District.

And the question being put,

Was also determined in the negative.

YEAS 13.—NAYS 13.

The yeas and nays being desired by Mr. Miller.

Those who voted in the affirmative, were, Messrs. Box, Felkner, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of J. and Cox, Speaker.

Those who voted in the negative, were, Messrs. Avery, Brierly, Browning, Hendershott, Hebard, Isett, Lash, Leffler, Lewis, Porter, Steele, Whitaker, and Wilson of H.

The question then recurring on the adoption of the Resolution, and being put,

Was determined in the affirmative.

Mr. Miller, asked leave of absence on the account of ill health, for four or five days, which was granted.

A motion was made by Mr. Langworthy, that the House do now adjourn.

And the question being put,

Was determined in the affirmative.

YEAS 15.—NAYS 11.

The yeas and nays being desired by Mr. Lash.

Those who voted in the affirmative, were, Messrs. Avery, Box, Brierly, Felkner, Isett, Langworthy, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of J. and Cox Speaker.

Those who voted in the negative, were, Messrs. Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Miller, Porter, Steele, Whitaker, and Wilson of H.

So the House adjourned.

Thursday Morning, December 3, 1840.

Mr Toole presented the petition of sundry citizens of Louisa County, praying the passage of a law, authorizing the County Commissioners of said County. to establish a free Ferry, across the Iowa river, at the County seat, for the beneftt of the citizens of said County, which was,

On motion of Mr. Toole,

Referred to a Select Committee. Whereupon the Speaker appointed, Messrs. Toole, Robertson and Mason, said Committee.

Mr. Lash, from the Committee on Engrossed Bills, reported, No. 24, H R. File, as correctly engrossed.

Mr. Isett, from the Committee on Public Buildings, reported No. 1, H. R. File.

"A Memorial to Congress, for an appropriation for the Penitentiary," back to the house without amendment.

Said memorial passed to a second reading.

Mr. Leffler, from the Committee on the Judiciary, made the following report.

The Committee on the Judiciary, to which was referred a resolution, instructing them to examine the 9th section of an act, entitled "An Act organizing a Board of County Commissioners, in each County in the Territory," and compare the same with the 5th section of an act, entitled " An Act for assessing and collecting county revenue:

Report, that the said 5th section prescribes the duty of the Assessors; and that the said 9th section prescribes the duty of the County Commissioners, in levying a tax upon the basis of the assessment. And your Committee perceive no conflicting provisions in the sections referred to.

The report was concurred in, and the Committee discharged from the further consideration of the subject.

No. 42, H. R. File, "A Joint Resolution, providing for the appointment of a Committee, to visit and examine the Penitentiary," was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 9, C. F. "A Joint Resolution, asking a change in the Organic Law, so as to make Militia officers elective by the people," and,

No. 13, C. F. "A Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a semi-weekly mail route, from Bloomington to Marion, in Linn county," were severally read a second time, and ordered to a third reading on to-morrow.

No. 17, C. F. "A Bill, to amend an Act, to provide for changing Venue in civil and criminal cases," was read a second time.

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 19, C. F. "A Bill to amend an Act, establishing certain Territorial roads therein named," was read a second time.

On motion,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee on Territorial Roads.

No. 20, C. File, entitled

"A Bill, supplementary to an Act, to organize, discipline, and govern the Militia of this Territory," was read a second time.

On motion,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

And the question being put, Will the House concur in the report of the Committee?

Was determined in the affirmative. Yeas 15, Nays 10.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Brierly, Browning, Felkner, Hendershott, Isett, Langworthy, Lash, Lewis, Robertson, Steele, Summers, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Hebard, Leffler, Mason, Porter, Teeple, Toole, Wilson of H., and Wilson of J.

So the report of the Committee of the Whole House was concurred in.

Mr. Browning offered the following, as an amendment to the Bill:

"That all persons, who are opposed to bearing arms in time of peace, be exempt from performing military duty."

Previous to the question being put,

A motion was made by Mr. Porter, to refer said Bill to a Select Committee of one from each Electoral District.

And the question being put,

Was determined in the affirmative. Whereupon,

The Speaker appointed Messrs. Porter, Hebard, Steele, Teeple, Van Antwerp, Robinson, Langworthy, Toole, Felkner, and Box, said Committee.

No. 23, C. F. "A Memorial to Congress, for appropaiations to improve certain Territorial roads;" was read a second time.

On motion of Mr. Langworthy,

The House resolved itself into a Committee of the Whole House, for the consideration of said Memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with amendments, to which the House agreed.

Mr. Lewis offered the following amendment;

"For the improvement of the road leading from Black Hawk, via Bentonsport, Van Buren county, to the Missouri line—six thousand dollars," which was agreed to.

On motion of Mr. Summers,

Ordered, That said Memorial be read a third time on to-morrow.

No. 24, H. R. File, entitled

"A Bill supplementary to an Act, defining the duties of County Surveyors," was read a third time.

On motion of Mr. Summers, by general consent,

The word "Circuit" in the 3rd section, was stricken out, and the word "District" inserted.

The Bill then passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Browning, in accordance with previous notice, introduced,

No. 43, H. R. File,

"A Bill to amend an Act, concerning Executions," which was read a first time, and ordered to be printed.

On motion of Mr. Walworth,

The vote of yesterday, on the adoption of the resolution, requiring a Committee of three, to visit Iowa City, &c., was reconsidered, and,

On motion of Mr. Robertson,

The Resolution was laid upon the table.

Mr. Walworth, on leave, introduced

"A Joint Resolution, requiring a Committee to be appointed, to visit Iowa City, and for other purposes," which was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a second time now.

The Resolution was then read a second time, and,

On motion of Mr. Lash,

The House resolved itself into a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Summers,

The words "three and "two" were stricken out, and the words "two" and "one" inserted in their places.

Mr. Leffler moved to insert after the word "selected," the follwing:

"Whose duty it shall be to repair to Iowa City, examine the Public Buildings, materials on hand, books, papers, and records of the Acting Commissioner, and collect all the information they may be able to procure, and report the same to the House, as soon as practicable.

Resolved, also, That the Committee have the power to send for persons and papers, administer oaths, examine witnesses, and receive testimony." Which was agreed to.

The Resolution was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Leffler,

The petition of sundry citizens of Des Moines county in relation to the Territorial road from Burlington to Henry county, presented on the 3d ultimo, was taken from the table and referred to a Select Committee, composed of the Delegation from Des Moines county.

A motion was made by Mr. Porter, that the House do now adjourn until to-morrow morning.

And the motion being put;

Was determined in the affirmative. Yeas 17, Nays 8.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Browning, Felkner, Hebard, Hendershott, Isett, Leffler, Mason, Porter, Robertson, Toole, Van Antwerp, Walworth, Whitaker, Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Langworthy, Lash, Lewis, Steele, Summers, Teeple, and Wilson of H.

So the House adjourned until to-morrow morning.

Friday Morning, December 4, 1840.

On motion of Mr. Wilson of H.

Ordered, That the Select Committee, to which was referred, A Bill to amend an act entitled "an act, to organize, discipline and govern the Militia of this Territory, enquire into the expediency of amendiug said Bill, so as to exempt all persons from Military duty in time of peace, except the Commissioned officers.

On motion of Mr. Toole,

Ordered, That the Chief Clerk, direct the other clerks of this House, to copy all Memorials, Joint Resolutions, &c, passed by this House, and furnish the Committee on Enrollments, with the necessary number of copies for the Governor.

Mr. Summers, from the Select Committee to which was referred, the petition of the citizens of the Town of Parkhurst, praying that said Town may be incorporated by the name of Berlin, reported,

No. 45, H. R. File, entitled

"A Bill to incorporate the Town of Berlin in Scott County," which was read a first time, and ordered to be printed.

Mr. Lash, from the Committee on engrossed Bills reported

Nos. 42, and 44. H. R. File,

As correctly engrossed.

No. 1, H. R. File,

"A Memorial to Congress for an appropriation for the Penitentiary," was read a second time.

On motion of Mr. Langworthy,

Ordered, That said Memorial be laid upon the table.

No. 41, H. R. File, entitled

"A Bill to establish a Seminary of Learning, at Columbus City in Louisa County," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Teeple reported that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

On motion of Mr. Toole,

Ordered, That said Bill be referred to the Committee on Corporations.

No. 43. H. R. File,

"A Bill to amend an act concerning executions," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Toole reported that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Browning,

Ordered, That said Bill be engrossed for a third reading on Monday next.

A Message from the Council by Mr. Wallace, their Secretary.

MR. SPEAKER,

The Council have passed

No. 3, C. F. "A Bill relative to negotiable paper &c"

No. 21, C. F. "A Bill to authorize the Governor, to offer rewards for the apprehension of fugitives from Justice."

In which the concurrence of the H. of R. is requested, also without amendment.

No. 37. H. R. File,

"A Memorial to Congress, to amend the Organic Law of the Territory.

I herewith present for your signature, A Memorial to Congress, on the subject of a Mail route from Iowa City to Fort Leavenworth."

"A Memorial for an appropriation, to construct a Bridge over Big Cedar Creek."

Joint Resolution, asking an appropriation, for the improvement of the Harbour of Dubuque, and

A Preamble and Joint Resolution relating to Mail routes &c. in Van Buren county."

The Council insist upon their disagreement to the amendments of the H. of R. to

No. 5, C. F. A Bill providing for the service of writs by copy in certain cases."

No. 6, C. F. A Bill additional to an act, entitled "an act, regulating practice in the District Courts of this Territory" and have appointed Messrs. Hastings, Springer and Parker, a Committee of conference in relation thereto.

And then he withdrew.

No. 9, C. F. "A Joint Resolution, asking for a change of the Organic Law so as to make Militia officers elective by the people," was read a third time.

And the question being put.

Shall the Resolution pass?

Was determined in the negative. Yeas 10, Nays 13.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were, Messrs. Box, Brierly, Browning, Lash, Lewis, Porter, Steele, Summers, Toole and Whitaker.

Those who voted in the negative, were, Messrs. Avery, Felkner, Hendershott, Isett, Langworthy, Leffler, Mason, Robertson, Teeple, Van Antwerp, Wilson of H., Wilson of J. and Cox, Speaker.

No. 13, C. F. entitled

"Joint Resolution, asking our Delegate in Congress, to use his influence for the establishment of a Semi weekly Mail route, from Bloomington to Marion in Linn county."

No. 23, C. F. entitled

"A Memorial to Congress, for an appropriation to improve certain Territorial Roads."

No. 42, H. R. File,

"A Joint Resolution for the appointment of A Committee to examine the Penitentiary at Fort Madison, and,

No. 43, H. R. File,

"A Resolution for the appointment of a Committee, to examine the Public Buildings at Iowa City," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No, 3. C. F. "A Bill relative to negotiable paper &c." and

No. 21. C. F. "A Bill to authorize the Governor, to offer rewards for the apprehension of fugitives from Justice," were severally read a first time.

On motion of Mr. Summers,

Ordered, That there be a Committee appointed, to confer with a Similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses, on the amendments made by the H. of R. to

No. 5, C. F. "A Bill providing for the service of writs by copy in certain cases" and

No. 6, C. F. A Bill additional to an act regulating practice in the District Courts of this Territory,"

Whereupon the Speaker appointed Messrs. Summers, Steele, and Toole, said Committee.

Mr. Browning gave notice, that he would on some future day, introduce A Bill to amend an act, entitled "an act incorporating the City of Burlington."

Mr. Lewis, in accordance with previous notice, introduced

No. 46. H. R. File entitled,

"A Bill to amend an act, entitled "an act relative to Divorce, Alimony and other purposes," which was read a first time, and ordered to be printed.

On motion of Mr. Toole,

The House adjourned until Monday morning next.

Monday Morning, December 7, 1840.

Mr. Toole presented the petitions of sundry citizens of Louisa and Johnson Counties, praying for a Territorial road to be established, from the mouth of the Iowa river, opposite New Boston, Illinois via Black Hawk and Fredonia, to Iowa City.

On motion of Mr. Toole,

Ordered, That said petition be referred to a Select Committee.

Whereupon, the Speaker appointed Messrs. Toole, Isett and Avery said Committee.

Mr. Lewis presented the petitions of sundry citizens of Van Buren County, praying that a charter may be granted to John Godden, to build a dam across the Desmoines river.

Mr. Steele presented the petitions of sundry citizens of the same county, being a remonstrance, to the granting of a charter to the said John Godden.

On motion of Mr. Steele,

Ordered, That the aforesaid petitions, together with one presented during the first week of the session, on the same subject, be referred

to a Select Committee, composed of the entire delegation from Van Buren county.

Mr. Robertson, presented the petition of sundry citizens of Clinton county, praying the alteration of a Territorial road from Camanche to Iowa City. Also,

A petition from the same, praying the alteration of a Territorial Road, leading from Lyons to Iowa City. Also,

A petition, praying the alteration of the law districting the Territory of Iowa into Electoral Districts, so as to entitle Clinton county to one Representative. Also,

A petition, remonstrating against any alteration of the county lines of said county.

On motion of Mr. Robertson,

Ordered, That said petitions be referred to a Select Committee, composed of the entire delegations from Scott and Clinton, and Muscatine and Johnson counties.

Mr. Isett presented the petition of J. Williams and Charles A. Warfield, in relation to a Ferry Charter granted during the session of 1838–'39, asking an extension of time, to procure boats for the use of said Ferry; which was,

On motion of Mr. Isett,

Referred to the Committee on Corporations.

Mr. Mason presented the petition of sundry citizens of Delaware county, praying the organization of said county: which was,

On motion of Mr. Mason,

Referred to the Committee on Territorial Affairs.

Mr. Teeple presented the petition of sundry citizens of Washington county, in relation to the Military Road from Dubuque to the Missouri line.

On motion of Mr. Teeple,

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Teeple, Felkner, and Lash, said Committee.

Mr. Summers gave notice, that he would, on some day hereafter, introduce,

"A Memorial to Congress, to amend the Organic Law of this Territory, so as to make the office of Governor elective by the people."

Also,

"A Memorial to Congress, for an appropriation to construct a Military Road from Davenport to Iowa City."

Mr. Wilson of J., gave notice, that he would on some future day, introduce,

"A Bill, prohibiting the selling or giving of intoxicating liquors at vendues."

Mr. Mason, from the Committee on Enrolled Bills, reported:

"An Act to amend an Act, to authorize John H. Sullivan and A-

drian H. Davenport. to estsblish and keep a Ferry across the Mississippi river, at the town of Rockingham;" and,

A Memorial to Congress, for an appropriation, to continue the construction of the Agency Road," as correctly enrolled.

The Speaker then signed the above Act and Memorial.

Mr. Isett, from the Select Committee, to which was referred

No. 1, C. F. "A Memorial for an appropriation, to construct a Military road from Bloomington to Iowa City," reported the same back to the House without amendment.

The Memorial then passed to a second reading.

Mr. Hebard, from the Committee on Territorial Affairs, to which was referred

"A Joint Resolution, asking the influence of our Delegate in Congress to have the Organic Law so altered, as to permit the people of the several counties to elect the Clerks of the District Courts," reported the same back to the House, and recommended that the Resolution do not pass.

The report of the Committee was concurred in.

No. 3, C. F. "A Bill relative to negotiable paper," &c., was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 21, C. F. "A Bill to authorize the Governor to offer rewards for the apprehension of fugitives from justice;" was read a second time.

On motion of Mr. Lash,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Van Antwerp reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Toole, to refer said Bill to the Committee on Expenditures; which was lost.

On motion of Mr. Summers.

Ordered, That said Bill do lie upon the table.

No. 45, H. R. File, entitled

"A Bill, to incorporate the town of Berlin, in Scott county," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Mason, to strike out the enacting clause of said Bill.

And the question being put,
Was determined in the negative. Yeas 7, Nays 15.
The Yeas and Nays being desired by Mr. Summers,
Those who voted in the affirmative, were,
Messrs. Avery, Felkner, Hebard, Langworthy, Lewis, Mason, Van Antwerp.
Those who voted in the negative, were,
Messrs. Brierly, Browning, Hendershott, Isett, Lash, Leffler, Robertson, Steele, Summers, Teeple, Toole, Walworth, Wilson of H., Wilson of J., and Cox, Speaker.
Several amendments being made to said Bill,
A motion was made by Mr. Summers, that the Bill be engrossed for a third reading on Wednesday next.
And the question being put,
Was determined in the affirmative. Yeas 13, Nays 8.
Those who voted in the affirmative, were,
Messrs. Brierly, Browning, Hendershott, Lash, Lewis, Robertson, Steele, Summers, Teeple, Toole, Walworth, Wilson of J., and Cox, Speaker.
Those who voted in the negative, were,
Messrs. Avery, Felkner, Hebard, Isett, Langworthy, Leffler, Mason, and Van Antwerp.
So the Bill was ordered to be engrossed for a third reading on Wednesday next.
Mr. Wilson of H. asked and obtained leave of absence until 2 o'clock; also, for Mr. Porter, until Wednesday next.
No. 46, H. R. File, entitled
"A Bill, to amend an Act, relative to Divorce, Alimony, and other purposes;" was read a second time.
On motion of Mr. Lewis,
The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,
Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed.
On motion of Mr. Browning,
The Bill was amended, by adding an entire section to the same.
On motion of Mr. Van Antwerp,
Ordered, That said Bill be referred to the Committee on the Judiciary.
No. 43, "A Bill to amend an Act, concerning Executions," was read a third time, passed, and title agreed to.
Ordered, That the Clerk acquaint the Council therewith.
Mr. Browning, in accordance with previous notice, introduced
No. 47, H. R. File, entitled

"A Bill to amend the Act, incorporating the city of Burlington," which was read a first time.

On motion, the House adjourned.

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2 O'CLOCK, P. M.

On motion of Mr. Toole,

Ordered, That the Committee on the Judiciary be requested to so alter the law regulating the time of holding the District Courts in this Territory, that the time for holding said Courts in Louisa county will better suit the convenience of the citizens of said county.

Mr. Browning, from the Select Committee, to which was referred Bills, Nos. 28 and 32, relating to Mechanics' Liens," reported

No. 48, H R. File, entitled

"A Bill, relative to Mechanics' Liens, and for other purposes," as a substitute, which was read a first time, and ordered to be printed.

Mr. Langworthy, in accordance with previous notice, introduced

No. 49, H. R. File, entitled

"A Joint Resolution, asking the sale of the reserved Mineral Lands in this Territory," which was read a first time.

On motion of Mr. Felkner,

Ordered, That No. 11, C. F. entitled

"A Bill, to authorize Walter Terrell to build a dam across the Iowa river near Iowa City," be taken from the table.

The Bill was then taken from the table, and ordered to a third reading on to-morrow.

Mr. Teeple gave notice, that he would, on some future day, introduce

"A Bill, to revive an Act, entitled "An Act, establishing a Territoral road from the north part of Washington county, to the Missouri line, via Washington, Brighton, Fairfield, and Portland.

On motion of Mr. Toole,

The House adjourned.

Tuesday Morning, December 8, 1840.

Mr. Brierly presented the petition of sundry citizens of Lee county, praying that a charter may be granted to Samuel Troxell, to erect a dam across Big Sugar Creek, which was,

On motion of Mr. Brierly,

Referred to a Select Committee, viz: Messrs. Brierly, Isett, & Bobetrson.

Mr. Wilson of H., presented the petition of sundry citizens of Henry county, in relation to the Territorial Road, from Dubuque to Keosauqua, and the Missouri line.

Ordered, That said petition be referred to the Select Committee appointed yesterday, in relation to the same subject.

On motion of Mr. Robertson,

Ordered, That the Committee on the Judiciary, be instructed to report to this House, any action which they may have had upon a resolution referred to them in relation to so amending the Practice Act, as to allow the plaintiff in suit to file his own declaration, without employing at attorney.

Mr. Summers, in accordance with previous notice, introduced

No. 50, H. R. File, entitled

"A Bill, to amend an Act, entitled An Act, to re-locate the county seat of Jackson county," which was read a first time.

Mr. Summers, in accordance with previous notice, introduced

No. 51, H. R. File, entitled

"A Bill, to amend the acts therein named," which was read a first time.

Mr. Summers, in accordance with previous notice, introduced,

No. 52, H. R. File, entitled

"A Joint Resolution, requesting our Delegate in Congress, to use his influence, to have the office of Governor elective by the people," which was read a first time.

Mr. Hendershott, in accordance with previous notice, introduced

No. 53, H. R. File, entitled

"A Bill, to provide for the election of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," which was read a first time, and ordered to be printed.

Mr. Langworthy, in accordance with previous notice, introduced

No. 54. H. R. File, entitled

"A Bill, to amend an Act, to incorporate the city of Dubuque," which was read a first time.

No. 1, C. F. entitled

"Memorial to Congress, for an appropriation to construct a Military Road from Bloomington to Iowa City," was read a second time.

On motion of Mr. Summers,

Ordered, That said Memorial be read a third time on to-morrow.

No. 47, H. R. File, entitled

"A Bill, to amend the act, incorporating the city of Burlington;" was read a second time.

A motion was made by Mr. Hendershott, that said Bill be referred to the Committee on the Judiciary.

The motion was lost.

A motion was made by Mr. Mason, that the Bill be referred to the Committee on Corporations.

And previous to the question being put,

On motion of Mr. Browning,

Ordered, That said Bill be printed, and referred to the Committee of the Whole House, and made the order of the day for Thursday next.

No. 48, H. R. File, entitled

"A Bill, relative to Mechanics' Liens," &c., was read a second time.

On motion of Mr. Browning,

Ordered, That said Bill be referred to the Committee of the Whole House on to-morrow.

No. 49, H. R. File, entitled

"Joint Resolution, asking the sale of the reserved Mineral Lands in this Territory," was read a second time.

On motion of Mr. Langworthy,

Ordered, That said Resolution be engrossed for a third reading on to-morrow.

No. 11, C. F. entitled

"A Bill, to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City," was read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A Message from the Council, by Mr. Wallace, their Secretary.

MR. SPEAKER:

The Council have passed

No. 7, C. F, Memorial to Congress, for the establishment of a Mail route. Also, with amendments,

No. 42, H. R. File, A Resolution, for the appointment of a Joint Committee, to examine the Penitentiary, at Fort Madison, and,

No. 44, H. R. File, A Resolution, for the appointment of a Committee, to examine the Public Buildings at Iowa City.

In which the concurrence of the House of Representatives is requested.

I herewith present, for your signature,

A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers.

A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City to the forks of the Iowa river; and,

A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena, in Illinois, via Bellview.

And then he withdrew.

The Speaker then signed the aforesaid Memorials and Resolution.

No. 7, C. F. entitled

"A Memorial to Congress, for the establishment of a Mail route," was read a first time.

No. 42, H. R. File, entitled

,'A Resolution, for the appointment of a Joint Committee, to examine the Penitentiary at Fort Madison," as amended by the Council, was taken up and considered, and the amendments concurred in.

No. 44, H. R. File,

"A Resolution, for the appointment of a Committee, to examine the Public Buildings at Iowa City," as returned from the Council with amendments, was taken up, and the same read and concurred in.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason, from the Committee on Enrolled Bills, reported that they did, yesterday, present to the Governor, for his approval, the following Memorials and Resolutions:

"A Memorial to Congress, on the subject of a Mail route, from Iowa City to Fort Leavenworth.

Preamble and Joint Resolution, relative to Mail routes in Van Buren county."

Memorial for an appropriation, to construct a Bridge over Big Cedar Creek."

"A Joint Resolution, asking an appropriation for the improvement of the Harbor of Dubuque."

Mr. Felkner gave notice, that he would, on some future day, introduce

"A Bill, to establish a Seminary of Learning at Iowa City."

Mr. Hendershott asked, and obtained, leave of absence for Mr. Leffler, until Monday next.

On motion of Mr. Walworth,

The House adjourned.

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2 O'CLOCK P. M.

On motion of Mr. Summers,

Ordered, That No. 50. H. R. File "A Bill, to amend the act entitled "an act, to relocate the County Seat of Jackson county," be printed.

Mr. Mason, from the Committee on Enrolled Bills, reported the following as correctly enrolled viz:

"A Memorial for an appropriation, to improve the Rapids of the Mississippi River."

"A Resolution, providing for the appointment of a Joint Committee to examine the Penitentiary at Fort Madison."

"A Resolution, providing for the appointment of a Committee, to examine the Public Buildings at Iowa City."

"A Memorial to Congress, to amend the Organic Law of the Territory of Iowa."

Said Memorials and Resolutions, were then severally signed by the Speaker.

Mr. Mason offered the following:

Resolved, That the Committee to which was referred, the subject of the Revenue Laws, be instructed to report on that subject. to-morrow.

A motion was made by Mr. Lash, that the Resolution do lie upon the table.

And the question being put;

Was determined in the affirmative.

Mr Toole from the Committee on the Finances, to which was referred that part of the Governor's message, which recommended to the consideration of the Legislative Assembly, a review of the financial laws, so as to provide a revenue sufficient, in amount to meet the actual wants of the Territory;—and to which was also referred the report of the Auditor of the Territory on the same subject, submitted the following report:

Your Committee, after giving the subject so referred, a careful and proper consideration, have come to the conclusion, with all due deference and respect for the views and opinions of the Executive upon the subject, that from a careful examination of the statements given in the Auditor's report, showing for what purpose the Territorial revenue is applied, the object of the law to provide for a Territorial revenue is misunderstood.

Your Committee are of the opinion that the object of the law was to create a fund that should continue to increase, until this Territory should be admitted into the Union as one of the States; and your committee are further of the opinion, that if warrants are granted or issued, hereafter as heretofore, that this law will produce an increasing debt, instead of an increasing fund.

Your Committee have also taken into consideration the subject of our Territorial expenses, and have come to the conclusion, that the general government will, if applied to, meet all the necessary expenses of the Territory; particularly such as are named in the Auditor's report, together with all rewards for the apprehension of fugitives from justice. And we believe that all accounts or demands against the Territory, should come before the Legislature for examination, and that this is the proper authority to grant or reject such demands or claims, and that the Secretary is the proper disbursing officer, as shown by the Organic Law. And as the establishment of a complete financial system, is without precedent in the history of Territories, your Committee can see no necessity or advantage arising from such a system in this Territory; but, on the contrary, a great injury to the different counties.

Your Committee would therefore recommend, the repeal of all laws

on the subject of Territorial finances, and that the Governor and Secretary, be hereafter considered the authorized disbursing officers of the Territory; and that all claims or demands against the Territory, be presented to the Legislature for examination.

The report having been read, was,

On motion of Mr. Lash,

Laid upon the table, and ordered to be printed.

A motion was made by Mr. Toole, that the House do now adjourn. The motion was lost.

Mr. Walworth moved a call of the House, which was had, and the roll being called, all the members answered to their names, excepting Mr. Van Antwerp. The Sergeant at Arms was directed to require the attendance of the absentee. Mr. Van Antwerp soon appearing, the further call of the House was dispensed with.

Mr. Langworthy moved, that the House do now adjourn until Monday morning next.

And the question being put,

Was determined in the negative. Yeas 3. Nays 20.

The Yeas and Nays being desired by Mr. Steele.

Those who voted in the affirmative, were,

Messrs. Hendershott, Langworthy and Mason.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Isett, Lash, Lewis, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker..

Mr. Van Antwerp, on leave, presented the petition of sundry citizens of Cedar county, praying the relocation of the County Seat of said county by a vote of the people, also, the petitions from citizens of the same county, remonstrating against any action on the subject.

On motion of Mr. Van Antwerp,

Ordered, that said petitions be reported to a Select Committee, composed of the entire Delegations, from the counties of Cedar, Jones and Linn, and Muscatine and Johnson.

On motion of Mr. Browning,

Ordered, That the Resolntion, in relation to compensating T. S. Parvin as private Secretary to the Governor, be taken from the table.

The Resolution, was then taken from the table, and,

On motion of Mr. Hendershott,

Referred to the Committee on Expenditures, with power to procure testimony in relation to the same.

A motion was made by Mr. Teeple, that the House do now adjourn. The motion was lost.

Mr. Hendershott offered the following:

Resolved, That the committee to which was referred, the Bill to divorce John Phillips and his wife Nancy Phillips, be instrueted to report on to-morrow,

On motion of Mr. Browning,
Ordered, That said Resolution do lie upon the table.

Mr. Langworthy offered the following:

Resolved, That the Secretary of the Territory, be requested to pay the balances due the Officers and Agents of the last annual Session of the Legislative Assembly out of the money now in his hands.

On motion of Mr. Walworth,
Ordered, that said Resolution do lie upon the table.

A motion was made by Mr. Steele, that the House do now adjourn. And the question being put.

Was determined in the affirmative. Yeas 12, Nays 11.

The Yeas and Nays being desired by Mr. Van Antwerp,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hebard, Hendershott, Isett, Lash, Robertson, Steele, Whitaker and Wilson of H.

Those who voted in the negative, were,

Messrs. Browning, Langworthy, Lewis, Mason, Summers, Toole, Teeple, Van Antwerp, Walworth, Wilson of J., and Cox, Speaker.

So the House adjourned.

Wednesday Morning, December 9, 1840.

Mr. Langworthy offered the following:

Whereas, All taxation should be based upon a property assessment, and no unequal tax should be levied; therefore,

Resolved, That the Committee appointed to revise the Revenue Laws, enquire into the expediency of abolishing the Poll Tax.

The question being put, Shall the Resolution be adopted?

It was determined in the negative.

Mr. Robertson, from the Select Committee, to which the subject was referred, reported

No. 55, H. R. File,

"A Bill, to establish certain Territorial roads."

Mr. Lash, from the Select Committee, appointed for the purpose, reported,

No. 56, H. R. File, entitled,

"A Bill to locate and establish a Territorial road, from Keokuk, in Lee county to Mount Pleasant, in Henry county,"

Mr. Browning, from the Committee on the Judiciary, reported,

No. 57. H. R. File,

"A Bill to amend the act, entitled, An Act, relative to Practice in the District Courts."

Said Bills were severally read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 45 and 49, H. R. File, as correctly engrossed.

Mr. Summers gave notice, that he would, on some day hereafter, introduce a Bill to amend an act, entitled

"An Act, to authorize James Leonard, Oliver A. Crary, William H. Brown, and Charles Swan, to establish and keep a Ferry across the Mississippi river at the town of Charleston," approved, January 21, 1839.

Mr. Steele gave notice, that he would, on some future day, introduce a Bill amendatory of an act, relating to the duties of the Clerks of the District Courts.

Mr. Hendershott gave notice, that he would, on some future day, bring in a Bill to amend an act, relative to Landlords and Tenants.

In accordance with an order made on yesterday, the House resolved itself into a Committee of the whole House, for the consideration of No. 48, H. R. File, entitled, "A Bill relative to Mechanics' liens." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson of H. reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, and ask leave to sit again.

Leave was granted.

On motion of Mr. Hendershott,

The House adjourned.

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2 O'CLOCK, P. M.

The House resumed the consideration of No. 48, H. R. "A Bill relative to Mechanics' Liens," in Committee of the Whole House. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson of H. reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments; to which the House agreed.

A motion was made by Mr. Mason, to strike out the 6th section of said Bill, which reads as follows:

"When judgment is obtained under the provisions of this act, the execution issued on the same, shall be directed against the particular property, or so much thereof as the Court shall direct, on which the lien is made to operate; but if the proceeds of sale under execution, as aforesaid, will not satisfy the judgment, the Court, or Judge, in vacation, on motion of the plaintiff, or his attorney, shall order that ex-

ecution be issued to secure the payment of the balance, to be levied on other property of the defendant, as in the general law relating to executions is provided."

And after debate, and previous to the question being put,

Mr. Steele moved a call of the House, which was had, and the roll being called, the members not answering to their names were, Messrs. Whitaker, Mason, and Porter.

On motion of Mr. Lash,

Leave of absence was granted to Mr. Porter, until to-morrow morning.

After a short time, the absentees appearing; the further call of the House was suspended.

A motion was then made by Mr. Teeple, to amend the motion, to strike out said section, by striking out all after the word "operate."

The motion being accepted by Mr. Mason, the question was put, and determined in the negative. Yeas 12, Nay 12.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Felkner, Hebard Isett, Mason, Robertson, Teeple, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Hendershott, Langworthy, Lash, Lewis, Miller, Steele, Summers, Toole, Wilson of H. and Wilson of J.

On motion of Mr. Lash,

The following was inserted in the fifth line of the 8th section after the words "then by:" "Giving four weeks notice in the nearest newspaper, of the pending of such suit."

Mr. Browning moved to amend the first section, by adding the following *proviso*, to wit: "Provided, That when the personin possession, holds the same under a title bond, executed, or assigned, to such person or persons, they shall be considered the owners of said land or lot of ground, for all the purposes of this act."

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 11.

The yeas and nays being desired by Mr. Miller.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hendershott, Langworthy, Lash, Lewis, Steele, Summers, Toole, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Hebard, Isett, Mason, Miller, Robertson, Teeple, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

So the amendment was agreed to.

On motion of Mr. Langworthy,

The Bill was amended by adding a section to the same, which pro-

vided for the repeal of all laws on the subject of Mechanics' Liens.

A motion was made by Mr. Mason, to strike out the enacting clause of said Bill.

And the question being put,

Was determined in the negative. Yeas 7, Nays 16.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Box, Isett, Mason, Robertson, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Lewis, Miller, Steele, Summers, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion to strike out the enacting clause was lost.

A motion was then made by Mr. Box, that the Bill do lie upon the table until the last day of this month.

The motion was lost.

The question then being put, Shall the Bill be engrossed and read a third time on to-morrow?

Was determined in the affirmative. Yeas 17, Nays 6.

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Lewis, Miller, Steele Summers, Toole, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Mason, Robertson, Van Antwerp, Whitaker, and Cox, Speaker.

So the Bill was ordered to be engrossed, and read a third time, on to-morrow.

Mr. Mason, from the Committee on Enrolled Bills, reported, that the Committee had this day presented to the Governor, for his approval,

A Memorial to Congress, asking for an amendment to the Organic Law.

A Resolution, providing for the appointment of a Committee to visit and examine the Public Buildings at Iowa City.

A Resolution, providing for the appointment of a Committee to visit and examine the Penitentiary at Fort Madison.

On motion of Mr. Isett,

The House adjourned.

Thursday Morning, December 10, 1840.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER:

I am directed to inform the H. of R. that the Council have passed, No. 14, C. F. A Preamble and Joint Resolution, asking of Congress, an appropriation to reimburse the citizens of Fort Madison, for the expense incurred in Deeding ten acres of land on which to erect the Penitentiary.

In which the concurrence of the H. of R. is requested.

Also without amendment.

No. 25. H. R. A Bill to Divorce Elizabeth Jones, from her husband Berry Jones, and,

No. 36. H. R. A Memorial to Congress for an appropriation to improve the Territorial Road, from the City of Burlington to the town of Fairfield, in Jefferson County.

And then he withdrew.

Mr. Wilson of H., presented the petition of sundry citizens of Henry county, praying that a charter may be granted to Duvall W. Henderson, to build a dam across Skunk river in said county," also,

The petition of sundry citizens of Henry county, praying that a charter may be granted to George Jones to erect a dam at the same place.

Ordered, That said petitions be referred to a Select Committee, composed of the Delegation from Henry county.

Mr. Walworth, presented the petition, of sundry citizens of Linn county, praying the location of a Territorial Road, from Bloomington via Moscow, Rochester, and Antwerp to Marion in Linn county.

Ordered, That said petition, be referred to the Select Committee on Territorial roads.

The Speaker laid before the House, the petition of sundry citizens of Jackson county, praying that a Territorial Road may be located, leading from Charleston in said county, to Iowa City."

Ordered, That said petition be referred to a Select Committee. Whereupon the Speaker appointed Messrs. Robertson, Summers and Langworthy, said Committee.

Mr. Summers, in accordance with previous notice, introduced No. 58, H. R. File, entitled

"A Bill to amend an act entitled "an act, to authorize James Leonard, Oliver A. Crary and others to establish and keep a Ferry across

the Mississippi river at the town of Charleston," approved, January 21, 1839.

Mr. Summers. in accordance with previous notice, introduced No. 59, H. R. File, entitled

"A Joint Resolution, relative to an appropriation for a Military Road from Davenport to Iowa City," said Bills were severally read a first time.

Mr. Van Antwerp, from the Select Committee to which was referred the petitions and remonstrances of sundry citizens of Cedar county, in relation to the County Seat of said county, reported

No. 60. H. R. File entitled

"A Bill to establish the County Seat of Cedar county," which was read a first time.

On motion of Mr. Van Antwerp,

Ordered, That the 42nd rule be suspended, and the Bill be read a second time now.

The Bill was then read a second time.

On motion of Mr. Isett,

The House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Avery reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendment; to which the House agreed.

The question then being put. Shall the Bill be engrossed and read a third time on to-morrow?

Was determined in the negative. Yeas 7. Nays 19.

The Yeas and Nays being desired by Mr. Walworth.

Those who voted in the affirmative, were,

Messrs. Isett, Lash, Steele, Summers, Toole, Van Antwerp, and Walworth,

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy Leffler, Lewis Mason, Miller, Porter, Robertson, Teeple, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the Bill was lost.

Mr. Wilson of J. in accordance with previous notice, introduced No. 61, H. R. File, entitled

"A Bill, prohibiting the selling or giving intoxicating liquors at Vendues."

Said Bill was read a first time.

On motion of Mr. Robertson,

Ordered, That the House do now proceed to the election of the Committee on its part required by the Resolution passed, to visit Iowa City and examine the Public Buildings &c.

On motion of Mr. Box,

Ordered, That the House do elect each Committeeman separately.

The House then proceeded to the election.

Messrs. Teeple and Steele were appointed Tellers. There being no choice made on the first and second ballots, the House proceeded to a third ballot, and upon counting the same, it appeared that Mr. Hebard had received a majority of the whole number of votes given, and was declared duly elected one of the Committee.

The House then proceeded to the election of the second and remaining Committeeman, and after counting the votes of several ballotings, and there being no choice made, a motion was made by Mr. Langworthy, that the House do now adjourn. And the question being put.

Was determined in the negative.

The House then continued the election, and after several ballotings and no choice being had, a motion was made by Mr. Box that the House do now adjourn. And the question being put.

Was determined in the negative. Yeas 13, Nays 13.

The Yeas and Nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, Toole, Whitaker, Wilson of H. and Wilson of J.

The House then resumed the balloting, and after several of which, there being no choice made, a motion was made by Mr. Walworth that the House do adjourn. And the question being put.

Was determined in the affirmative.

So the House adjourned.

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2 O'CLOCK, P. M.

The House proceeded again to the election of a Committeeman, Messrs. Steele and Teeple acting as Tellers. No choice being made on the first ballot, the House proceeded to a second, and upon counting the same it was found that Mr. Langworthy had received a majority of the whole number of votes given, and was declared duly elected.

No. 7, C. F. "A Memorial to Congress, for the establishment of a Mail route," was read a second time.

On motion of Mr. Box,

Ordered, That said Memorial be read a third time on to-morrow.

No. 47. H. R. File,

"A Bill to amend an act, entitled, an act, incorporating the City of Burlington," was read a second time.

On motion, the House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

A Motion was made by Mr. Browning, that the Bill be engrossed and read a third time on to-morrow.

And the question being put,

Was determined in the negative. Yeas 12, Nays 13.

The yeas and nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Lash, Lewis, Porter, Summers, Toole, Walworth, and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Hendershott, Isett, Langworthy, Leffler, Mason, Miller, Steele, Teeple, Van Antwerp, Whitaker, Wilson of H. and Cox, Speaker.

So the Bill was lost.

No. 50. H. R. File

"A Bill to amend an act entitled "An act, to relocate the County Seat of Jackson county," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration and directed him to report the same with sundry amendments.

To which the House agreed.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

On motion of Mr. Brierly,

The House adjourned.

Friday Morning, December 11, 1840.

A message from the Council, by Mr. Wallace, their Secretary.

Mr. Speaker—

The Council have passed,

No. 5, C. F. "Joint Resolution, providing for the printing of the Laws of the present Session."

No. 1, C. F. "A Bill to amend an Act allowing and regulating Writs of Attachment."

In which the concurrence of the House of Representatives is requested.

I herewith present for your signature,

"A Joint Resolution, asking our Delegate in Congress to use his influence for the establishment of a semi-weekly Mail route, from Bloomington to Marion, in Linn county; and,

A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City, via Bellview, to Galena, in Illinois.

Said Resolutions were then severally signed by the Speaker.

Mr. Walworth presented the petition of sundry citizens of Bloomington, in relation to the Ferry across the Mississippi river at said place.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Mason presented the petition of sundry citizens of Dubuque county, praying the alteration of the present Revenue Law, and the present Road Law.

Ordered, That said petition be referred to the delegation from Dubuque county.

Mr. Miller gave notice, that on to-morrow he would introduce a Bill, to authorize Henry M. Koontz and William Doak, Jr., to execute a deed to Rebecca A. Palmer.

Mr. Isett gave notice, that he would, on some future day, introduce a bill, to prohibit the removal of county seats, when once established, unless by a majority of two-thirds of the legal voters of the county.

Mr. Lash, from the Committee on Engrossed Bills, reported

No. 48, H. R. File, entitled

"A Bill, relative to Mechanics' Liens," as correctly engrossed.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 10th inst., present to the Governor for his approval,

A Memorial to Congress, for an appropriation to improve the Iowa and Cedar rivers; and,

A Memorial to Congress, asking for the survey of a route for a Canal, from Iowa City to the forks of the Iowa river.

Mr. Toole, from the Select Committee, to which was referred the subject, of altering the present Revenue Laws, reported

No. 62, H R. File, entitled

"A Bill, for assessing and collecting county revenue;" which was read a first time.

A motion was made by Mr. Lash, that said Bill be printed.

And the question being put.

Was determined in the negative. Yeas 9, Nays 13.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Hendershott, Lash, Leffler, Porter, Steele, Summers, and Cox, Speaker

Those who voted in the negative, were,

Messrs. Avery, Browning, Felkner, Isett, Lewis, Mason, Miller, Teeple, Toole, Walworth, Whitaker, Wilson of H., and Wilson of J.

On motion of Mr. Hendershott,

Ordered, That the Bill be re-committed.

Mr. Leffler, from the Select Committee, appointed for that purpose, reported.

No. 63, H. R. File, entitled

"A Bill to amend an act, to provide for the survey of a Territorial road," approved July 29, 1840, which was read a first time.

Mr. Langworthy, on leave, presented the petition of sundry citizens of Dubuque county, in relation to the District Court of said county.

Ordered, That said petition be referred to the Select Committee, composed of the delegation from Dubuque county.

Mr. Felkner, in accordance with previous notice, introduced

No. 64, H. R. File, entitled

"A Bill, to establish a Seminary of Learning at Iowa City, in Johnson county."

Mr. Miller, in accordance with previous notice, introduced

No. 65, H. R. File, entitled

"A Bill, to establish a Territorial road, from Burlington to the mouth of the Des Moines river."

Said Bills were severally read a first time.

No. 1. C. F. "A Bill to amend an act allowing and regulating Writs of Attachment."

No. 5, C. F. "Joint Resolution, providing for the printing of the Laws of the present session;" and,

No. 14, C. F. Preamble and Resolution, asking of Congress an appropriation to re-imburse the citizens of Fort Madison, for the expenses incurred in deeding ten acres of land on which to erect the Penitentiary;" were severally read a first time.

No. 51, H. R. "A Bill to amend the acts therein named," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 52, H. R. "A Joint Resolution, requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people," was read a second time.

No. 54, H. R. "A Bill to amend an act, to incorporate the City of Dubuque," was read a second time.

No. 55, H. R. "A Bill to establish certain Territorial roads," was read a second time.

No. 56. H. R. File,

"A Bill to locate and establish a Territorial road from Keokuk, in Lee county to Mount Pleasant, in Henry county," was read a second time.

Said Bills were severally ordered to be engrossed, and read a third time on to-morrow.

No. 57. H. R. File,

"A Bill to amend an act, relative to Practice in the District Courts," was read a second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Browning reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion, the House adjourned.

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2 O'CLOCK P. M.

The Speaker, in obedience of the Resolution passed, requiring a Committee to examine the Penitentiary appointed, on the part of the House, Messrs. Robertson and Steele.

On motion of Mr. Browning,

A call of the House was had, and the roll being called, the members absent, were, Messrs. Felkner, Hebard, Isett, Leffler, Miller, Porter, Van Antwerp, and Walworth.

The Sergeant at Arms was directed to require the attendance of the absentees.

On motion of Mr. Summers,

Ordered, That leave of absence be granted to Mr. Hebard.

After a short time, the absentees appearing, the further call of the House was, on motion, suspended.

Mr. Brierly gave notice, that he would, on some future day, introduce,

A Bill to authorize Elias Smith, to establish and keep a Ferry across the Mississippi river, at the town of Nashville, in Lee county.

The House resumed the consideration of

No. 57, "A Bill to amend an act relative to Practice in the District Courts."

Mr. Miller moved to amend said Bill, by adding the following section, to wit:

Sec. 3d. When the plaintiff is a non-resident of the county, the Clerk of the Court may, if he think it expedient, demand of him security for costs, before the institution of the suit, and the Court shall, at any time before the trial, and on the application of the defendant, and his affidavit filed, stating that he is not indebted to the plaintiff in the sum demanded, or any less amount, order the plaintiff to give security for costs, and if he fail to do so, the suit shall be dismissed at his costs, provided, the security for costs shall in no case be extravagant, but moderate.

On motion of Mr. Langworthy,

The following was inserted at the beginning of said section: "In all suits hereafter commenced in any of the Courts of record in this Territory."

The question was then put, on the adoption of the amendment, as amended, and determined in the affirmative. Yeas 13, Nays 10.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Felkner, Isett, Langworthy, Leffler, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Brierly, Browning, Hendershott, Lash, Lewis, Porter, Steele, Whitaker, and Cox, Speaker.

So the amendment was agreed to.

On motion of Mr. Mason,

The Bill was further amended, by adding the following, to wit:

"That the 7th section of an act amendatory to an act, regulating Practice, passed at the session of 1839–'40, be, and the same is hereby, repealed."

A motion was then made by Mr. Summers, that said Bill be engrossed and read a third time on Monday next.

And previous to the question being put,

A motion was made by Mr. Miller, to amend the Bill further, by striking out the words "bond, note, or other instrument of writing," and inserting "single bill, promissory note, or due bill," to which the House agreed.

The question was then put, Shall the Bill be engrossed and read a third time on Monday next? and determined in the affirmative.

Yeas 24, Nays 1.

YEAS—Messrs. Avery, Box, Brierly Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

NAY—Mr. Browning.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER—

The Council have passed,

No. 15, C. F. Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route from Davenport to Iowa City, via Ivanhoe.

No. 24, C. F. A Bill to amend an act entitled An Act, regulating interest on money in the Territory of Iowa.

No. 26, C. F. A Bill entitled, An Act to designate and fix the place of holding the several Courts for the county of Lee.

In which the concurrence of the House of Representatives is requested.

The Council have appointed Mr. Springer, a Committee on the part of the Council, to act with the Committee appointed by the H. of Representatives, to examine the Public Buildings, &c., at Iowa City, and Mr. Coop, on the part of the Council, to examine the Public Buildings at Fort Madison.

And then he withdrew.

Mr. Browning, on leave, presented the petition of Francis Gehon, asking a balance of compensation for taking the census of this Territory agreeable to the Resolution, passed at the last annual session of the Legislative Assembly.

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Browning, Hendershott, and Summers, said Committee.

No. 58. H. R. File, entitled

"A Joint Resolution, relative to an appropriation for a Military road from Davenport to Iowa City," and,

No. 59, H. R. File, entitled

"A Bill to amend an act entitled "An Act, to authorize James Leonard, Oliver A. Crary, and others, to establish and a Ferry, across the Mississippi river at the town of Charleston," approved January 21, 1839," were severally read a second time, and ordered to be engrossed, and read a third time on Monday next.

No. 61, H. R. File entitled

"A Bill prohibiting the selling or giving intoxicating liquors at vendues," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee of the whole House, and made the order of the day for Monday next.

No. 1, C. F. "A Memorial for an appropriation to construct a Military Road from Bloomington to Iowa City;" and,

No. 7, C. F. "A Memorial to Congress, for the establishment of a Mail route," were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 45, H. R. File, entitled

"A Bill to incorporate the town of Berlin, in Scott county;" was read a third time.

On motion of Mr. Summers,

Ordered, That said Bill do lie upon the table.

No. 48, H. R. "A Bill relative to Mechanics' Liens, was read a third time, and pending the passage of the Bill,

On motion of Mr. Miller,

The House adjourned until Monday next.

Monday Morning, December 14, 1840.

Mr. Robertson presented the remonstrance of sundry citizens of the town of Parkhurst, remonstrating against a change of the name, and the incorporation of said town·

Ordered, That said remonstrance be referred to the delegation from Scott and Clinton counties.

Mr. Teeple presented the petition of sundry citizens of Washington county, praying that a Territorial Road may be located, leading from the east line of said county, to intersect the road from Burlington to Iowa City.

On motion of Mr. Teeple,

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Teeple, Felkner, and Toole, said Committee

On motion of Mr. Toole,

Ordered, That the Joint Committee, appointed to examine into the affairs of the Penitentiary, be instructed to enquire into the expediency of reducing the salary of the Superintendent, or to dispense with his services.

Mr. Toole, from the Committee on Engrossed Bills, reported Nos. 51, 52, 54, 58, and 59, as correctly engrossed.

Mr. Browning, from the Select Committee, to which was referred the petition of Francis Gehon, Marshal of the Territory, praying an appropriation for his extra services in taking the census, under a Joint Resolution, passed at the session of 1839–40, reported

No. 66, H. R. File, entitled

"A Joint Resolution, making a compensation to Francis Gehon, for his extra trouble in taking the census," which was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a second time now.

The Resolution was then read a second time, and, on motion,

The House resolved itself into a Committee of the Whole House, for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and

Mr. Felkner reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that said Resolution do lie upon the table.

The motion was lost.

A motion was made by Mr. Porter, to amend the Resolution, by filling the blank with two "hundred dollars."

And previous to the question being put,

A motion was made by Mr. Hendershott, to fill the blank with "three hundred and fifty dollars."

And the question being put.

Was determined in the affirmative. Yeas 15, Nays 7.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hendershott, Isett, Lewis, Mason, Miller, Porter, Summers, Van Antwerp, Walworth, Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Leffler, Robertson, Steele, Teeple, Toole, Whitaker, and Wilson of H.

So the amendment was agreed to.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a third time now.

The Resolution was then read a third time.

A motion was then made by Mr. Whitaker, to lay the Resolution upon the table until to-morrow morning.

The motion was lost.

The question was then put, Shall the Resolution pass?

And was determined in the affirmative. Yeas 14, Nays 7.

The Yeas and Nays being desired by Mr. Whitaker,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hendershott, Isett, Lewis, Mason, Miller, Porter, Summers, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Leffler, Robertson, Steele, Teeple, Toole, Whitaker, and Wilson of H.

So the Resolution passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Steele, from the Select Committee, to which was referred the petition of sundry citizens of Van Buren county, praying that a charter may be granted to John Godden, to erect a dam across the Des Moines river at Rising Sun, reported, That they had had the same under consideration, together with a remonstrance, in relation to the

same, and are under the impression that a dam at that place would be of public utility, and that they have every confidence in John Godden, and believe that he will put in valuable improvements, which may much enhance the value of property in that part of the county, and, in consequence, introduce

"A Bill, to authorize John Godden, his heirs or assigns, to build a dam across the Des Moines river;" which was read a first time.

Mr. Robertson, from the Select Committee, to which was referred the petition of sundry citizens of Jackson county, reported

No. 68, H. R. File, entitled

"A Bill, to establish a Territorial Road, from Charleston, in Jackson county, to Tipton, in Cedar county;" which was read a first time.

Mr. Toole, from the Select Committee on the Revenue Laws, to which was re-committed No. 62, H. R. File,

"A Bill, providing for assessing and collecting county revenue," reported the same back to the House without amendment, and recommended the printing of the same.

The report of the Committee was concurred in.

Mr. Leffler, from the Committee on the Judiciary, to which was referred No. 17, C. F.

"A Bill, to amend an Act to provide for changing Venue in civil and criminal cases," reported the same back to the House, and that it is inexpedient to pass any law, authorizing the Judges to grant, or not to grant, changes of venue, at their discretion.

A motion was made by Mr. Summers, to lay the report upon the table. The motion was lost.

The question was then put on concurring in the report of the Committee, and determined in the affirmative. Yeas 17, Nays 4.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hendershott, Isett, Leffler, Lewis, Mason, Miller, Steele, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Robertson, Summers, Toole, and Cox, Speaker.

So the report of the Committee was concurred in.

Mr. Mason, from the Select Committee, to which was referred the petition of sundry citizens of Dubuque county, reported

No. 69, "A Bill supplementary to an Act, to change the time of holding the District Courts in the second and third Judicial Districts.

Mr. Mason reported, also,

No. 70, H. R. File, "A Bill to amend the act concerning the distribution of the Laws."

Said Bills were severally read a first time.

Mr. Leffler, from the Committee on the Judiciary, to which was referred the resolution, instructing the Committee to enquire into, and

report to this House, whether the Auditor has a legal right to pay the salary of the Military officers in this Territory, out of the Territorial Revenue, reported, that the Auditor had no legal right to pay any monies out of the same.

A motion was made by Mr. Box, that the House concur in the report of the Committee.

And the question being put,

Was determined in the affirmative.

Mr. Toole, from the Select Committee, to which the subject was referred, reported

No. 71, H. R. File, "A Bill to repeal an Act creating a Territorial Treasurer;" and also,

"An Act, creating an Auditor of Public Accounts."

Mr. Miller, in accordance with previous notice, introduced

No. 72, H. R. File, entitled

"A Bill, to authorize Henry M. Koonts, and William Doak, Jr., to execute a deed to Rebecca A. Palmer."

Said Bills were severally read a first time.

Bills from Council of the following titles, viz:

No. 15, "A Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route from Davenport to Iowa City."

No. 24, "A Bill to amend an act, entitled "An Act, regulating interest on money in the Territory of Iowa."

No. 26, "A Bill, entitled "An Act, to designate and fix the place of holding the several Courts in the county of Lee;"

Were severally read a first time.

No. 48, H. R. File, "A Bill relative to Mechanics' Liens," having been read a third time on Friday last, and being under consideration,

The question was put, Shall the Bill pass?

Was determined in the affirmative.

No. 61, H. R. File, entitled

"A Bill, prohibiting the selling or giving intoxicating liquars at Vendues," being the order of the day,

Was committed to a Committee of the whole House, for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration and directed him to report the same without amendment.

A motion was made by Mr. Walworth, that the Bill be engrossed and read a third time to-morrow.

And the question being put.

Was determined in the negative. Yeas 10, Nays 10.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Browning, Lewis, Mason, Miller, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Leffler, Steele, Summers, Whitaker, and Cox, Speaker.

So the Bill was lost.

On motion of Mr. Summers,

The House adjourned.

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2 O'CLOCK P. M.

No. 1, C. F. "A Bill to amend an act, allowing and regulating Writs of Attachment," was read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

On motion of Mr. Browning,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 5, C. F. entitled "A Joint Resolution, providing for the printing of the Laws of the present session;" was read a second time.

On motion of Mr. Box,

Ordered, That said Resolution do lie upon the table.

No. 14, C. F. entitled "A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation to reimburse the citizens of Fort Madison, for the expense incurred in deeding ten acres of land, on which to erect the Penitentiary," was read a second time.

On motion of Mr. Box,

The House resolved itself into a Committee of the Whole House, for the consideration of said Resolution. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that the Resolution be read a third time on to-morrow.

And the question being put.

Was determined in the affirmative. Yeas 17, Nays 4.

The Yeas and Nays being desired by Mr. Steele,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Hendershott, Lewis, Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H., Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Isett, Leffler, Steele, and Whitaker

The Resolution was ordered to a third reading on to-morrow.

A message from the Council, by Mr. Wallace, their Secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council have passed,

No. 16, C. F. Joint Resolution, relative to a Mail route from Knoxville, Ill., to Iowa City, &c. &c.

No. 28, C. F. A Bill to amend an act, districting the Territory of Iowa into Electoral Districts.

In which the concurrence of the House of Representatives is requested.

I herewith present for your signature,

An Act to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City. And

A Memorial to Congress, for an appropriation to improve certain Territorial Roads.

And then he withdrew,

The Speaker then signed the above entitled Act and Memorial.

No. 53, H. R. File, "A Bill, to provide for the electing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings;" was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to a Committee of the Whole House, and made the order of the day for Wednesday next.

No. 63, H. R. File, "A Bill to amend an act, to provide for the survey of a Territorial Road," approved July 29th, 1840.

Was read a second a time.

On motion of Mr. Hendershott,

Ordered, That said Bill be referred to a Committee of the Whole House, and made the order of the day for Tuesday week.

No. 64, H. R. File, "A Bill to establish a Seminary of Learning at Iowa City, in Johnson county," was read a second time.

On motion of Mr. Felkner,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein.

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed.

On motion of Mr. Felkner,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

Mr. Mason, from the Committee on Enrolled Bills, reported

"An Act, to divorce Elizabeth Jones from her husband Berry Jones," as correctly enrolled.

The Speaker then signed said Act.

On motion of Mr. Mason,

Ordered, That two members be added to the Committee on Enrolled Bills. Whereupon,

The Speaker appointed Messrs. Van Antwerp and Teeple.

Mr. Box gave notice, that he would, on some future day, introduce

"A Bill to amend an act entitled, An Act subjecting real and personal estate to execution.

Mr. Mason gave notice, that he would, on some day hereafter, introduce

"A Bill to district the county of Dubuque into three County Commissioners' Districts, and a Bill to regulate Grocery Licenses.

Mr. Teeple gave notice, that he would, on some future day, introduce

"A Bill to establish a Territorial Road, from Burlington to Washington, in Washington county.

Mr. Hendershott, in accordance with previous notice, and leave being granted, introduced

No. 73, H. R. File, "A Bill to amend an Act entitled, an Act relative to Landlords and Tenants," which was read a first time.

On motion, the House adjourned.

Tuesday Morning, December 15, 1840.

Mr. Brierly, from the Select Committee, to which was referred the petition of sundry citizens of Lee county reported

No. 74, H. R. File,

"A Bill to authorize Samuel Troxell, to erect a dam across Big Sugar Creek in Lee county," which was read a first time.

Mr. Toole, from the Select Committee, to which several petitions of sundry citizens of Louisa county were referred, reported

No. 75, H. R. File,

"A Bill to locate and establish certain Territorial roads in Louisa county," which was read a first time.

Mr. Lash, from the Committee on engrossed Bills, reported Nos. 50. 55. 56. and 57. as correctly engrossed.

Mr. Browning, from the Select Committee to which was referred,

"A Bill to dissolve the bonds of matrimony, between John Phillips and Nancy Phillips his wife;" reported

No. 76, H. R. File, as a substitute which was read a first.

Mr. Box, in accordance with previous notice, introduced

No. 77. H. R. File,

"A Bill to amend an act, subjecting real and personal estate to execution," which was read a first time and ordered to be printed.

Mr. Teeple, in accordance with previous notice, introduced

No. 78, H. R. File, entitled

"A Bill to establish a Territorial road, from the north part of Washington county to the Missouri line," which was read a first

Mr. Mason, from the Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his approval.

A Preamble and Joint Resolution, asking the establishment of a Mail route, from Iowa City to Galena in Illinois via Bellview; and,

A Joint Resolution, asking our Delegate in Congress to use his influence for the establishment of a Semi weekly Mail route, from Bloomington to Marion in Linn county."

Mr. Mason, also reported as correctly enrolled,

"A Memorial for an appropriation, to improve the Territorial road, from Burlington to Fairfield in Jefferson couuty."

The Speaker then signed said Memorial.

Mr. Mason, in accordance with previous notice, introduced

No. 79. H. R. File

"A Bill to district the county of Dubuque into County Commissioner's Districts.

Mr. Mason, iu accordance with previous notice, introduced

No. 80, H R. File,

"A Bill to amend an act entitled "an act, regulating Grocery Licenses."

Said Bills were read a first time.

Mr. Walworth, from the Committee on Mail routes reported

No. 81, H. R. File, entitled

"A Memorial to Congress, on the subject of Post roads," which was read a first time and ordered to be printed.

Mr. Leffler, from the Select Committee appointed for that purpose, reported

No. 82, H. R. File, entitled

"A Bill to provide for the election of Legislative officers, and to fix their compensation."

Mr. Teeple, in accordance with previous notice, introduced

No. 83, H. R. File, entitled

A Bill to establish a Territorial road from Burlington in Des Moines county, to Washington in Washington county.

Said Bills were severally read a first time.

On motion of Mr. Box,

No. 1, H. R. File, entitled

A Memorial to Congress, for an appropriation for the Penitentiary;" was taken from the table, read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 16. C. F. "Joint Resolution, relative to a Mail route from Knoxville Ill. to Iowa City;" and,

No. 28. C. F. entitled A Bill to amend an act, Districting the Territory into electoral districts," were severally read a first time.

No. 15. C. F. Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route, from Davenport to Iowa City via Ivanhoe," was read a second time, and referred to the Committee on Post routes."

No. 24. C. F. "A Bill to amend an act, entitled an act regulating interest on money," was read a second time.

No. 26. C. F, A Bill entitled an act, to designate and fix the place of holding the several Courts for the county of Lee," was read a second time.

On motion of Mr. Box,

Ordered, That said Bills be read a third time on to-morrow.

No. 65, H. R. File,

A Bill to establish a Territorial road, from Burlington to the mouth of the Des Moines river," was read a second time.

On motion of Mr. Leffler,

Ordered, That said Bill do lie upon the table, until the first Monday in January.

No. 67, H. R. File,

A Bill to authorize John Godden, his heirs and assigns, to build a dam across the Des Moines river," was read a second time.

On motion of Mr. Lewis,

The House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Mason, reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Lewis,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 68. H. R. File

A Bill to establish a Territorial road, from Charleston in Jackson county to Tipton in Cedar county," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 69, H. R. File,

A Bill supplementary to an act, to change the time of holding the

District Courts in the 2nd and 3rd Judicial Districts," was read a second time.

On motion of Mr. Mason,

Ordered, That said Bill do lie upon the table.

No. 70. H. R. File,

A Bill to amend an act concerning the distribution of the Laws," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 71, H. R. File,

A Bill to repeal an act, creating a Territorial Treasurer and an act creating an Auditor of Public Accounts, was read a second time.

On motion of Mr. Toole,

Ordered, That said Bill be referred to the Committee on Expenditures.

No. 72, H. R File,

A Bill to authorize Henry M. Koontz and William Doak Jr., to execute a deed to Rebecca A. Palmer, was read a second time; and,

On motion of Mr. Miller,

Ordered to be engrossed and read a third time on to-morrow.

No. 73. H. R. File,

A Bill to amend an act entitled an act, relative to Landlords and Tenants," was read a second time; and,

On motion, referred to a Committee of the Whole House, and made the order of the day for Thursday next.

Bills &c. of the following titles viz:

No. 14. C. F. Preamble and Resolution, asking of Congress an appropriation, to reimburse the citizens' of Fort Madison, for the expenses incurred in deeding ten acres of land on which to erect the Penitentrary."

No. 49, H. R. File,

"Joint Resolution, asking the Sale of the reserved Mineral Lands in this Territory."

No. 50. H. R. File,

A Bill to amend an act entitled an act, to re-locate the County Seat of Jackson county."

No. 51. H. R. File,

A Bill to amend the acts therein named."

No. 52, H. R. File,

"A Joint Resolution, requesting our Delegate in Congress, to use his influence to have the office of Governor made elective by the people."

No. 54. H. R. A Bill to amend an act to incorporate the City of Dubuque."

No. 55. H. R. File,

A Bill to establish certain Territorial Roads.

No. 56. H. R. File,

A Bill to locate and establish a Territorial road, from Keokuk in Lee county, to Mount Pleasant in Henry county."

No. 58. H. R. File,

A Joint Resolution, for an appropriation for a Military road, from Davenport to Iowa City."

No. 59. H. R. File,

A Bill to amend an act, concerning the Ferry at Charleston, approved January 21, 1839."

Were severally read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 57, H. R. File, entitled

"A Bill relative to practice, in the District Courts," was read a third time.

A motion was mape by Mr. Browning, that said Bill be referred to a Select Committee of one member from each Judicial District. Pending which question.

On motion of Mr. Hendershott,

The House adjourned.

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2 O'CLOCK P. M.

The House resumed the consideration of No. 57. H. R. File, A Bill relative to practice, in the District Courts," and the question pending at the adjournment, being to refer said Bill to a Select Committee of member from each Judicial District, and being put,

Was determined in the negative. Yeas 6, Nays 14.

The Yeas and Nays being desired by Mr. Walworth.

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hendershott, Leffler, Van Antwerp, and Walworth.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Isett, Lash, Lewis, Mason, Miller, Summers, Teeple, Toole, Whitaker, Wilson of H. and Wilson of J.

So the Bill to refer, was lost.

The question was then put, Shall the Bill pass?

And was determined in the affirmative. Yeas 18, Nays 2.

The yeas and nays being desired by Mr. Whitaker.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hendershott, Isett, Lash, Lewis, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,
Messrs. Browning, and Leffler.
So the Bill passed and the title was agreed to.
Ordered, That the Clerk acquaint the Council therewith.
A message from the Council, by Mr. Wallace, their Secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council have passed,

No. 22, C. F. A Bill supplementary to an act, concerning water crafts found adrift, lost goods &c.

No. 25, C. F. A Bill relative to incorporated religious Societies.

No. 27, C. F. A Bill to relocate the Seat of Justice of Clinton County.

Also, with amendments.

No. 24, H. R. A Bill supplemental to an act defining the duties of County Surveyors.

In all of which the concurrence of the H. of R. is requested. Also without amendment.

A Resolution to compensate Francis Gehon for his extra services in taking the census.

And then he withdrew.

No. 6, H. R. File, entitled

A Bill to amend an act, directing the valuation and Sale of Lots in Iowa City, and to provide for executiug deeds to the same," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be referred to the Committee of the Whole House, and made the order of the day for Thursday next.

No. 22. C. F. A Bill supplemental to an act concerning water crafts fouud adrift, Lost goods &c."

No. 25. C. F. "A Bill relative to incorporated religious Societies," and,

No. 27, C. F. "A Bill to relocate the Seat of Justice in Clinton county," were severally read a first time.

On motion of Mr. Summers,

The House adjourned.

Wednesday Morning, December 16, 1840.

Mr. Felkner, from the Committee on Territorial Affairs, reported

No. 84, H. R. File, entitled

"A Memorial to Congress, asking for an additional Land District," which was read a first time.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 15th inst., present to the Governor, for his approval,

An Act to authorize Walter Terrell to build a dam across the Iowa river, near Iowa City;" and,

"A Memorial to Congress, for appropriations to improve certain Territorial roads." Also, on the 16th inst.

"An Act to divorce Elizabeth Jones from her husband Berry Jones;" and,

"A Memorial for an appropriation, to improve the Rapids of the Mississippi river."

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 64 and 70, H. R. File, as correctly engrossed.

Mr. Brierly, in accordance with previous notice, introduced

No. 85, H. R. File, "A Bill to authorize Elias Smith & Co. to establish and keep a Ferry across the Mississippi river, at the town of Nashville," which was read a first time.

No. 24, H. R. File, "A Bill, supplementary to an act, defining the duties of County Surveyors," approved Dec. 25, 1838. as returned from the Council with an amendment, was taken up and considered.

On motion of Mr. Box,

Ordered, That the House do concur in said amendment.

No. 53, H. R. File, entitled

"A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," being the order of the day, was committed to a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chiar, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, and ask leave to sit again. Leave was granted.

On motion of Mr. Hendershott,

The House adjourned.

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2 O'CLOCK P. M.

The House resumed, in Committee of the Whole House, the consideration of No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report, that the Committee had made some progress, and ask leave to sit again. Leave was granted.

On motion of Mr. Miller.

The House adjourned.

Thursday Morning, December 17, 1840.

Mr. Hendershott presented the petition of sundry citizens of Des Moines and Louisa counties, asking a review of a certain portion of the Territorial road, leading from Oquawka to Florence.

Ordered, That said petition be referred to the delegations from Louisa and Des Moines counties.

Mr. Mason, from the Committee on Enrolled Bills, reported

"A Resolution, to compensate Francis Gehon, for his extra services in taking the census," as correctly enrolled.

The Speaker signed said resolution.

Mr. Hendershott, from the Committee on Incorporations, to which was referred

No. 41, H. R. File, "A Bill to establish a Seminary of Learning at Columbus City, in Louisa county;" reported the same back to the House without amendment; which was laid upon the table.

Mr. Hendershott, from the minority of said Committee, submitted a report, together with No. 86, H. R. File, entitled "A Bill, to establish a Seminary of Learning at Columbus City, in Louisa county," which was read a first time.

On motion of Mr. Lash,

Ordered, That said Bill, together with the report, be printed.

Said report reads as follows:

The objects of the Bill are expressed in its title, and the Seminary proposed to be established is intended for the education of youth of both sexes. The Bill provides for a donation of forty lots of ground in Columbus City, being a donation by Mr. David Mortimore, by the sale of which, as provided for in said Bill, a fund is expected to be raised sufficient to put the Seminary into immediate operation. To accomplish these objects, an act of incorporation is asked for, and in order to render this donation of town lots immediately available, and also to enhance the fund to be derived from their sale, the bill asks the privilege to dispose of these lots by a lottery. Objections to this clause of the bill, led to its reference to your Committee, and to this subject the attention of the Committee has been mostly directed. A system of lotteries has been resorted to in several of the States of this Union, for the purposes of revenue, and their tendency, your Committee believe, is manifestly injurious to the community. Such schemes have usually been sold for a large bonus to some lottery broker, with the corporate privilege of forming the scheme of the lottery, selling

the tickets at large, and drawing the lottery, under the direction of lottery commissioners, appointed by the States, it is true, but whose control extended no farther than to see that the lottery was fairly drawn, the bonus received and paid into the State Treasury. These brokers take care in forming their scheme, to cover the bonus paid to the State for the right to the lottery, and their own profits, no slight sum in such a speculation, and then they force the sale of their tickets in every part of the community. As State revenue is wanted, scheme after scheme is thus sold, and the tickets forced into market. Every one is induced to try their fortunes in the lottery by the most flattering and exaggerated descriptions, and the scheme always shows you "not quite two blanks to a prize." No one but an accomplished arithmetician can understand the calculations of the scheme, or detect its defects, and not even then without a knowledge of the basis upon which these calculations are founded. Hence the people are easily deceived in the chances of the lottery; and if they happen to lose by the first venture, they are stimulated and persuaded to try again. Some fortunate holder of a ticket, perhaps, has drawn a large prize, and thus has acquired a sudden fortune; and, why, says one, may not a similar chance be mine. I will venture again, at all events. Thus a continued excitement is kept up in the community.—Avarice induces some—distress compels others to try their fortunes in a lottery, and a gambling habit insensibly creeps into general fashion, to the great prejudice of the morals and interests of the community. Your Committee would reprobate such a state of things in this Territory, and they seriously hope that they shall never see a lottery system introduced among us for the purpose of raising a revenue. This system for such purposes, is now generally abandoned, it is believed, in every State in this Union. But the lottery asked for in this bill, is of a very different character. The avarice of no one can be awakened or gratified by it. No one's necessities could be relieved or his distress mitigated by drawing a prize. Its capital is a limited number of town lots, of a value that every one understands. There cannot be any fraudulent scheme proposed, for there is no bonus to cover, no profit to be made, but what grows out of the sale of the lots, and all this is for the benefit of the community, who are deeply interested in promoting the means of education. No one will be stimulated to buy these tickets for the value of the prize that may drawn to them. Whoever does purchase a ticket will do so for the purpose of aiding the cause of education in our infant Territory. The poor and distressed will have no inducements to meddle with them. Most of these tickets will probably be sold abroad and purchased by those who can afford, and who may feel willing to contribute so much in this way, to further our plans. This will bring some additional capital among us, of which we shall derive the benefit. When this lottery is drawn, if the bill passes, the matter is ended, and cannot be repeated for any object.—

And the drawing of such a lottery for such a purpose, your Committee cannot suppose, will ever be likely to ripen into an injurious custom, or introduce any gambling habits into the community. Besides, your Committee are of opinion, that if this privilege is not granted in this bill, the only mode by which the Trustees can dispose of these lots, the only capital on which they depend for establishing the institution, must be by private sale, or a sale at auction to the highest bidder. The process of the first will be so slow as to prevent the Seminary from going into operation for years to come, like most others that have been chartered in this Territory—and the last would sacrifice the property and defeat the beneficent design of the donor. These lots, sold in either way, would only bring the lowest price, and would not yield more, upon a fair calculation, than from two to three thousand dollars. If the lottery privilege is granted, the Trustees of the Seminary may put an estimate upon their lots in the scheme, that every one may see the object of, and basis upon which the lottery is founded. They will constitute so many prizes to be drawn, and no one can be deceived by the plan, or induced to purchase a ticket for the prospect and chance of a prize. In this way this donation may be made to yield a fund of from ten to twelve thousand dollars. Another important consideration has presented objects to your Committee, if these lots are disposed of by a lottery, the avails will all be received at once, and speedily, and will be ready to be appropriated to the erection of the buildings, and such other purposes as may be necessary to put the Seminary into immediate operation. Your Committee find, from examination, that many of the States, which have been most scrupulous and careful upon this subject, have repeatedly granted single lotteries for the promotion of literary and scientific objects. Massachusetts has granted her college lotteries to raise funds for her literary institutions. Connecticut, Rhode Island, New York, Pennsylvania, Maryland, Virginia, Alabama, and other States, have, at different times, granted lotteries for the promotion of literary, scientific, and benevolent objects.—But this is not a provision for a lottery to raise funds for the purposes of education, but merely to prescribe the mode of disposing of a fund already donated, which only requires to be changed into money to be rendered available, while in its present state, it is a useless donation. Hence your Committee concludes, that, where the end is upright and justifiable, and the means honest and fair, no evil is likely to result to the community by the passage of this bill. They, therefore, recommend the passage of this bill, as amended, with the privilege of disposing of the lots donated, by a lottery. Therefore, the minority of the Committee recommend the passage of the bill.

Mr. Lash from the Committee on Engrossed Bills, reported Nos. 67, 68, and 72, as correctly engrossed.

Mr. Porter, from the Select Committee, to which was referred "A

Bill amendatory of an Act, to organize and govern the Militia," &c. submitted a report, which was read. together with No. 87, H. R. File, "A Bill amendatory of an Act, to organize, discipline, and govern the Militia of the Territory," which was read a first time.

On motion of Mr. Miller,

Ordered, That said Bill, together with the report, be printed.

Said Report reads as follows:

The Select Committee, to which was referred the subject of amendments to the Militia Law, beg leave to report:

That having had the same under consideration, have come to the conclusion, that the present Militia System is onerous to our citizens, productive of no good to the community, and ought to be abolished.

Could our present system be carried into perfect operation—the Militia completely equipped, well drilled and organized—your Committee would entertain stronger doubts of the practicability of abolishing it. Even then, however, they believe the expense to the soldier, and the loss to the community, would more than counterbalance all good results. But our system is not perfect, and cannot be bettered; our soldiers are without arms, and have no means of equipping themselves; the present law is disregarded in some sections of the Territory, and confusion seems to be worse confounded.

As the law now exists, every person liable to perform military duty is required to arm himself; this law if enforced, would be a great hardship upon our citizens: very few are in circumstances that would warrant the expenditure of the amount required for that purpose. In fact, most of those required to perform military duty, are the least able to bear the necessary expenses; if the law is not enforced, it is a dead letter, and the officers of our militia are guilty of no less an offence than perjury. In entering upon the duties of their offices, they are required to take an oath to obey the laws of the Territory, and enforce them; and that law requires them, in case any of the men under their command are not legally equipped, to report the fact, and order a court martial. Has this ever been done? Has a fine ever been imposed? Has not the law fallen still-born, and added another to the catalogue of legislative abortions? Is it not then a dead letter and a nuisance in the statute book, a stumbling block conducing to perjury and crime; perjury consists as well in wilfully neglecting to do an act required, as in doing an act prohibited.

Your Committee consider that a law which public opinion will not sanction, and one so odious that it will not assist in enforcing, shonld be immediately repealed.

What good results from the present system? None; it is an immense burden to our constituents. The number of persons liable to perform military duty in this Territory, are perhaps about eleven thousand; and a fair estimate of the actual loss to the country, by that number of persons being taken from their ordinary avocations, cannot

be less than one dollar per day: making an aggregate loss of $22,000, estimating the loss of time at only two days in each year, to say nothing of the other expenses incurred, of the injury done to the morals of the community; of the crimes committed, and usually attendant upon muster days. Is not this actual loss to the Territory enough to deter us from longer endeavoring to maintain so deplorable a system? If the present plan is to be continued, its requirements should be enforced. If the militia are to be drilled, they ought to be well drilled, and shey should be armed; our corn-stock drills are of no benefit—they teach neither the duty of the soldier nor the use of arms—they are a burlesque upon the law, and consequently their influence is injurious and debasing. Respect for the law should always be inculcated and maintained.

The cost of procuring suitable arms, accoutrements, &c. cannot, at a low estimate, be less than $15, each soldier, making a sum total of $165,000. Thus, it must be apparent, that to support and effectively organize our militia, under the present system, would be a loss to the Territory of $187,000. What equivalent shall we receive for this enormous sum? None whatever, but a little military glory to deck the brows of some of our seekers after fame.

Your Committee have reported a Bill which accompanies this report, repealing the former law, so far as general militia duty is concerned, and throwing the burden upon those who reap the honors. The officers are required to muster as before, and keep rolls of the men able to do duty in their respective precincts. In case of invasion or threatened disorder, the governor is authorized to call out the militia as before; we believe this is all our safety, our honor, or our happiness requires. If the calamity of war should come upon our country, we should be as well prepared for it as we are now; our men as well equipped and as dutiful.

It is worthy of remark here, that it was admitted by the commanding officers of the last war, that the best soldiers were those men who had never seen a musket.

All of which is respectfully submitted.

Mr. Walworth, from the Committee on Post Routes, to which was referred No. 15, C. F. "Joint Resolution, asking our Delegate in Congress to procure the establishment of a Mail route from Davenport to Iowa City, via Ivanhoe," &c., reported the same back to the House with an amendment, which was read a first time.

No. 6, H. R. File, entitled

"A Bill, to amend an act entitled An Act, directing the valuation and sale of lots in Iowa City, and to provide for executing deeds to the same;" being the order of the day, was committed to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Porter,

Ordered, That said Bill do lie upou the table.

A Message from the Council, by Mr. Wallace, their Secretary:

MR. SPEAKER—

The Council have passed,

No. 30, C. F. "A Bill additional and supplementary to an Act, for the benefit of settlers, &c. on the half breed lands, approved December, 1839," and

No. 33, C. F. "A Bill to district the county of Linn for the election of County Commissioners." Also, without amendment,

No. 1, H. R. File, entitled

"A Memorial to Congress, for an appropriation for the Penitentiary." In which the concurrence of the House of Representatives is requested.

And then he withdrew.

The House again resumed the consideration of No. 53, H. R. File, entitled "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," in Committee of the Whole House. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and made some considerable progress, and directed him to report the same, and ask leave to sit again on to-morrow.

Leave was granted.

No. 73, H. R. File, A Bill to amend an act entitled "An Act relative to Landlords and Tenants," being the order of the day, was committed to a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

A motion was made by Mr. Miller, to strike out all after the enacting clause of said Bill.

Pending which question,

On motion of Mr. Hendershott,

The House adjourned.

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2 O'CLOCK P. M.

The question pending at the adjournment, being to strike out all after the enacting clause of

No. 73, H. R. "A Bill, to amend an act entitled, an Act, relative to Landlords and Tenants."

And previous to the question being put,

Mr. Whitaker moved a call of the House, which was had, and the roll being called, the following members failed to answer to their names, viz: Messrs. Box, Brierly, Lewis Porter, and Wilson of J.

The Speaker directed the Sergeant-at-Arms to require the attendance of the absentees.

After a short time, the absentees appearing, the further call of the House was, on motion, suspended.

A motion was then made by Mr. Box, that the Bill be referred to a Select Committee.

The motion was lost.

The question then recurred on the motion to strike out all after the enacting clause, and being put, was determined in the affirmative.

Yeas 14, Nays 8.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Felkner, Leffler, Lewis, Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Wilson of H., Wilsonof J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Box, Brierly, Browning, Hendershott, Isett, Lash, Walworth, and Whitaker.

So the motion was agreed to.

No. 16. C. F. "A Joint Resolution, relative to a Mail route from Knoxville, Ill., to Iowa City," &c., was read a second time.

On motion of Mr. Summers,

Ordered, That said Resolution be read a third time on to-morrow.

No. 22, C. F. "A Bill supplementary to an act, concerning water crafts found adrift, lost goods," &c., was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Teeple reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Ordered, That said Bill be read a third time on to-morrow.

No. 25, C. F. "A Bill, to incorporate Religious Societies," was read a second time; and,

On motion of Mr. Toole,

Ordered, to be read a third time on to-morrow.

No. 27, C. F. "A Bill to relocate the Seat of Justice of Clinton county," was read a second time.

Ordered, That said Bill be referred to the Select Committee, composed of the delegations from counties of Scott and Clinton, and Muscatine and Johnson.

No. 28, C. F. "A Bill to amend an act, districting the Territory into Electoral Districts," was read a second time.

On motion of Mr. Summers,

Referred to the Select Committee aforesaid.

No. 74, H. R. File, " A Bill to authorize Samuel Troxell to erect a dam across Big Sugar Creek, in Lee county;" was read a second time.

On motion of Mr. Brierly,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 75, H. R. File, "A Bill to locate and establish certain Territorial Roads in Louisa county," was read a second time.

On motion of Mr. Toole,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 76, H. R. File, "A Bill for the partial dissolution of the bonds of matrimony, between John Phillips and Nancy Phillips, his wife," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that the Bill do lie upon the table.

The motion was lost.

A motion was made by Mr. Whitaker, that said Bill be indefinitely postponed, which was determined in the negative.

A motion was made by Mr. Summers, to strike out the last section of said Bill.

And the question being put,

Was determined in the affirmative. Yeas 20, Nays 1.

The yeas and nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Leffler. Lewis, Mason, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J., and Cox, Speaker.

Mr. Box voting in the negative.

So the section was stricken out.

On motion of Mr. Browning,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 77, H. R. File, "A Bill to amend an act, subjecting Real and Personal Estate to execution." was read a second time.

On motion of Mr. Lash,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same, and ask leave to sit again.

Leave was granted.

Mr. Teeple, from the Committee on Enrolled Bills, reported, that they did, on the 16th inst present to the Governor for his approval,

"A Resolution to compensate Francis Gehon, for extra services in taking the Census."

Mr. Teeple also reported "An act supplementary to an act defining the duties of County Surveyors," as correctly enrolled.

The Speaker then signed said act.

On motion of Mr. Lewis,

The House adjourned.

Friday Morning December 18, 1840.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council have passed,

No. 31. C. F. A Bill to incorporate the Fairfield Lyceum.

No. 32. C. F. A Bill to amend "an act, to regulate ferries, approved Dec. 20th, 1838.

No. 34. C. F. A Bill to establish a Seminary of learning, at or near Marion in Linn County. Also, with amendments.

No. 57. H. R. An Act to amend "An act, relative to practice in the District Courts.

In which the concurrence of the House of Representatives is requested. Also, without amendments.

No. 52. H. R. "A Joint Resolution, requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people.

No. 54. H. R. A Bill to amend an act, to incorporate the City of Dubuque; and,

No. 56. H. R. A Bill to locate and establish a Territorial Road from Keokuk in Lee County to Mount Pleasant in Henry County.

I herewith present for your signature,

A Memorial to Congress, for the establishment of a Mail route," and,

A Memorial for an appropriation to construct a Military Road from Bloomington to Iowa City.

And then he withdrew,

The Speaker then signed, the above named Memorials.

Mr. Teeple presented the petition of sundry citizens of Washington county, praying that a law may be passed, to authorize Michael Hayse and Joseph B. Rodgers, to erect a dam across the west fork of Crooked Creek, in said county.

Ordered, That said petition be referred, to a Select Committee, whereupon, the Speaker appointed Messrs. Teeple, Summers and Felkner said Committee.

Mr. Teeple, presented the petition, and remonstrance of sundry citizens of the county of Washington, in relation to the Military road from Dubuque to the Missouri line.

Ordered, That said petition and remonstrance, be referred to the Select Committee appointed some days since, in relation to said road.

Mr. Toole from the Committee on Territorial Affairs, reported,

No. 88, H. R. File,

A Memorial to Congress, asking for an additional purchase of land from the Sac and Fox Indians," which was read a first time.

Mr. Lash from the Committee on engrossed Bills, reported, Nos. 74, and 76. as correctly engrossed.

Mr. Teeple, from the Committee on Roads and Highways, reported,

No. 89, H. R. File,

"A Bill to amend an act, entitled an act, establishing certain Territorial roads," which was read a first time.

A motion was made by Mr. Summers, to take from the table No. 5. C. F. "Joint Resolution to provide for the printing of the Laws of the present Session."

The motion was lost.

On motion of Mr. Mason,

Ordered, That No. 79, H. R. File, entitled

A Bill to District the county of Dubuque into Districts for electing County Commissioners be taken from the table.

The Bill was then taken from the table and read a second time.

On motion of Mr. Mason,

Ordered, That said Bill be read a third time on to-morrow.

On motion of Mr. Miller,

Ordered, That No. 65, H. R. File, A Bill to establish a Territorial Road from Burlington to the mouth of the Des Moines River," be printed.

Bills &c. from the Council of the following titles, viz:

No. 30. A Bill, additional and supplementary to "an act, for the benefit of settlers &c., on the half Breed lands," approved December 6, 1839.

No. 31- "A Bill to incorporate the Fairfield Lyceum."

No. 32. A Bill to amend an act entitled "an act, to regulate ferries," approved Dec. 20. 1838.

No. 33. A Bill to District the county of Linn, for the election of County Commissioners."

No. 34. A Bill to establish a Seminary of learning, at or near Marion in Linn County."

Were severally read a first time.

No. 57, H. R. File, A Bill to amend an act, entitled an act relative to practice in the District Courts," being returned from the Council with an amendment, was taken up and considered.

On motion of Mr. Summers,

Ordered, That the House disagree to said amendment.

The House resumed in Committee of the Whole House, the consideration of No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings."

After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same, and asked leave to sit again on to-morrow.

Leave was granted.

A message from the Council, by Mr. Wallace, their Secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council have passed,

No. 35, C. F. "A Bill to authorize William St. John to keep a Ferry &c., also,

No. 17. C. F. A Joint Resolution, asking our Delegate in Congress to use his influence, to procure an appropriation, for the construction of a Military road from Rock Island to Iowa City."

Which is a substitute for,

No. 58. H. R File, A Joint Resolution, for an appropriation for a Military Road from Davenport to Iowa City."

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

No. 77. H. R. File, "A Bill to amend an act, subjecting Real and Personal estate to execution," was again committed to a Committee of the Whole House for its consideration.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Toole, reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Walworth,

The House adjourned.

2 O'CLOCK P. M.

No. 77, H. R. File,

"A Bill to amend an act, subjecting Real and Personal estate to Execution," being under consideration, as the unfinished business of the forenoon's Session.

On motion of Mr. Isett,

Ordered, That said Bill be referred to a Select Committee; whereupon the Speaker appointed Messrs. Isett, Box, and Lash said Committee.

No. 16. C. F. "A Joint Resolution, relative to a Mail route from Knoxville Ill. to Iowa City;" &c., was read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 22, C. F. A Bill supplementary to an act, concerning water crafts found adrift, lost goods &c., was read a third time.

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 24. C. F, "A Bill to amend an act, regulating interest on money," was read a third time.

A motion was made by Mr. Mason, that said Bill be indefinitely postponed.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 6.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hendershott, Lash, Mason, Miller, Porter, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Isett, Leffler, Lewis, Summers, and Teeple.

So the Bill was indefinitely postponed.

Bills &c. of the following titles viz:

No. 25, C. F. A Bill relative to incorporated religious Societies."

No. 26, C. F. A Bill to designate and fix the place of holding the several Courts for the county of Lee."

No. 64, H. R. File, "A Bill to establish a Seminary of Learning at Iowa City."

No. 67. H. R. File, A Bill to authorize John Godden, his heirs and assigns, to build a dam across the Des Moines river."

No. 70, H. R. A Bill to amend the act, concerning the distribution of the Laws."

No. 72, H. R. File, A Bill to authorize Henry M. Koontz and William Doak Jr., to execute a deed to Rebecca A. Palmer.

No. 74, H. R. A Bill to authorize Samuel Troxell, to erect a dam across Big Sugar Creek in Lee county."

Were severally read a third time, passed and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 68. H. R. File

A Bill to establish a Territorial road, from Charleston in Jackson county to Tipton in Cedar county," was read a third time.

On motion of Mr. Van Antwerp,

Ordered, That said Bill be referred to a Select Committee, Messrs. Van Antwerp Summers, and Isett were appointed said Committee.

No. 76, H. R. File, "A Bill for the partial dissolution of the Bonds of Matrimony, between John Phillips and Nancy Phillips," was read a third time.

A motion was made by Mr. Hendershott, that said Bill be indefinitely postponed.

And the question being put.

Was determined in the negative. Yeas 6, Nays 16.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Box, Hendershott, Summers, Toole, Van Antwerp, and Walworth.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Mason, Miller, Porter, Teeple, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the question was lost.

A motion was made by Mr. Mason that the Bill do lie upon the table.

And the question being put,

Was determined in the negative. Yeas 7, Nays 15.

The Yeas and Nays beingdesired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Box, Hendershott, Mason, Summers, Teeple, Toole, and Van Antwerp.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Miller, Porter, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the motion was lost.

The question then being put, Shall the Bill pass?

Was determined in the affirmative Yeas. 14, Nays 8.

The Yeas and Nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Miller, Porter, Teeple, Whitaker, Wilson of H., and Cox Speaker.

Those who voted in the negative, were,

Messrs. Box, Hendershott, Mason, Summers, Toole, Van Antwerp, Walworth, and Wilsonof J.

On motion of Mr. Browning,

Ordered, That all Bills or Memorials on their third reading, be read by their titles, unless their reading at length be called for by some member.

Mr. Isett, in accordance with previous notice introduced No. 90. H. R. File, A Bill to confer, on certain associations of the citizens of this Territory, the powers and immunities of corporations, or bodies politic in law," which was read a first time, and ordered to be printed.

No. 15. C. F. A Joint Resolution, asking our Delegate in Congress, to procure the establishment of a Mail route, from Davenport to Iowa City, via Ivanhoe," was read a second time.

On motion of Mr. Walworth,

Ordered, That said Resolution do lie upon the table.

No. 78. H. R. File, "A Bill to establish a Territorial Road from the north part of Washington county, to the Missouri line," was read a second time.

On motion of Mr. Teeple,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

On motion of Mr. Lewis,

Ordered, That said Bill be engrossed, and read a third time on Monday next.

No. 80. H. R. File, "A Bill to amend an act, regulating Grocery License," was read a second time.

On motion of Mr. Miller,

Ordered, That said Bill be referred, to a Select Committee, whereupon, the Speaker appointed Messrs. Miller, Lash, and Walworth, said Committee.

No. 81, H. R. File, A Memorial to Congress, on the subject of Post Routes in the Territory of Iowa," was read a second time.

On motion of Mr. Summers,

The House resolved itself into a Committee of the Whole House on said Memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lash reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with sundry amendments; to which the House agreed.

On motion of Mr. Hendershott,

The House adjourned.

Saturday Morning, December 19, 1840.

Mr. Toole offered the following:

Resolved, That the Committee on Territorial Affairs, be rquested to give the subject of the admission of this Territory into the Union as one of the States, in 1843,—their consideration, and report to this House during the present session.

On motion of Mr. Summers,

The words "in 1843" were stricken out; and,

On motion of Mr. Lash,

Ordered, That said Resolution do lie upon the table,

Mr. Leffler, on leave, introduced No. 91, H. R. File, "A Resolution for the appointment of a Committee to revise the Laws," which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported,

No. 75, H R. File, "A Bill to locate and establish certain Territorial Roads in Louisa county," as correctly engrossed.

The House then resumed the consideration of

No. 81, H. R. File, "A Memorial to Congress, for the establishment of certain Post Routes," &c.

On motion of Mr. Summers,

The Memorial was amended, by inserting the following paragraph, to wit:

"One at Princeton, in Scott county, and that Haswell H. Pinneo be appointed Post-master."

A motion was made by Mr. Hendershott, to insert the word "Tipton" in the paragraph, asking a route to be established from Bloomington to Iowa City.

And the question being put, was determined in the negative. Yeas 1, Nays 20.

The Yeas and Nays being desired by Mr. Hendershott, he voted in the affirmative.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

So the motion was lost.

Several amendments being made to said Memorial, it was,

On motion of Mr. Summers,

Ordered to be engrossed and read a third time on Monday next.

The House resumed, in Committee of the Whole House, the con-

sideration of No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings." After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments.

On motion of Mr. Summers,

The House adjourned.

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2 O'CLOCK P. M.

A Message from the Council, by Mr. Wallace their Secretary.

Mr. Speaker:

The Council have passed,

No. 37. C. F. "A Bill to lay out and establish a Territorial Road from Bellview to Iowa City;" and,

No. 38, C. F. A Bill to amend an act entitled "An Act, to incorporate the town of Bloomington."

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace," &c., being under consideration, as reported by the Committee of the Whole House during the forenoon's session, a motion was made by Mr. Lash, that the House do not concur in the amendment to the 10th article, by the addition of an entire section—providing that the party agrieved in any case of trial or judgment before a justice of the peace, either by jury or otherwise, may take the same to the District Court of the proper county by writ of certiorari, &c.

And the question being put,

Was determined in the negative. Yeas 5, Nays 15.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Brierly, Hendershott, Lash, Summers, and Whitaker.

Those who voted in the negative, were,

Messrs. Box, Browning, Felkner, Isett, Leffler. Lewis, Mason, Miller, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. Wilson of J., and Cox, Speaker.

So the motion was lost.

The remaining amendments were severally read, and concurred in.

A motion was made by Mr. Lewis, to amend the Bill in the 12th article, by inserting the following after the 2d sect., to wit:

"And that all abusive language, that is calculated to excite the passions of a reasonable mind, such as, liar, and other approbrious

epithets, shall be an assault within the meaning of this act, and any person may plead the same in bar, upon a charge of an assault or assault and battery."

And the question being put,

Was determined in the negative. Yeas 10, Nays 11.

The Yeas and Nays being desired by Mr. Browning,

Those who voted in the affirmative, were,

Messrs. Browning, Brierly, Hendershott, Isett, Lewis, Summers, Toole, Wilson of H., Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Felkner, Lash, Leffler, Mason, Miller, Teeple, Van Antwerp, Walworth, and Whitaker.

So the amendment was lost.

A motion was made by Mr. Summers, to amend the 9th sect. in the 7th article, by reducing the stay on executions, for a sum over twenty dollars, and under fifty—from 90 days to 60.

And the question being put,

Was determined in the negative.

A motion was made by Mr. Lash, to strike out in the same section the word "thirty" and insert "forty-five," making a stay on a sum less than twenty-five dollars, forty-five days.

And the questiou being put,

Was determined in the affirmative. Yeas 12, Nays 9.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Hendershott, Lash, Mason, Miller, Toole, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Isett, Leffler, Lewis, Summers, Teeple, Van Antwerp, and Walworth.

A motion was made by Mr. Browning, to strike out in the 6th article, sections 4 and 5, in relation to witnesses who may refuse to be sworn, or to give testimony.

And previous to the question being put,

A motion was mada by Mr. Lash, to amend said motion, by striking out in the 4th sect. the words "who shall not appear, or," and being accepted by Mr. Browning, the question was put, and determined in the affirmative. Yeas 12. Nays 9.

The Yeas and Nays being desired by Mr. Browning,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly Browning, Hendershott, Isett, Lash, Leffler, Lewis. Teeple, Toole, and Whitaker.

Those wh voted in the negative, were,

Messrs. Felkner, Mason, Miller, Summers, Van Antwerp, Walworth, Wilson of H· Wilson of J. and Cox, Speaker.

So the amendment was agreed to.

A motion was made by Mr. Isett, to lay the Bill on the table.

The motion was lost.

A motion was made by Mr. Summers, that the Bill be referred to the Committee on the Judiciary.

Which was determined in the negative.

A motion was made by Mr. Lash, to amend the 2d sect. in article 1st, as follows,

"No Clerk of the Board of County Commissioners, Sheriff, or county Surveyor, shall hold the office of Justice of the Peace."

And the question being taken,

Was determined in the affirmative. Yeas 12, Nays 9.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Browning, Felkner, Lash, Leffler, Lewis, Mason, Miller, Toole, Whitaker, and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Hendershott, Isett, Summers, Teeple, Van Antwerp, Walworth, Wilson of J. and Cox. Speaker.

So the amendment was adopted.

On motion of Mr. Van Antwerp,

Ordered, That said Bill do lie upon the table until Monday morning.

On motion of Mr. Isett,

No. 38, C. F. "A Bill to amend an act to incorporate the town of Bloomington," was taken up and read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

The Bill was then read a second time, and ordered to a third reading on Monday next.

Mr. Teeple, from the Committee on Enrolled Bills, reported, that the Committee had this day presented to his Excellency the Governor for his approval,

"An Act supplementary to an act defining the duties of county Surveyors."

Mr. Teeple also reported as correctly enrolled,

"A Memorial to Congress for an appropriation for the Penitentiary."

The Speaker then signed said Memorial.

On motion, the House adjourned.

Monday Morning, December 21, 1840.

Mr. Lash gave notice, that he would, on some future day, introduce a bill to amend an act, entitled An Act to prevent and punish gambling. Also,

A Bill, to repeal the fourth section of an act, for assessing and collecting County Revenue, approved January 14th, 1840.

Mr. Miller, from the Select Committee, to which was referred No. 80, H. R. File, "A Bill to amend an act, regulating Grocery Licenses," reported the same back to the House withoutamendment, which was read a first time.

On motion of Mr. Mason, Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

The Bill was then read a second time; and,

On motion of Mr. Mason,

Ordered to be engrossed and read a third time on to-morrow.

Mr. Lash, from the Committee on Engrossed Bills, reported No. 78, H. R. File, as correctly engrossed.

Mr. Lash, from the Committee on Expenditures, to which was referred No. 40, H. R. File, "A Bill to repeal the act requiring each of the counties to pay five per cent on their Assessment Rolls, into the Territorial Treasury," and No. 71, H. R. "A Bill to repeal an act, creating a Territorial Treasurer," and "An Act, creating an Auditor of Public Accounts," reported the same back to the House, together with No. 92, H. R. File, "A Bill to repeal certain acts therein named," as a substitute for said Bill; which was read a first time.

Mr. Hendershott, from the Committee on Corporations, submitted the following report:

The Committee on Corporations, to which was referred the petition of Joseph Williams and Charles A. Warfield, for a further extension of a Charter to keep a Ferry across the Mississippi at the town of Bloomington, have had the same under consideration, and are of opinion that the prayer of the petitioners should not be granted.

Therefore, your Committee ask to be discharged from any further action on the subject.

The House concurred in the report.

Mr. Brierly, on leave, introduced No. 93, H. R. File. "A Bill to locate the county seat of Lee county," which was read a first time.

Mr. Summers, from the Committee appointed on the part of the House, to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses on Nos. 5 and 6,

C. F., reported, that the Committee on the part of the House, have receded from the amendments to No. 5, entitled "A Bill, providing for the service of Writs by copy in certain cases," and the Committee on the part of the Council have agreed to the amendments of the House to No. 6, entitled "A Bill supplemental to an act regulating Practice in the District Courts." Whereupon, it was

Ordered, That said report do lie upon the table.

The House resumed the consideration of No. 53, H. R. File, "A Bill for electing Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings."

A motion was made by Mr. Porter, to amend the first sect. in the first article of said Bill, by inserting the words "in Trenton Precinct" after the words "in Wappello Precinct," which was agreed to.

A motion was made by Mr. Browning, to strike out the 2d sect. in the 10th article, requiring any person wishing to take an appeal, to file his affidavit, that he believes injustice has been done him, and does not ask an appeal for the purpose of delaying payment, but that justice may be done.

And the question being put,

Was determined in the negative. Yeas 2, Nays 17.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Browning and Felkner.

Those who voted in the negative, were,

Messrs. Avery Box, Brierly, Hendershott, Isett, Lash, Lewis, Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Whitaker, Wilson of H., and Cox, Speaker.

So the motion was lost.

Several slight amendments being made to said Bill, it was, on motion, ordered to be engrossed and read a third time on Thursday next.

No. 17, C. F. "A Joint Resolution, asking our Delegate in Congress, to use his influence to procure an appropriation for the construction of a Military road, from Rock Island to Iowa City, via Rochester," was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Resolution be read a second and third time now.

The Resolution was then read a second and third time, and passed.

Ordered. That the Clerk acquaint the Council therewith.

No. 35, C. F. "A Bill to authorize William St. John to keep a Ferry," &c.; and,

No. 37, C. F. "A Bill to lay out and establish a Territorial road from Bellview to Iowa City," were severally read a first time.

No. 30, C. F. "A Bill additional and supplemental to an act, for the benefit of Settlers, &c., on the Half Breed Lands," was read a second time.

On motion of Mr. Teeple,

Ordered, That said Bill be read a third time on to-morrow.

No. 31, C. F. "A Bill to incorporate the Fairfield Lyceum," was read a second time.

On motion, the House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Box, that the Bill be indefinitely postponed; and the question being put,

Was determined in the negative. Yeas 6, Nays 14.

The Yeas and Nays being desired by Mr. Lewis,

Those who voted in the affirmative, were,

Messrs. Box, Browning, Summers, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly Felkner, Hendershott, Isett, Lash, Leffler, Lewis, Miller, Porter, Teeple, Toole, Wilson of H. and Wilson of J.

So the motion was lost.

On motion of Mr. Lewis,

Ordered, That said Bill be read a third time on to-morrow.

A message from the Council, by Mr. Wallace, their Secretary.

MR. SPEAKER—

I am directed to inform the House of Representatives that the Council insist upon their amendment to

No. 57, H. R. An Act to amend "An Act relative to Practice in the District Courts;" and have passed

No. 18, C. F. "Joint Resolution asking our Delegate in Congress to procure the establishment of a Post Office at Pleasant Valley, in Linn county.

In which the concurrence of the House of Representatives is requested.

I herewith present, for your signature,

An Act to designate and fix the place of holding the several Courts for the county of Lee.

An Act relative to incorporated religious Societies.

Joint Resolution, relative to a Mail route from Knoxville, Ill., to Iowa City.

Preamble and Resolution, asking our Delegate in Congress, to use his influence to obtain an appropriation to reimburse the citizens of Fort Madison for the expense incurred in deeding a certain tract of land on which to erect the Penitentiary.

The Council have adopted the report of the Committee of Conference relative to the disagreement of the two Houses upon

No. 5. C. F. "A Bill providing for the service of Writs by copy, in certain cases." And,

No. 6, C. F. "A Bill supplemental to an act regulating Practice in the District Courts of the Territory of Iowa."

And then he withdrew.

The Speaker then signed the above entitled Acts and Resolutions.

No. 32, C. F. "A Bill to amend an act, to regulate Ferries," approved Dec. 20, 1838, was read a second time.

On motion of Mr. Summers,

Said Bill was referred to a Committee of the Whole House on to-morrow.

No. 33, C. F. "A Bill to District the county of Linn, for the election of County Commissioners;" was read a second time, and ordered to a third reading on to-morrow.

No. 34, C. F. "A Bill to establish a Seminary of Learning at or near Marion, in Linn county;" was read a second time.

On motion of Mr. Toole,

Ordered, That said Bill be read a third time on to-morrow.

No. 62, H. R. File, "A Bill to provide for assessing and collecting county revenue," was read a second time, and,

On motion of Mr. Toole,

Referred to a Committee of the Whole House, and made the order of the day for to-morrow.

No. 82, H. R. File, "A Bill to provide for electing Legislative officers, and to fix their compensation," was read a second time.

On motion,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment; to which the House agreed.

Several amendments being proposed, a motion was made by Mr. Box, that the Bill be indefinitely postponed.

And the question being put,

Was determined in the negative. Yeas 6, Nays 15.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Browning, Isett, Mason, Porter, and Teeple.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Felkner, Hendershott, Lash, Leffler, Lewis, Miller, Summers, Toole, Van Antwerp, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the motion was lost.

On motion of Mr. Porter,

The House adjourned.

2 O'CLOCK P. M.

The House resumed the consideration of No. 82, H. R. File, "A Bill to provide for electing Legislative Officers, and to fix their compensation."

On motion of Mr. Lash,

The first blank in the second section of said Bill was filled with the word "five," making the compensation of the Chief Clerk five dollars per day, and the remaining Blank with the word "three" making the compensation of the other officers three dollars per diem.

On motion of Mr. Felkner,

Ordered, That said Bill be engrossed, and read a third time on tomorrow.

On motion of Mr. Isett,

No. 38, C. F. "A Bill to amend an act, to incorporate the Town of Bloomington," was read a third time and passed.

Ordered that the Clerk acquaint the Council therewith

No. 75, H. R. File, "A Bill to locate and establish certain Territorial Roads in Louisa county," was read a third time.

On motion of Mr. Teeple, by unanimous consent, the Bill was amended, by adding an entire section to the same.

The Bill was then passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Robertson, from the Select Committee appointed on the part of the House to visit and examine the Penitentiary at Fort Madison, on leave, submitted their report, which was read; and,

On motion of Mr. Summers, laid upon the table and one hundred copies ordered to be printed.

Said report reads as follows:

The Committee appointed to repair to Fort Madison and make a thorough examination of the present condition of the Penitentiary at that place, and also to examine the materials on hand, books, papers, and records of the Director and Superintendent thereof, to examine into the condition of the prisoners, and the cause of escapes, and to collect all other necessary information, &c. respectfully report, that upon a thorough examination, the committee are of opinion, that the work, so far as it has progressed, has been well executed, and not to be surpassed in materials and workmanship by any work of a similar kind in the western country.

The committee are of the opinion that the condition of the building, as regards its advancement, corresponds with the report of the Director, with the exception of that part in relation to the cells. They find only six of the cells completed without the doors; the other four lack the flagging and the doors. This, however, was satisfactorily explained by the director.

On examination, the committee find the materials on hand, on the Illinois side of the river, to be one hundred and thirty perches of dimension stone, and three hundred and fifty perches of common stone; on the ground, within the yard of the penitentiary, two hundred perches common stone; and on the bank of the river, a short distance above the penitentiary, about thirty perches mixed, some of dimension, and the balance of common stone.

The committee are of the opinion, that the materials above mentioned, if used in accordance with the plan of the director, as contained in his report, are sufficient to place the building in such a situation as to safely secure the convicts, provided the plan of the director, in regard to the outer walls being built with brick, be adopted.

The committee, from estimates made by the director and superintendent, are disposed to conclude, that the cost of building the yard walls, with stone, five hundred and fifteen feet long, twenty feet high, three feet thick at the bottom, and eighteen inches at top, making in all, one thousand and fifty-four perches, will amount to $4,216. And the same walls of the before mentioned dimensions, if built of brick, requiring five hundred and ten thousand, laid in the walls, at eight dollars, will amount to $4,080.

The committee would here suggest the propriety of adopting the former plan as being more durable, and as corresponding better with the work already completed.

The committee, upon a first examination of the books, papers, receipts, and records of the director and superintendent, found the same to be somewhat irregular and complicated; but upon a more careful and thorough examination, they find them to correspond with the report of the director at the commencement of the present session, as follows, viz:

In the possession of the superintendent, receipts to the amount of - - - - -	$20,000 00
Certificates to the amount of - - -	2,302 44
One certificate since the report of director, - -	19 74
And a contract with Wells and Wilson, for work to the amount of - - - - .	8,000 00

The committee have also examined into the condition and situation of the prisoners, and find them to be in a good and healthy condition: well clad, and suitably accommodated as regards boarding and lodging. They are lodged in the cellar under the guard room of the penitentiary. During the day they are moderately exercised in such employment as the director may order.

The committee find the following named persons as convicts, now remaining in the penitentiary, situated and employed as above, viz: James McCubben, Samuel Wilson, John Howard, Bartlet Dennison, Ephraim Whitacre, and Samuel Green, who are each well secured with a chain and ball, and properly guarded.

The following is a list of the names of the convicts who have es-

caped from the penitentiary the present year, together with their terms of servitude, viz:

James Guy, - - - - -	23 years.
Jacob Abdon, - - - - -	11 "
Samuel Conlogue, - - - - -	8 "
Lester Wallace, - - - - -	3 "
J. Prichard, - - - - -	1 "
Making in all, - - - -	46 years.

Your committee also examined a number of persons, under oath, in relation to the escape of convicts from said penitentiary; and after hearing all the testimony which they were able to procure upon that subject, have come to the conclusion, that the several escapes, (with one exception) were accidental, and wholly unavoidable, and not in consequence of a want of vigilance and prompt discharge of duty on the part of the guard in whose custody they were placed.

The exception alluded to above, is that of Lester Wallace, Samuel Conlogue, and Jacob Abdon, all of whom made their escape at the same time from the cellar under the guard-room, where they were kept, by breaking up the floor of the said guard-room while the guard (Mr. Vanosdale) was at supper. This, your committee view as a gross and flagrant omission of duty on the part of the guard, and for which he was immediately discharged by the director.

Your committee would respectfully recommend the passage of a law to provide for the appointment of superintendent of the penitentiary in like manner to that of director, making it the duty of said superintendent to devote his attention exclusively to the management of all the affairs connected with the erection of said penitentiary, and to have control of the convicts, in keeping them employed in such manner as would be most likely to advance and expedite the erection and completion of said works; and, also, requiring of him, in addition to his quarterly settlement with the director, to report annually to the Legislative Assembly, all his proceedings in relation to the duties required of him as superintendent of said penitentiary. The above suggestions are made from a firm belief, that, if properly managed, the work would progress faster, and with less expense than it has heretofore.

Your committee would also urge the propriety of continuing the operation of the penitentiary, as there would evidently be a great loss should the work stop for the present, as every preparation is now made, and the progress of the work under way, which if stopped, must necessarily be attended with great inconvenience and additional cost.

Your committee were instructed by a special resolution of the House of Representatives, to examine into the propriety of reducing the annual salary of the superintendent, or to dispense with his services.

Your committee, after thoroughly investigating the duties of the several officers employed in the erection of the penitentiary, management, and control of its convicts, &c., have come to the conclusion, that it would be inexpedient to dispense with the services of that officer at the present time; but that the superintendent might, for the salary which is now allowed him, also perform the duties of director, and thereby save to the Territory the annual sum of five hundred dollars, that being the amount which is paid the present director for his services.

All of which is respectfully submitted. And your committe ask to be discharged from further consideration of the subject.

No. 78, H.R. File, "A Bill to establish a Territorial Road from the north part of Washington county to the Missouri line."

No. 79, H. R. File, "A Bill to district the county of Dubuque into Districts for electing County Commissioners;" were severally read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 83. H. R. File, "A Bill to establish a Territorial Road from Burlington to Washington, in Washington county."

No. 84, H R. File, "A Memorial to Congress for an additional Land District."

No. 85, H. R. "A Bill to authorize Elias Smith to establish and keep a Ferry, across the Mississippi River," were severally read a second time, and ordered to be engrossed and read a third time on to-morrow.

No. 86. H. R. "A Bill to establish a Seminary of Learning, at Columbus City in Louisa county," was read a second time.

On motion, The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Avery reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

A motion was made by Mr. Summers, to strike out in the 5th sect. of said Bill the words "lottery or otherwise" and insert the words "public or private sale."

And previous to the question being put, Mr. Lash moved a call of the House which was ordered, and the roll being called, those who failed to answer to their names, were Messrs. Robertson and Wilson of H.

The Sergeant at Arms was then directed to require the attendance of the absentees.

After a short time, the absentees having appeared, the further call of the House, was, on motion, suspended.

The question was then taken and determined in the affirmative. Yeas 15, Nays 9.

The yeas and nays being desired by Mr. Brierly,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Isett, Lash, Lewis, Mason, Miller, Porter, Steele, Summers, Van Antwerp, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Hendershott, Leffler, Robertson, Teeple, Toole, Walworth, and Cox, Speaker.

So the amendment was agreed to.

A motion was then made by Mr. Hendershott, to strike out the enacting clause of said Bill.

And the question being put.

Was determined in the affirmative.

So the Bill was lost.

On motion of Mr. Porter,

No. 5, C. F. entitled "A Joint Resolution to provide for the printing of the Laws of the present session," was taken from the table.

On motion of Mr. Lash,

The House resolved itself into a Committee of the Whole House on the said Resolution. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same with an amendment.

A motion was made Mr. Steele, to strike out the name of "James G. Edwards," and insert that of "John H. M'Kenny," upon which a division of the question was called for, and the question then being to strike out the name of "James G. Edwards." Pending which,

A motion was made by Mr. Lewis, that the House do now adjourn.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 8.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Browning, Felkner, Leffler, Lewis, Mason, Miller, Porter, Robertson, Teeple, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Brierly, Hendershott, Isett, Lash, Steele, Summers, Van Antwerp, and Cox, Speaker.

So the House adjourned.

Tuesday Morning, December 22, 1840.

Mr. Toole presented the petition of sundry citizens of Louisa county, praying that a Territorial Road may be located, leading from Columbus City, in Louisa county, via John Lee's, to New London, in Henry county.

On motion of Mr. Porter,

Ordered, That said petition be referred to the delegations from Louisa and Henry counties.

Mr. Leffler presented the petition of sundry citizens of the counties of Des Moines and Louisa, praying for a Territorial Road from Burlington to Black Hawk, in Louisa county.

Ordered, That said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Leffler, Browning, and Toole said Committee.

On motion of Mr. Steele,

Ordered, That the Committee on the Judiciary be instructed to examine, and report to this House, at an early period, whether the warrants issued by the Auditor of Public Accounts, to certain militia officers of this Territory, have been legally issued, and whether the Territory is legally bound for the payment of the same.

Mr. Teeple, from the Select Committee, to which the subject was referred, reported

No. 93, H. R. File, "A Memorial to Congress, for the re-location of a certain portion of the Militiary Road, from Dubuque to the Missouri line," which was read a first time.

Mr. Walworth, from the Committee on Territorial Roads, to which was referred

No. 19, C. F. "A Bill to amend an act, establishing certain Territorial Roads therein named," reported the same back to the House, with an amendment; which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 80, 81, 82, and 84, as correctly engrossed.

Mr. Lash, from the Committee on Expenditures, to which was referred the Petition of T. S. Parvin, asking compensation as private Secretary to the Governor, &c., submitted a report, in relation to the same, which was read, as follows:

The Standing Committee on Expenditures, to which was referred a Resolution together with a petition of T. S. Parvin, beg leave to report:

That they have had the same under consideration, and in the opin-

ion of your Committee, T. S. Parvin is entitled to compensation for his services as private Secretary, but your Committee cannot believe that the power is vested in the Legislature, to authorize the Secretary of the Territory, to appropriate any money now in his hands, to such use.

Your Committee therefore, recommend the adoption of the following resolution:

Resolved, That the Secretary of the Territory, be requested to embody in his next estimates the claim of T. S. Parvin, setting forth the amount and character of services, together with the amount claimed.

The question being taken on the report only,

It was concurred in.

Mr. Hendrshott offered the following as a substitute for the resolution attached to said report:

Resolved, That this House allow T. S. Parvin, for services rendered to the Legislature of 1838–'39, the sum of four hundred dollars, and that the Secretary of the Territory be instructed to embody the same in his next estimates, and that the Secretary be requested to pay said Parvin his claim, so soon as the same shall come into his hands.

Pending the adoption of which,

Mr. Lash presented a communication from the said T. S. Parvin, which was read at the Clerk's table.

The question was then taken on the adoption of the substitute, and determined in the negative. Yeas 3, Nays 21.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Felkner, Hendershott, and Isett.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

So the substitute was lost.

A motion was made by Mr. Browning, to amend the original Resolution, by requiring the Secretary to the next Legislative Assembly; to which the House agreed.

The question was then put on the adoption of the Resolution, and determined in the affirmative.

Mr. Hendershott, from the Select Committee, to which certain petitions were referred, reported

No. 95, H. R. File, "A Bill to amend an act, establishing certain Territoriai Roads;" which was read a first time.

Mr. Van Antwerp, from the Select Committee, to which was referred, No. 68, H. R. File, "A Bill to establish a Territorial Road, from Charleston, in Jackson county, to Tipton, in Cedar county," reported the same back to the House without amendment.

The Bill then passed to a second reading.

Mr. Teeple, from the Committee to which a certain petition was referred, reported

No. 96, H. R. File, "A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a dam across the westfork of Crooked Creek, in Washington county."

Mr. Lash, in accordance with previous notice, introduced

No. 97, H. R File, "A Bill to amend an act entitled, an Act, to prevent and punish gambling."

Said Bills were severally read a first time.

The House then resumed the consideration of No. 5, C. F. "A Resolution, to provide for the printing of the Laws of the present session;" and the motion pending at the adjournment, being to strike out the name of "James G. Edwards," and being put,

Was determined in the affirmative. Yeas 13, Nays 11.

The yeas and nays being desired by Mr Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Lash, Leffler, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Browning, Lewis, Mason, Miller, Porter, Robertson, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was agreed to.

A motion was then made by Mr. Summers, to fill the blank, by inserting the name of "John H. McKenny."

And the question being put,

Was determined in the affirmative. Yeas 15, Nays 9.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hendershott, Isett, Lash, Leffler, Mason, Steele, Summers, Teeple, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Browning, Lewis, Miller, Porter, Robertson, Toole, Walworth, Wilson of H., and Wilson of J.

So the blank was filled with the name of John H. McKenny.

A Message from the Council, by Mr. Wallace their Secretary.

Mr. Speaker:

I am directed to inform the House of Representatives, that the Council have passed,

No. 8, C. F. "A Memorial to Congress, on the subject of a further purchase of land from the Sac and Fox Indians."

No. 9, C. F. "A Memorial, asking Congress to remove the Winnebago Indians from the Neutral Tract, with a view to a permanent residence.

No. 39, C. F. "A Bill for the relief of the citizens of Muscatine county."

In which the concurrence of the House of Representatives is requested.

Also, without amendment,

No. 64, H. R. File, "A Bill to establish a Seminary of Learning at Iowa City, in Johnson county."

No. 72, H. R. File, "An Act authorizing Henry M. Koontz and Wm. Doak, Jr., to execute a deed to Rebecca A. Palmer.

No. 74, H. R. File, "A Bill to authorize Samuel Troxell, to erect a dam across Big Sugar Creek in the county of Lee."

No. 76, H. R. File, "A Bill partially to dissolve the bonds of matrimony between John Phillips and Nancy Phillips."

Also, with amendment,

No. 59, H. R. File, "A Bill to amend an Act concernieg the Ferry at Charleston."

And then he withdrew.

On motion, the House adjourned.

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2 O'CLOCK P. M.

The House resumed the consideration of No. 5, C. F. "A Joint Resolution, to provide for the printing of the laws of the present session.

A motion was made by Mr. Summers, that the Resolution be read a third time on to-morrow.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 6.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Leffler, Steele, Summers, Teeple, Toole, Van Antwerp, Whitaker, and Cox Speaker.

Those who voted in the negative, were,

Messrs. Lewis, Miller, Robertson, Walworth, Wilson of H., and Wilson of J.

So the Resolution was ordered to a third reading on to-morrow.

No. 57, H. R. File, "A Bill to amend an act, relative to Practice in the District Courts," being returned from the Council with their amendment insisted upon; and being under consideration,

On motion of Mr. Miller,

Ordered, That the House do insist upon their disagreement to said amendment, and that a Committee of Conference be appointed in relation to the same.

Whereupon, the Speaker appointed Messrs. Miller, Summers, and Avery, said Committee.

A motion was made by Mr. Summers, to take from the table the

report of the Committee of Conference, appointed in relation to the disagreeing vote of the two Houses to No. 5, C. F. "A Bill providing for the service of Writs by copy, in certain cases," and No. 6, C. F. "A Bill supplemental to an Act regulating Practice in the District Courts."

To which the House agreed.

A motion was made by Mr. Summers, that the House concur in said report, and upon which a division of the question was called for.

And the question then being, to concur in that part relating to No. 5, C. F. "A Bill providing for the service of Writs, &c., in certain cases."

And the question being put,

Was determined in the affirmative Yeas. 14, Nays 9.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Felkner, Hendershott, Isett, Lash, Miller, Robertson, Steele, Summers, Teeple, Whitaker, and Wilson of H.

Those who voted in the negative, were,

Messrs. Browning, Leffler. Lewis, Mason, Toole, Van Antwerp, Walworth, Wilson of J., and Cox, Speaker.

The question was then taken upon concurring in the report in relation to No. 6, C. F. "A Bill supplemental to an act, regulating Practice in the District Courts;" and determined in the affirmative.

No. 59, H. R. File, A Bill to amend an act, concerning the Ferry at Charleston," approved Jan. 21, 1839, as returned from the Council, with an amendment, and being under consideration,

A motion was made by Mr. Summers,

That the House do concur in said amendment, to which the House agreed.

No. 62, H. R. File, "A Bill to provide for assessing and collecting County Revenue," being the order of the day, was committed to a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, and ask leave to sit again.

Leave was granted.

Mr. Teeple, from the Committee on Enrolled Bills, reported, that the Committee had this day presented to the Governor for his approval,

"A Memorial to Congress for an appropriation for the Penitentiary."

Mr. Teeple also reported,

"A Joint Resolution, requesting our Delegate in Congress, to use

his influence, to have the office of Governor made elective by the people."

An Act to locate and establish a Territorial Road from Keokuk in Lee county, to Mount Pleasant in Henry County;" and,

"An Act to amend an act, entitled "An act to incorporate the City of Dubuque," as correctly enrolled.

The Speaker then signed the above entitled Acts and Resolution.

On motion of Mr. Brierly,

The House adjourned.

Wednesday Morning December 23, 1840.

Mr. Lash presented the petition of sundry citizens of Henry county, praying that a Territorial Road may be located, leading from Columbus City in Louisa county, via New London &c. to intersect the Road leading from Fort Madison to Mount Pleasant.

Ordered, That said petition be referred to a Select Committee, composed of the Delegations of Louisa and Henry counties.

Mr. Mason, from the Committee on enrolled Bills, reported that the Committee did on the 22d inst. present to the Governor for his approval.

An Act relative to incorporated religious Societies."

An Act to designate and fix the place of holding the several Courts for the county of Lee.

A Joint Resolution, relative to a Mail route from Knoxville Ill. to Iowa City &c. and,

A Preamble and Joint Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation, to reimburse the Citizens of Fort Madison, for the expenses incurred in deeding a certain tract of land, on which to erect the Penitentiary.

Mr. Mason, also reported,

"An act to amend an act, concerning the Ferry at Charleston."

An act authorizing Henry M. Koontz and William Doak Jr., to execute a deed to Rebecca A. Palmer.

An act partially to dissolve the Bonds of matrimony between John Phillips and Nancy Phillips; and,

An act to authorize Samuel Troxell, to build a dam across Big Sugar Creek in Lee county," as correctly enrolled.

The Speaker then signed the above entitled acts.

A message from the Council, by Mr. Wallace, their Secretary.

Mr. Speaker—

I am directed to inform the House of Representatives that the Council have passed the following Resolution.

Resolved, (The House of Representatives concurring herein) that the Council adjourn on Wednesday the 23d inst until Saturday Jan. 2nd, 1841.

And then he withdrew.

A motion was made by Mr. Summers, to take from the table No. 15, C. F. Joint Resolution asking our Delegate in Congress, to procure the establishment of a Mail route from Davenport to Iowa City," to which the House agreed.

Mr Summers, then moved to amend the Resolution, so as to read, "from Peru Illinois via Stephenson, to Davenport Iowa, thence to Iowa City," to which the House agreed.

The Resolution was then ordered to a third reading on to-morrow.

A motion was made by Mr. Mason to take from the table No. 69, H. R. A Bill sunplementary to an act, to change the time of holding the District Courts in the second and third Judicial Districts."

To which the House agreed.

The Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Box,

No. 65. H. R. A Bill to establish a Territorial Road from Burlington to the mouth of the Des Moines River," was taken from the table.

On motion, The House resolved itself into a Committee of the Whole House, on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Van Antwerp reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments.

A motion was made by Mr. Miller, that the House do not concur in striking out the words "Loyd's ford; thence to."

And the question being put,

Was determined in the affirmative. Yeas 11, Nays 10.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Lewis, Miller, Robertson, Toole, Van Antwerp, Walworth, Wilson of H., and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hendershott, Isett, Lash, Leffler, Steele, Summers, Whitaker, and Cox, Speaker.

So the House disagreed to said amendment.

A motion was made by Mr. Hendershott, to refer said Bill to the Delegations from Des Moines and Lee counties.

And the question being put,

Was determined in the negative. Yeas 11. Nays 11.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hendershott, Isett, Lash, Leffler, Mason, Summers, Van Antwerp, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Lewis, Miller, Robertson, Steele, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was lost.

The remaining amendments were severally disagreed to, with the exception of striking out the word "January" and inserting the word "February," to which the House agreed.

On motion of Mr Hendershott,

Ordered, That said Bill be engrossed, and read a third time on the first Monday in January.

Mr. Isett, on leave presented the petition of sundry citizens of Johnson and Muscatine counties, asking a relocation of a Territorial Road from Rockingham to Iowa City.

Mr. Isett, also, presented the remonstrance of sundry citizens of Scott and Muscatine counties, remonstrating against any alteration or relocation of said Road.

Ordered, That said petition and remonstrance be referred to the Delegations from Scott, Muscatine and Johnson counties.

Bills &c. of the following titles to wit:

No. 5, C. F. A Joint Resolution, to provide for the printing of the Laws of the present session.

No. 30, C. F. A Bill additional and Supplementary to an act, for the benefit of settlers &c. on the Half Breed lands.

No. 31. C. F. A Bill to incoporate the Fairfield Lyceum.

No. 33. C. F. A Bill to district the county of Linn for the election of County Commissioners."

No. 34. C. F. "A Bill to establish a Seminary of Learning at or near Marion in Linn county."

No. 80. H. R. File, A Bill to amend an act, regulating Grocery Licenses.

No. 81, H. R "A Memorial to Congress on the subject of Post Roads."

No. 82, H. R. A Bill to provide for the election of Legislative Officers and to fix their compensation; and,

No. 94. H. R. A Memorial to the Post Master General.

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

The Resolution from the Council this morning was taken up, and being under consideration.

A motion was made by Mr. Hendershott to lay the same upon the table, pending which,

On motion of Mr. Van Antwerp,

The House adjourned.

22

2 O'CLOCK P. M.

The Resolution from the Council being under consideration, and the question pending at the adjournment, being to lay the same on the table,

A motion was made by Mr. Steele, to amend said motion, by laying the same upon the table until the first day of January.

And the questiou being put,

Was determined in the negative. Yeas 9, Nays 9.

Yeas—Messrs. Box, Brierly Felkner, Hendershott, Lash, Robertson, Steele, Summers, and Whitaker.

Nays—Messrs. Avery, Browning, Leffler, Lewis, Mason, Toole, Walworth, Wilson of J. Cox. Speaker.

So the motion was lost.

The question was then taken on laying the Resolution on the table.

And the question being put,

Was determined in the negative. Yeas 10. Nays 12.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Brierly, Felkner, Hendershott, Isett, Lash, Robertson, Steele, Summers, Van Antwerp, and Whitaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Browning, Leffler, Lewis, Mason, Miller, Toole, Walworth, Wilson of H., Wilson of J., and Cox, Speaker.

A motion was then made by Mr. Lash, to lay the Resolution upon the table until to-morrow morning

And the question being put,

Was determined in the affirmative. Yeas 19, Nays 3.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Leffler, Lewis, Mason, Miller, Robertson, Steele, Summers, VanAntwerp, Walworth, Whitaker, and Wilson of J.

Those who voted in the negative, were,

Messrs. Toole, Wilson of H., and Cox, Speaker.

So the Resolution was laid upon the table until to-morrow morning.

A Message from the Council, by Mr. Wallace their Secretary.

Mr. Speaker—

The Council have passed,

No. 40, C. F. "A Bill to amend an act entitled An Act, to authorize the keeping of certain Ferries therein named."

In which the concurrence of the House of Representatives is requested.

Also, without amendment,

No. 79, H. R. "A Bill to District the county of Dubuque into Districts for electing County Commissioners."

I herewith present for your signature,

An Act to amend an Act, to incorporate the town of Bloomington.

Joint Resolution, asking our Delegate in Congress to use his influence to procure an appropriation for the construction of a Military Road from Rock Island to Iowa City, via Rochester.

And then he withdrew.

The Speaker then signed the above entitled Act and Resolution.

A motion was made by Mr. Brierly, to take from the table

No. 93, H. R. File, "A Bill to locate the County Seat of Lee county," to which the House agreed.

The Bill was then taken from the table and read a second time.

On motion of Mr. Box,

Ordered, That said Bill do lie upon the table until the first Monday in January.

On motion of Mr. Robertson,

The Report of the Committee appointed to visit and examine the Penitentiary, was taken up, and considered.

On motion of Mr. Lash,

Ordered, That said Report do lie upon the table.

A motion was made by Mr. Robertson, that the House concur in said Report, and that the Committee be discharged. Pending which,

A motion was made by Mr. Felkner, to take from the table No. 6, H. R File, "A Bill to amend an act, directing the valuation and sale of Lots in Iowa City, and to provide for executing deeds to the same."

To which the House agreed.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed, and read a third time on Monday next.

The House resumed, in Committee of the Whole House, the consideration of No. 62, H R. File, "A Bill to provide for assessing and collecting County Revenue." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration, and made some considerable progress, and instructed him to report the same, and ask leave to sit again.

Leave was granted.

Mr. Van Antwerp, from the Committee on Enrolled Bills, reported, that they had, this day, presented to the Governor for his approval,

An Act, authorizing Henry M. Koontz and William Doak, Jr., to execute a deed to Rebecca A. Palmer.

An Act, partially to dissolve the bonds of matrimony between John Phillips and Nancy Phillips.

An Act, to locate and establish a Territorial Road, from Keokuk, to Mount Pleasant.

An Act, to amend an act, concerning the Ferry at Charleston, approved January 21, 1839.

An Act to authorize Samuel Troxell, to erect a dam across Big Sugar Creek.

An Act to amend an act, to incorporate the City of Dubuque; and,

A Joint Resolution, requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people.

Mr. Walworth gave notice, that he would, on some future day, introduce a Bill, providing for and regulating Marks and Brands; also,

A Bill establishing certain Territorial Roads; and,

A Bill to make valid in law the survey of the town of Dartmouth, in Jones county.

Mr. Van Antwerp gave notice, that he would, on some day hereafter, introduce

A Bill to authorize James A. Gower, Willard Hammond, and Horace Hammond, to build a Dam across Cedar River.

Mr. Toole gave notice, that he would, on some future day, introduce

A Bill to amend an act, to incorporate the Burlington and Iowa River Turnpike Company.

No. 63. H. R. File, A Bill to amend an act, to provide for the survey of a Territorial Road, approved July 29th, 1840, being the order of the day, was committed to a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Leffler,

Ordered, That said Bill do lie upon the table until the first Monday in January.

No. 32, C. F. "A Bill to amend an act, to regulate Ferries," approved Dec. 20th, 1838, being the order of the day, was committed to a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Box reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Miller,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Miller, Summers, and Lash, said Committee.

No. 19, C. F. A Bill to amend an act, establishing certrin Territorial Roads therein named, was read a second time, and,

On motion of Mr. Summers,

Ordered to a third reading on to-morrow.

No. 35, C. F. A Bill to authorize William St. John to keep a Ferry, &c., was read a second time, and laid upon the table.

No. 37, C. F. A Bill to locate and establish a Territorial Road from Bellview to Iowa City, was read a second time.

On motion of Mr Walworth,

Ordered, That said Bill be referred to the delegation from Cedar, Jones, and Linn.

No. 68, H. R. File, A Bill to establish a Territorial Road, from Charleston in Jackson county, to Tipton, in Cedar county; was read a second time.

On motion of Mr. Van Antwerp,

Ordered, That the 42d rule be suspended, and the bill be read a 3d time now.

The Bill was then read a third time, and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 87, H. R. File, A Bill amendatory of the several acts organiaing and governing the Militia of this Territory, was read a second time, and,

On motion of Mr. Wilson of H.,

Laid upon the table, subject to the order of the House.

On motion of Mr. Summers,

The House adjourned.

Thursday Morning, December 24, 1840.

Mr. Lash, from the Select Committee, to which were referred certain petitions, reported

No. 98, H. R. File, "A Bill to establish a Territorial Road from Columbus City, in Louisa county, to intersect the Territorial Road from Fort Madison to Mount Pleasant," which was read a first time.

Mr. Lash, from the Committee on Engrossed Bills, reported Nos. 83, 84 and 85, H. R. File, as correctly engrossed.

A motion was made by Mr. Robertson, to take from the table the report of the Committee appointed to visit and examine the Penitentiary, to which the House agreed.

The Report was then taken from the table, and,

On motion of Mr. Robertson,

Ordered, That the same be referred to a Select Committee of one member from each Judicial District.

Whereupon, The Speaker appointed Messrs. Summers, Lash and Isett, said Committee.

On motion of Mr. Box,

The House adjourned until Monday morning next.

Monday Morning, December 28, 1840.

Mr. Browning presented the petition of sundry citizens of Henry county, praying that a certain portion of said county may be attached to Des Moines county;

Ordered, That said petition be referred to the Delegations of Henry and Des Moines counties.

Mr. Lash, from the Committee on Engrossed Bills, reported No. 6. and 65 as correctly engrossed.

Mr. Walworth, in accordance with previous notice, introduced

No. 99. H. R. File,

"A Bill to make valid in law the survey of the Town of Dartmouth in Jones county," which was read a first time.

Mr. Toole, in accordance with previous notice, introduced

No. 100, H. R. File,

"A Bill to amend an act entitled "an act to incorporate the Burlington and Iowa River Turnpike company," approved Jan. 24, 1839. which was read a first time.

On motion of Mr. Lash,

Ordered, That there be a Committee of three appointed, to examine the recorded Journal of this House, and report to-morrow; Whereupon, Messrs. Lash, Walworth and Felkner were appointed said Committee.

Bills &c. from the Council of the following titles, viz:

No. 8. A Memorial to Congress, on the subject of a further purof Land from the Sac and Fox Indians."

No. 9. A Memorial, asking Congress to remove the Winnebago Indians from the neutral tract, with a view to a permanent future residence."

No. 18. A Joint Resolution, asking our Delegate in Congress, to procure the establishment of a Post Office at Pleasant Valley in Linn County."

No. 39. A Bill for the relief of the citizens of Muscatine county," and,

No. 40. A Bill to amend an act entitled "an act, to authorize the keeping of certain Ferries therein named," approved Jan. 17, 1840.

Were severally read a first time.

No. 88, H. R. File A Memorial to Congress, asking for an additional purchase of Land from the Sac and Fox Indians," was read a second time.

On motion of Mr. Toole,

Ordered, That said Memorial do lie upon the table.

No. 89, H. R. A Bill to amend an act entitled "an act, establishing certain Territorial Roads," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

No. 90. H. R. A Bill to confer on certain associations of the citizens of this Territory, the powers and immunities of corporations or bodies politic in law," was read a second time.

On motion of Mr. Lash,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

The Bill was then ordered to a 3rd reading on Monday next.

No. 91, H. R. File, A Resolution, providing for the appointment of a Committee to revise the Laws" was read a second time, and

On motion of Mr. Leffler, referred to a Committee of the Whole House on the first Tuesday in January.

No. 92. H. R. File, A Bill to repeal certain acts therein named," was read a second time, and

On motion of Mr. Summers, laid upon the table until the first Wednesday in January.

No. 93. H. R. File, A Memorial to Congress, for the relocation of a certain portion of the Military Road, from Dubuque to the Missouri line, was read a second time.

On motion of Mr. Lash,

Ordered, That said Memorial do lie upon the table.

No. 95. H. R. File. A Bill to amend an act, establishing certain Territorial Roads," was read a second time.

On motion of Mr. Hendershott,

Ordered, That said Bill be engrossed and read a third time on Wednesday next.

No. 96. H. R. File, A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a dam across the west fork of Crooked creek in Washington county," was read a second time, and

On motion of Mr. Summers,

Laid upon the table.

No. 97. H. R. File, A Bill to amend an act entitled an act to prevent and punish gambling," was read a second time.

On motion of Mr. Miller,

Ordered, That said Bill be referred to a select Committee, with instructions to report to-morrow; Whereupon the Speaker appointed Messrs. Miller, Lash and Browning said Committee.

No. 98. H. R. File, A Bill to locate and establish a Territorial Road, from Columbus City in Louisa county, to intersect the Territorial road from Fort Madison to Mount Pleasant," was read a second time.

On motion of Mr. Lash,

Ordered, That said Bill be engrossed and read a third time on Monday next

Bills &c. of the following titles to wit:

No. 15. C. F. A Joint Resolution, asking our Delegate in Congress to procure the establishment of a mail route, from Davenport to Iowa City via Ivanhoe.

No. 19. C. F. "A Bill to amend an act, establishing certain Territorial Roads therein named."

No. 6. H. R. File, A Bill to amend an act, directing the valuation and sale of Lots in Iowa City, and to provide for executing deeds to the same.

No. 83. H. R. File, "A Bill to establish a Territorial road from Burlington to Washington in Washington county;"

No. 84. H. R. File, "A Memorial to Congress, asking an additional Land District," and

No. 85. H. R. File, A Bill to authorize Elias Smith to keep a Ferry across the Mississippi river:"

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 62. H. R. File, A Bill to provide for assessing and collecting County Revenue; was on motion laid upon the table until Tuesday week.

Mr. Mason, on leave, introduced No. 101. H. R. File "A Bill to incorporate the Presbyterian church of Dubuque," which was read a first time.

On motion of Mr. Toole,

The House adjourned until to-morrow morning.

Tuesday Morning, December 29, 1840.

Mr. Langworthy presented the petition of sundry citizens of Delaware county, praying the re-location of the seat of justice of said county by a vote of the people.

On motion of Mr. Langworthy,

Ordered, That said petition be referred to a Select Committee.

Whereupon, the Speaker appointed Messrs. Langworthy, Summers and Walworth said Committee.

Mr. Miller, from the Select Committee, to which was referred No. 32, C. F. "A Bill to amend an act to regulate Ferries," approved Dec. 20, 1838, reported the same back to the House without amendment, and recommended the indefinite postponement of the same.

The House concurred in the report; so the Bill was indefinitely postponed.

Mr. Lash, from the Committee on Engrossed Bills, reported No. 89, H. R. File, as correctly engrossed.

Mr. Lash, from the Select Committee, appointed on yesterday to examine the Recorded Journal of this House, made the following report:

The Committee appointed to examine the record of the proceedings of the House of Representatives, report, That they have discharged the duty assigned them, and upon examination of said record, find the Journal of Monday the 14th inst. to be the last on record, consequently the Recording Clerk must be behind with his business near two weeks. They also find in that part which is recorded, many errors, frequently whole words and lines, and occasionally whole paragraphs omitted, this being the fact, and your Committee being of the opinion that the record should be an exact transcript of the proceeedings of this House as given by the chief clerk; therefore deem it their duty to recommend the discharge of Robert W. Gray, the present recording Clerk, and the appointment of some other person, whose duty it shall be to record the whole proceedings of this House during the present session.

Your Committee further recommend the appointment of a Standing Committee of two, whose duty it shall be, to examine the Book of the recording clerk every morning and report to this House.

The report was concurred in.

On motion of Mr. Lash,

The House proceeded to the election of a Recording Clerk, Messrs. Steele and Toole were appointed tellers.

After several ballotings, it finally appeared that John R. Woods had received a majority of the whole number of votes given, and was therefore declared to be duly elected Recording Clerk.

Mr. Woods then came forward and was sworn.

The Speaker then, agreeably to said report, appointed Messrs. Avery and Walworth as the Standing Committee, to examine the Journal of this House, daily, as recorded by said clerk.

Mr. Miller, from the Select Committee, to which was referred No. 97, H. R. "A Bill to amend an act entitled An act to prevent and punish Gambling," reported the same back to the House without amendment, which was read a first time.

Mr. Mason, on leave, presented the remonstrance of sundry citizens of Delaware county, remonstrating against any re-location of the seat of justice of said county.

Ordered. That said remonstrance be referred to the Select Committee appointed in relation to said county seat.

On motion of Mr. Langworthy.

Mr. Mason was added to said Committee.

Mr. Lash moved a reconsideration of the vote on yesterday, referring the petition of sundry citizens of Henry county, praying that a portion of said county may be attached to Des Moines county, to which the House agreed.

A motion was then made by Mr. Lash, that the petition be laid upon the table, and the question being put, was determined in the affirmative.

No. 99, H. R. File, "A Bill, to make valid in law, the survey of the town of Dartmouth in Jones county," was read a second time.

On motion of Mr. Walworth,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 100, H. R. File, "A Bill to amend an act entitled An act, to incorporate the Burlington and Iowa River Turnpike Company," was read a 2d time.

On motion of Mr. Toole,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 101, H. R. File, "A Bill to incorporate the Presbyterian Church of Dubuque," was read a 2d time.

A motion was made by Mr. Hendershott to lay said Bill upon the table. The motion was lost.

On motion of Mr. Mason,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

No. 8. C. F. "A memorial to Congress, on the subject of a further purchase of land from the Sac and Fox Indians," was read a second time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Memorial be read a third time now.

The Memorial was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 9. C. F. "A Memorial to Congress, asking the removal of the Winnebago Indians from the neutral tract, with a view to a permanent future residence," was read a second time.

On motion of Mr. Toole,

Ordered, That the 42d rule be suspended, and the Memorial be read a third time now.

The Memorial was then read a third time, and passd.

Ordered, That the Clerk acquaint the Council therewith.

No. 18, C. F. "A Joint Resolution, asking our Delegate in Con-

gress to procure the establishment of a Post Office at Pleasant Valley, in Linn county," was read a second time, and,

On motion of Mr. Summers,

Laid upon the table.

No. 39, C. F. "A Bill for the relief of the citizens of Muscatine county," was read a second time, and,

On motion of Mr. Summers,

Ordered, That said Bill do lie upon the table.

No. 40, C. F. "A Bill to amend an act entitled An act, to authorize the keeping of certain Ferries therein named," approved January 17, 1840, was read a second time, and,

On motion of Mr. Langworthy,

Ordered to be read a third time on to-morrow.

No. 89, H. R. File, "A Bill to amend an act entitled An act, establishing certain Territorial roads therein named," approved January 14, 1840, was read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

On motion of Mr. Lash,

No. 62, H. R. "A Bill to provide for assessing and collecting county Revenue," was taken from the table and committed to a Committee of the Whole House for its consideration. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Brierly reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

Pending the question of concurring in the report of the Committee,

On motion of Mr. Lewis,

The House adjourned.

2 O'CLOCK, P. M.

The House resumed the consideration of No. 62, H. R. File, "A Bill to provide for assessing and collecting county revenue," as reported by the Committee of the Whole House during the forenoon's session, the question being to concur in the report of said Committee, and the amendments made by the same, being read, were severally concurred in by the House. So the Report was adopted.

A motion was made by Mr. Summers, to strike out of the second section the following words, to wit: "And the Commissioners, should they deem it necessary, may, annually, levy a poll tax, not exceeding one dollar, nor less than fifty cents, on every white male inhabitant in their county, above twenty-one, and under fifty years of age."

And the question being put,

Was determined in the negative. Yeas 5, Nays 13.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Hendershott, Langworthy, Lewis, Robertson, and Summers.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Lash, Mason, Miller, Steele, Toole, Walworth, Whitaker, and Cox Speaker.

So the motion was lost.

A motion was made by Mr. Lash, to amend the first section, by adding the following proviso, to wit:

"Provided always, That when any person or persons, wishing to obtain a license to retail ardent spirits, in any town or village in this Territory, in a less quantity than one gallon, such person or persons shall, before such license be granted, be required to obtain the consent of a majority of the legal voters of said town or village."

And the question being put,

Was determined in the affirmative. Yeas 11, Nays 7.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Hebard, Hendershott, Lash, Lewis, Miller, Steele, Summers, Walworth, and Whitaker.

Those who voted in the negative, were,

Messrs. Felkner, Langworthy, Mason, Robertson, Toole, and Cox, Speaker.

So the amendment was agreed to.

A motion was made by Mr. Hendershott, to strike out of the 7th section the words "has good reason to believe that any person is disposed to equivocate, or unwilling to render a true account of his property subject to taxation."

And the question being put,

Was determined in the affirmative. Yeas 13. Nays 5.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Lewis, Mason, Robertson, Summers, and Whitaker.

Those who voted in the negative, were,

Messrs. Miller, Steele, Toole, Walworth, and Cox, Speaker.

So the motion was agreed to.

A motion was made by Mr. Avery, to amend the 38th section, by adding the following Proviso, to wit: "Provided, The County Commissioners of any county, are hereby empowered to extend the time of the County Collector of such county for making his returns, to such period as they may deem requisite. And the said Collector is hereby authorized to proceed to collect and make sales during the time of such extension, in the same manner as is prescribed in the act aforesaid, the day of such sales to be appointed by the Board of Commis-

sioners at such times as they may think proper, conforming in all other respects with the provisions of the act aforesaid."

To which the House agreed.

A motion was made by Mr. Hendershott, to amend said Bill by adding the following section, to wit: "That any person who shall be liable to pay tax on land for the next five years, shall have the privilege to pay said tax in work on Roads and Highways, at the rate of one day for each dollar he may owe or be taxed."

And the question being put,

Was determined in the negative. Yeas 7, Nays 10.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Browning, Hendershott, Lash, Lewis, Miller, Steele, and Whitaker.

Those who voted in the negative, were,

Messrs. Avery, Brierly, Felkner, Langworthy, Mason, Robertson, Summers, Toole, Walworth, and Cox, Speaker.

So the amendment was lost.

A motion was then made by Mr. Steele, that the Bill be engrossed and read a third time on Monday next. Pending which,

On motion of Mr. Mason,

The Bill was laid upon the table.

Mr. Toole offered the following:

Resolved, That the Secretary of the Territory be requested to pay Robert W. Gray three dollars per day up to this time, for services rendered as Recording Clerk of this House.

A motion was made by Mr. Summers, that the same be laid upon the table.

To which the House agreed.

Mr. Mason, from the Committee on Enrolled Bills, reported,

An Act to District the county of Dubuque into Districts for electing County Commissioners.

An Act to establish a Seminary of Learning at Iowa City, in Johnson county, as correctly enrolled.

The Speaker then signed the above entitled acts.

On motion of Mr. Hendershott,

The House adjourned.

Wednesday Morning December 30, 1840.

Mr. Miller presented the petition of Wm. Anderson, asking compensation for services &c. rendered as guard in the Penitentiary, which was

On motion of Mr. Miller,

Referred to the Committee on expenditures, with instructions to report on Monday morning next.

Mr. Mason, from the Committee on enrolled Bills, reported, that they had on the 29th inst. presented to the Governor for his approval,

An act to amend an act entitled "an act to incorporate the Town of Bloomington," and

A Joint Resolution, asking our Delegate in Congress to use his influence to procure an appropriation, for the construction of a Military Road, from Rock Island to Iowa City, via Rochester."

Mr. Lash, from the Committee on engrossed Bills, reported Nos. 95. 99. 100. and 101. as correctly engrossed.

On motion of Mr. Avery,

Mr. Isett was added to the Committee appointed to examine the Journal as recorded by the Recording Clerk.

Mr. Leffler, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, which was instructed by resolution to examine and report to the House at an early period, whether the warrants issued by the Auditor of Public Accounts to certain militia officers of this Territory, have been legally issued, and whether the Territory is legally bound for the payment of the same," report,

That the authority of the Auditor to settle and allow accounts against the Territory, and to issue warrants on the Treasury for the payment of the same, is sanctioned by express statute provisions. The 6th and 7th sections of the act providing for the appointment of Auditors &c. approved Jan. 7th, 1840, read as follows:

Sec. 6. It shall be the duty of the Auditor at all times, to keep the accounts of the Territory, with any State, or Territory, and with the United States, with all the public officers, corpoartions, and individuals having accounts with this Territory. He shall audit all accounts of public officers who are to be paid out of the Territorial Treasury, and all persons authorized to receive money out of the Treasury by virtue of an appropriation made or to be made by law.

Sec. 7. On ascertaining the amount due any person from the Treasury, the Auditor shall grant his warrant on the Treasury for the sum due.

Your Committee would further state that they have carefully examined the law relative to the payment of certain militia officers for services &c. out of the Territorial Treasury, & find it to be expressly authorized.

Your Committee therefore ask to be dismissed from the further consideration of the subject.

The Report was concurred in.

A Message from the Council by Mr. Wallace their Secretary.

Mr. Speaker:—

I am directed to inform the House of Representatives that the Council have passed with an amendment,

No. 69. H. R. An act supplemental to an act, fixing the terms of the District Courts."

No. 94. H. R. "A Memorial to the Post Master General,"

The Council have passed,

No. 44. C. F. A Bill to incorporate the Town of Farmington in Van Buren County.

No. 45. C. F. A Bill to incorporate the first regular Baptist Church of Davenport."

I herewith present for your signature,

An act to establish a Seminary of Learning at or near Marion in Linn County."

An act to incorporate the Fairfield Lyceum.

An act supplementary to an act for the benefit of Settlers &c. on the Half Breed Lands.

A Joint Resolution, providing for the printing of the Laws of the present Session.

An act supplementary to an act, regulating practice in the District Courts.

An act providing for the service of writs by copy in certain cases.

An act to District the county of Linn for the election of County Commissioners.

And then he withdrew.

The Speaker signed the above entitled acts and Resolution.

No. 97. H. R. A Bill to amend an act entitled "an act, to prevent and punish gambling," was read a second time.

On motion of Mr. Porter,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Several slight amendments being made to said Bill, a motion was made by Mr. Steele, that the same be engrossed and read a third time on Monday next.

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 7.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Hendershott, Lash, Leffler, Lewis, Porter, Robertson, Steele, Summers, Toole, and Whitaker.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Mason, Miller, Van Antwerp, Walworth, and Cox, Speaker.

So the Bill was ordered to be engrossed and read a third time on Monday next.

No. 40, C. F A Bill to amend an act entitled "an act, to authorize the keeping of certain Ferries therein named, approved January 17, 1840.

No. 95, H. R. A Bill to amend an act establishing certain Territorial Roads."

No. 99. H. R. A Bill to make valid in law the survey of the Town of Dartmouth in Jones county."

No. 100, H. R. A Bill to amend an act entitled "an act to incorporate the Burlington and Iowa river Turnpike Company, approved January 24, 1839.

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 101. H. R. A Bill to incorporate the Presbyterian Church of Dubuque," was read a third time, and laid upon the table until Tuesday next.

On motion of Mr. Isett,

No. 35, C. F. "A Bill to authorize William St. John to keep a Ferry &c." and

No. 39, C. F. "A Bill for the relief of the Citizens of Muscatine county," were taken from the table and read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER:

Council have passed,

No. 15, C. F, A Bill to create the office of superintendant of Public instruction.

Also with amendments,

No. 81. H. R. A Memorial to Congress on the subject of Post Roads," and

No. 83, H. R. A Bill to establish a road from Burlington to Washington in Washington county," In which the concurrence of the H. of R. is requested.

I herewith present for your signature,

An act to amend an act establishing certain Territorial Roads therein named.

A Joint Resolution, relative to a mail route from Peru Illinois to Davenport Iowa, thence to Iowa City."

And then he withdrew,

The Speaker then signed the above entitled acts and Resolution.

No. 69. H. R. A Bill supplementary to an act to change the time of holding the District Courts in the 2nd and 3rd Judicial Districts," being returned from the Council with amendment, was taken up and considered, and the same being read was concurred in by the House.

No. 94. H. R. "A Memorial to the Post Master General as returned from the Council with amendments, was taken up, and the same being read were severally concurred in.

No. 44. C. F. A Bill to incorporate the town of Farmington in Van Buren county;" and

No. 45. C. F. A Bill to incorporate the first regular Baptist Church of Davenport," were severally read a first time.

No. 81. H. R. A Memorial to Congress, on the subject of Post Roads," being returned from the Council with amendments, and being under consideration, the amendments were read and severally concurred in by the House.

No. 83. H. R. A Bill to establish a Road from Burlington to Washington in Washington county," being under consideration as returned from the Council with amendments, was taken up, the amendments read and severally concurred in.

No. 15. C. F. A Bill to create the office of Superintendant of Public Instruction," was read a first time.

A Motion was made by Mr. Lash, to take from the table

No. 62. H. R. "A Bill to provide for Assessing and collecting county Revenue," To which the House agreed.

The Bill was then taken from the table, and the question pending on the same, being to engross and read a third time on Monday next, being put,

Was determined in the negative. Yeas. 8, Nays 8.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Felkner, Hendershott, Lash, Miller, Robertson, Steele, Toole, and Whitaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Leffler, Lewis, Mason, Summers, Van Antwerp, and Cox, Speaker.

So the Bill was lost.

Mr. Mason from the Committe on Enrolled Bills, reported, that they had this day presented to the Governor for his approval,

An act to District the county of Dubuque into Districts, for electing county Commissioners." and

An act to establish a Seminary of Learning at Iowa City, in Johnson county."

On motion of Mr. Summers,

The House adjourned.

2 O'CLOCK P. M.

A motion was made by Mr. Summers, to take from the table

No. 9. C. F. A Bill to amend an act entitled, "an act regulating conveyances." To whcih the House agreed.

The Bill was then taken from the table, and on motion of Mr. Summers, the House resolved itself into a Committee of the Whole House for its consideration.

After some time spent therein, Mr. Speaker resumed the Chair and Mr. Lash reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment, to which the House agreed.

The Bill was then ordered to a third reading on to-morrow.

Mr. Summers, on leave, introduced

No. 102. H. R. A Bill to dissolve the Bonds of Matrimony between H. E. W. East and his wife Sarah East," which read a first time.

On motion of Mr. Browning,

Ordered, That the 42nd rule be suspended, and the Bill be read a second time now;

The Bill was then read a second time, and on motion, the House resolved itself into a Committee of the Whole House for its consideration.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with an amendment.

And the question being put; Will the House concur in the report of the Committee?

Was determined in the negative.

A motion was made by Mr. Summers, that the Bill be laid upon the table until Monday next,

To which the House agreed.

On motion of Mr. Mason,

The vote given during the forenoon's session, for the engrossment of No. 62. H. R. A Bill to provide for assessing and collecting county Revenue," was reconsidered.

A motion was then made by Mr. Mason that the Bill be recommitted, and that the Committee be instructed to report to-morrow morning,

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 6.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, Felkner, Isett, Leffler, Lewis, Mason, Miller, Robertson, Summers, Toole, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Brierly, Browning, Hendershott, Lash, Steele, and Whitaker.

So the Bill was recommitted.

By request, Mr. Whitaker was excused from serving on said Committee.

The Speaker then appointed Mr. Lewis to fill the vacancy thereby occasioned.

Mr. Felkner gave notice, that he would on some future day, introduce a Bill, to district the county of Johnson for electing county Commisioners.

Mr. Van Antwerp gave notice, that he would on Wednesday next introduce a Bill defining the duties of Supervisors of Roads and Highways.

On motion of Mr. Steele,

The House adjourned.

Thursday Morning, December 31, 1840.

Mr. Robertson presented the remonstrance of sundry citizens of Scott county, remonstrating against any change of said county from the Judicial District to which the same is now attached.

On motion of Mr. Summers.

Said remonstrance was laid upon the table.

Mr. Lewis presented the petition of sundry citizens of Van Buren county, asking the review of a certain portion of a Territorial Road, leading from Keasauque to the County Seat of Jefferson county.

Ordeaed, That said petition be referred to the Delegation from Van Buren county.

No. 15, C. F. "A Bill to create the office of Superintendent of Public Instruction," was read a second time.

On motion of Mr. Lewis,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lewis reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Mason,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, Messrs Mason, Avery, and Browning were appointed said Committee.

No. 40, C. F. "A Bill to incorporate the Town of Farmington, in Van Buren county," was read a second time, and,

On motion of Mr. Lewis,

The House resolved itself into a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Lewis,

Ordered, That said Bill be read a third time on Monday next.

No. 45, C. F. "A Bill to incorporate the first Baptist Church of Davenport," was read a second time.

On motion of Mr. Summers,

Ordered, That said Bill do lie upon the table.

No. 9, C. F. "A Bill to amend an act regulating conveyances," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

The Speaker, on leave, introduced No. 103, H. R. File, "A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Landing," which was read a first time.

On motion of Mr. Hendershott,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,

Ordered to be engrossed and read a third time on Monday next.

A motion was made by Mr. Isett, to reconsider the vote of concurring in the amendment made by the Council, given on yesterday, to No. 83, H. R. File, "A Bill to establish the Territorial roads therein named.

To which the House agreed.

On motion of Mr. Isett,

The Bill was then amended by striking out the name of T. T. Clarke, and inserting that of Wm. Chambers, Sen'r.

The House then concurred in the amendment of the Council as amended.

Mr. Felkner, in accordance with previous notice, introduced No. 104, H. R. "A Bill to district the county of Johnson into county Commissioners' Districts," which was read a first time.

On motion of Mr. Felkner,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and ordered to be engrossed and read a third time on Monday next.

Mr. Walworth, from the Select Committee, to which was recommitted No. 62, H. R. "A Bill to provide for assessing and collecting county Revenue," reported the same back to the House with amendmendments, which were read a first time.

On motion of Mr. Walworth,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,

On motion of Mr. Van Antwerp,

The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Lash, to insert in the first section the following paragraph, to wit:

"Provided always, That when any person or persons, wishing to obtain a license to retail ardent spirits in any town or village in this Territory in a less quantity than one gallon, such person or persons, shall, before such license be granted, be required to obtain the consent of a majority of the legal voters of said town or village."

And the question being put,

Was determined in the negative. Yeas 4, Nays 18.

The yeas and nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Brierly, Lash, Porter, and Steele.

Those who voted in the negative, were,

Messrs. Avery, Box, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Mason, Robertson, Summers, Toole, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

So the amendment was lost.

A motion was made by Mr. Hendershott, to amend the second section, by adding the following paragraph, to wit:

"Any person indebted to his county for the assessment of a poll tax, may have the privilege of paying the same by working on the public roads in the precinct in which he resides, at the rate of one dollar per day, and if the person so indebted, shall neglect or refuse to pay his poll tax, either in money or work, then, and in that case, the person so refusing or failing to pay his poll tax, shall not hold any property free from execution for the payment of such poll tax."

To which the House agreed.

A motion was then made, that the Bill be engrossed and read a third time on Wednesday next.

And the question being put,

Was determined in the affirmative. Yeas 15, Nays 6.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Browning, Brierly, Hendershott, Lash, Leffler, Lewis, Mason, Porter, Robertson, Steele, Van Antwerp, Walworth, and Whitaker.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Langworthy, Summers, Toole, and Cox, Speaker.

So the Bill was ordered to be engrossed and read a third time on Wednesday next.

On motion of Mr. Avery,

The House adjourned.

2 O'CLOCK, P. M.

Mr. Hebard, from the Joint Committee, appointed to visit and examine the Public Building at Iowa City, on leave, submitted a Report, being that of the majority, which was read as follows:

To the Honorable the House of Reprcsentatives:

The Committee appointed under "A joint resolution of the Council and House of Representatives, approved December ninth, eighteen hundred and forty, to repair to Iowa City to examine the public buildings, materials on hand, books, papers, and records of the Acting Commissioner, and collect all the information they may be able to procure, and report the same to the Legislative Assembly as soon as practicable," respectfully report:

That they proceeded immediately to Iowa City and entered upon the discharge of the duties assigned them by the above resolution; they commenced with the capitol, and after a careful examination of the work, take pleasure in stating, that the walls, so far as they have been constructed, appear to be of superior quality. The main walls are massive, and built in a substantial and workmanlike manner—the stone being large and laid with good bond and bearings. The walls in the foundations are six feet thick, and sunk to an average depth of three feet below the floor of the basement story, which itself extends about the same distance below the natural surface of the ground. For a space of twenty-five feet in the middle of the east side, the foundation is sunk fourteen feet below the floor of the basement, on account of adjacent interior vaults, which are of the same depth. The wall, in this place, is seven feet thick, and like the other parts of the foundations, is rendered perfectly solid by the use of grout. The walls of the basement story are four feet thick, and built with inverted arches under all openings for doors and windows, in order to distribute the pressure of the whole superstructure uniformly throughout the entire length of the foundation walls.—The walls of the upper stories will vary from two to three feet in thickness, according to their height and position; and, if the remainder of the masonry is put up with the same care that the work already done indicates, it is hardly possible that the building can ever settle or crack, unless the earth under the foundation is more compressive than the Committee have any reason to suppose. For the satisfaction of such as are not informed, it is thought advisable to give a description of the capitol, according to the plan adopted by the board of commissioners, both as to its external appearance and interior arrangements. It is located in the centre of a plat of ground forty rods in extent, on each side, called the "Public Square."—It is one hundred and twenty feet long north and south,

and sixty feet east and west. It is to be ornamented by magnificent porticos, one on each side, supported by four massive pillars, twelve feet in advance of the walls of the building. The exterior of the building is thus described: from the window sills of the basement, which will be level with the pavements, to the water table, the face of the walls is made of large blocks of cut-stone. The water table is composed of about fifty blocks, sixteen inches thick, from seven to eight feet long, said to weigh from six to eight thousand pounds each after they were dressed. These blocks form for the heavy basement walls, a kind of coping; from the outside edge of which the walls of the upper story make an offset of sixteen inches, leaving the water table for that width exposed to view entirely around the building, which adds much to the beauty and apparent strength of the work. On each of the fronts there are eight pilasters, four feet wide, and projecting ten inches from the face of the walls; these are to be surmounted by cut-stone caps supporting the architrave, thus giving to the building the appearance of being studded by pillars. The Committee have suggested to the Acting Commissioner the propriety of dressing the pilasters in the same manner as the water table, door, jambs, &c., so as to avoid the necessity of using "rough cast or hard finish" on angular projections, which are so liable to be defaced. It is the intention to use such rough-cast or hard-finish on the whole building, except where the dressed work may appear. The cornice, if made to the plan as shown on a draft of the builing, will be highly ornamental; but there seems to be too much doubt about it at present, to justify any description; it may be altered materially, or it may not be put up at all. The Committee would express a hope that no change be permitted which will ultimately interfere with the symmetry of the plan. The roof is to be surmounted by a cupola, which, if completed, will be ornamental, but expensive. The base is an octagon, supported by the interior vestibule walls. Upon this base stand eight corinthian columns crowned with handsome capitols supporting a spherical roof. Within the circle of the columns the space is enclosed by eight long windows placed also in octagonal form, by which light is communicated to the stairway descending in the middle of the building through the successive stories. The interior arrangement is as follows: the basement story is entered by two doors in the opposite ends, both opening into a hall seven feet wide, which runs directly through the building north and south, dividing it into two equal parts. There are four rooms on each side about twenty feet square, designed for committee rooms. There is also a large and convenient wood-room, and a fire-proof vault, arched with brick, and covered with grouted masonry more than three feet thick, for the safety of public documents. On the next floor there is the same division north and south, and a broad hall or vestibule east and west, entered from the porticos on each side of the building. North of the vestibule, east side, is a room forty-three by

twenty-two and a half feet, designed for the supreme court; a corresponding room of the same size on the south of vestibule, is designed for the use of the Secretary of the Territory. West of the north and south hall are four rooms, equal in size, designed for the use of the Governor, Auditor, Treasurer, and the Library. On the upper floor the north and south hall is omitted. In the south wing is the Representatives hall, fifty-two by forty-three feet in the clear. In the north wing are the Council chamber and three small committee rooms, cut off from the west side of it.

An estimate of the masonary done and to be done, has been made, and though the Committee adopted a rule of measurement of their own, regardless of those observed by mechanics, it can make no difference in the comparative ratio between the finished and unfinished parts of the work.

The whole number of perch (of sixteen and a half cubic feet each) in all the stone walls for the whole building, exclusive of cornice, according to estimate, without any deduction for openings, is 4232.—The items of the estimate are,

Foundation,	1228	perches,
Basement,	1188	"
First story,	862	"
Second story,	778	"
Architrave, pilasters, and gable ends,	176	"
Total,	4232	perches.

Of the above, all the masonary in the foundation, basement, and two hundred and ninety perch on the first story is done, making 2606 perches, leaving to be done, 1626 perches.

The Committee are aware that, although figures may show the relative number of perch, they cannot exhibit the relative cost.—The walls of the foundation and basement are from four to seven feet thick, while those of the upper stories are from two to three feet. A much larger amount of facing, and dimension stone will be necessary in proportion to the number of perch. The elevation of the materials also, as high as forty feet from the ground toward the completion, will add materially to the expense. All the partition walls in the basement are built of stone—those in the first and second stories are built of brick,—those running north and south are nearly finished. The vestibule walls are raised to the floor of the second story; they are to be carried to the height of the outer walls, and upon them are to be placed the timber supporting the cupola already mentioned. The Committee, after an examination of the materials on hand, concluded that the amount of lime, sand, and "stone in the rough" corresponded with the report of the Acting Commissioner. The lime is covered from the weather. The above statement, so far as the stone is concerned, is given as the result of judgment—it being impossible to

ascertain the precise amount by any rule of measurement, while the stone are scattered in irregular heaps over a large extent of ground. The lumber purporting to have been delivered by Messrs. Connelly, Felkner, and Drury, amounting to near one hundred thousand feet, the Committee also were unable to estimate accurately. It certainly seems a large amount for the show it makes at the capitol.

The situation of the lumber called for by the receipts of Mr. Ronalds and Messrs. Hanby and Heron, will be understood by the explanation of their contracts, in another part of this report.

Having examined the condition of the capitol, the materials on hand, and having gone through witn the estimates in reference to its completion, the Committee proceeded to examine into the correctness of the reparts of the Acting Commissioner. They examined his books, records, and vouchers of every description from the time of his appointment, as Acting Commissioner, up to the date of his last report to the Legislative Assembly. The Committee found the aggregate amount of the vouchers for the disbursement of the public money to correspond very nearly with the statements of the Acting Commissioner, in his several reports.

The character of the vouchers, however, is decidedly exceptionable. The Committee regret that the Acting Commissioner had not seen proper to take a different kind of vouchers for moneys disbursed by him in his official capacity. Though they may be consistent with fidelity and uprightness on the part of the Acting Commissioner, yet, they afford, in themselves, no means of ascertaining whether they are, in truth, what they purport to be. Some few of them are made out properly. They show on their face value for value; they show an equivalent for the amount of money receipted for. If for materials, they show the quantity furnished, and the rates; if for labor, they show the time and rate. But a vast proportion of the vouchers examined by the Committee are entirely destitute of specifications; they show no items, give no particulars. They are given in the gross, the same receipt not unfrequently embracing several distinct classes of labor and materials. In regard to many of these receipts given for considerable sums of money, the Committee are left in the dark as to their correctness, because the persons by whom they purport to have been signed, were not within their reach, some of them having left the Territory. Of this class are the heavy receipts of Rague & Co., Skeen and Dillon. They may or may not be all correct and right. They are, at any rate, unsatisfactory. They are far from being consistent with what should be required at the hands of every public officer, strict accountability. A public officer should conduct his business in such manner as to be able to exhibit at a glance his precise standing with the authority for which he acts. He should be careful to have system and method in all his transactions, and should never be afraid of specifications.

The Legislative Assembly will form, perhaps, a more correct opin-

ion of the vouchers of the Acting Commissioner from the following specimens:

"Iowa City, Oct. 24, 1840.

The Territory of Iowa, *Dr.*

To Hanby and Heron, for timber and labor on second tier of joists, as per contract with Acting Commissioner, $600 00

I hereby certify that the above account is true and correct.

C. SWAN, Acting Commissioner,
of Public Buildings at Iowa City."

Hanby and Heron, at the bottom of the account, acknowledge the receipt of the above sum.

It may be imagined that the contract referred to in the account, will show the specifications—so thought the Committee; but on making enquiries for the contract, they were told that there was nothing but a verbal agreement between the Acting Commissioner and Messrs. Hanby and Heron.

"For work with team, ploughing and scraping for foundation, $60 00
"For board and lumber, - - - - 60 00
"To work with team in April last, one axe for Territory, sand delivered August first, time and expenses in getting plan of building, and conveying plat of town to Gov. Lucas, in eighteen hundred and thirty-nine, - - - 73 75
"For transporting tools from Dubuque, and to use of team on location drawing stakes, - - - - 29 52
"For hauling rock from Cedar, (eleven loads) and work on avenue in August, - - - - 193 80
"For hauling rock and lumber, for Iowa capitol, - 45 00
"For hauling rock from Cedar quarry, and lumber, - 121 00
"For boarding hands while surveying the location in July and August, eighteen hundred and thirty-nine, - - 99 25"

The Committee summoned before them several individuals who had given receipts for considerable amounts of money, in order to test their correctness. And they invite the attention of the legislative assembly to the testimony of Mr. Hanby, Mr. Heron, Mr. Woodworth, and Mr. Drury. The testimony of these witnesses will show in what manner the interests of the Territory have been managed by the Acting Commissioner. There appear to have been a looseness, an apparent want of adequate ability about the management of the public business at Iowa city, in many instances, inadmissable in a public officer. A public officer entrusted with important interests should be required to exercise at least as much care and diligence in transacting the public business, as a prudent and discreet man would exercise in conducting his own. Would it be expected of a prudent and sensible man that he would pay out six hundred dollars to an individual without knowing if they had had dealings together, whether that amount was due or not; or that he would advance six hundred dollars

to an individual upon his naked, verbal agreement to furnish him lumber, without a line between them, and perhaps not even a witness to the agreement?

It appears that Messrs. Hanby and Heron have not as yet delivered a foot of lumber on their contract to the Acting Commissioner, though a considerable portion of it is on the ground, part sawed and part unsawed. He has paid them six hundred dollars, and has their verbal engagement to furnish him lumber. According to Mr. Hanby, who made the agreement and signed the receipt, the bill of joists he was to furnish will amount to less than two-thirds of the receipt. The balance seems to have been made up of work on bridge, lintles, putlocks, and making and repairing tools. And they arrive at the amount of all this by guess—"rough guess"—as Mr. Hanby terms it. He desired some money, and guesses that six hundred dollars would answer his purpose; and the Acting Commissioner having nothing to show a different guess, takes a receipt for the amount. Mr. Heron, though he never signed the receipt and knew nothing of the agreement, until after it had been made, seems to have a different understanding about it. He thinks that the receipt had no connection with the work on the bridge, lintles, putlocks, and making and repairing tools; that it was exclusively for lumber and work on capitol, and that a part of the receipts was designed to cover certain notes which he owes the Territory for town lots.

Mr. Drury also makes a verbal agreement with the Acting Commissioner to deliver him forty thousand feet of lumber for twelve hundred dollars. He says he has received the amount of the receipt, part in cash, and part in town property; but he is unable to tell what proportion of each. And in one of his answers to questions put to him by the Committee, he says, "it was the *calculation* at the time of settlement that he had delivered forty thousand feet of lumber to the Acting Commissioner."

Mr. Woodworth, it appears, acted as foreman in different quarries, from June, till some time in October, 1840. His first receipt is given for $600 53, designed to cover the expenses of the hands and teams, under his charge in the months of June and July. But the expenses of the hands and teams under him in these months according to pay-rolls, which he says were kept by himself, amount to only $454 46. His original pay-roll had been copied, and hands and teams added thereto, sufficient to make up the difference between the actual amount of his expenses, and the amount he receipts for.—Mr. Woodworth, is therefore in this instance made to receipt for $146, the expenditure of which he could know nothing about. August 21st, he gives another receipt for $200. He says at that time he had come in from the Cedar quarry, and Mr. Swan wanted to send for some money, and desired his receipt for $200, it being as near as he could calculate the amount of expenses which had then accrued at that quar

ry. He says he gave the receipt without getting the money, and that it was received by the hands in September. It appears from Mr. Woodworth's statement, that the total amount of expenses according to his pay-roll for August, September, and till the time operations were suspended in October, is $1,964 31, while his receipts for that period amount to rising $2,600. Mr. Woodworth says, that of the amount of these receipts he received only his wages, though he assisted the Acting Commissioner in paying the hands. In making up the balance between the amount of expenses under Mr. Woodworth, and the amount of his receipts, there is found an item of $62 54, charged the Territory by the Acting Commissioner for work on avenue in 1839, the year before Mr. Woodworth commenced work. The Acting Commissioner observed to the Committee, that this charge he explained to Mr. Woodworth, and he was induced to receipt for it, being satisfied that it was correct. Here is a charge of $62 54, stated to be for services in 1839, it sleeps till 1840, when it is embraced in the receipts of a man, who, not being present when the labor is alledged to have been performed, could not know a syllable about it.

The same mode of giving receipts seems to have been practiced by Mr. Skeen, and Mr. Watt, other foremen of the Acting Commissioner. The whole amount of expenses according to Skeen's pay-rolls for July, August. and September, being the whole time he receipts for, is $3,087 35, and the amount he receipts for, for the same period, is $4,566 05. The deficit however is accounted for by the Acting Commissioner in receipts from divers individuals, with the exception of about $200, services for which are found on small account books, but for which the Acting Commissioner neglected to take receipts.

October 29, 1840, William Watt, receipts for $1,470 53. The amount of expenses under him according to his pay-rolls, is $419 91. In this receipt is included an item of $396 60, purporting to be "C. Swan's account of expenses from May 1, 1839, up to November 1, 1840. In this month, William Skeen acts as foreman from the 1st to the 17th, inclusive, and the amount of expenses under him according to a pay-roll said to be his, is $648 86. This item composes a part of Watt's receipts.

In August, the Acting Commissioner, and Lyman Dillon, kept a pay-roll amounting to $760 90, entirely seperate and distinct from Skeen's pay-rolls, Skeen having nothing to do with the hands and teams therein mentioned; the amount, however, is included in Skeen's receipt.

The reason assigned by the Acting Commissioner for this method of giving receipts by his foremen, for more money than the amount of their respective pay-rolls, was to avoid the inconvenience of sending small bills to be audited. Some of these small bills are respectively $70, $92 70, $193 80, and $760 90. Receipts, as the committee were informed by the Acting Commissioner, were the only vouch-

ers that were acceptable to the Auditor. Before he could draw money, he was required by the Auditor to present to him, not accounts showing that services had been rendered and certain monies were due, but receipts stating the absurdity that certain amounts of money had already been received. This appears to have led to many improprieties and much awkwardness in the business transactions of the Commissioner.

The committee wish to say a word upon the pay-rolls kept by the Acting Commissioner and his foreman. Along the top of the pay-roll are the days of the month in their order; then a space or column for the per diem wages; and beyond that a space for the amount of wages for the month, or as many days as a hand may have worked, and beyond that again, a considerable space for remarks or receipts. The committee observe that none of these pay-rolls are receipted; and there appears nothing in writing to show that the hands under the different foremen have been paid.

By a joint resolution, the legislative assembly authorized the expenditure, by the Acting Commissioner, of the sum of three hundred dollars on the Iowa Avenue; the committee endeavored to ascertain whether that amount, or less, or more, had been applied to this object. They were, however, unsuccessful in their endeavors, the Acting Commissioner informing them that he had kept no separate account of the amount of expenditures thereon. The committee regret this the more, on account of the frequent reference which is made to "work on Avenue" in the vouchers.

In looking over a paper of the Acting Commissioner, entitled "An abstract of the expenses on the Iowa capitol, up to October 1, 1840," the committee observe that the sum of one hundred and fifty-five dollars and twenty-five cents, is charged the Territory as having been paid to L. D. Swan, (son of the Acting Commissioner) "For writing as clerk, and making out special report for the extra session, by direction of the board of commissioners," and in a book called the "Record of the board of commissioners," they find that the Acting Commissioner charges the Territory forty dollars, "as expenses extra in making special report in July." The committee believe it to be the duty of the Acting Commissioner to communicate, without any extra charge, any information respecting his official transactions, whenever the legislative assembly may desire it.

In the same book, the Acting Commissioner charges the Territory with the following items:

Paid team for going after specie in June, - -	$30 00
do " " " " in July, - -	31 50
do " " " " in August, - -	22 50
Room rent for office, one year, up to Nov. 1, 1840,	120 00

The charges for going after specie, the committee report because

they found them charged. The charge for room rent (if a charge of that kind be allowable at all) they consider extravagant. They believe that the rent of the room the Acting Commissioner occupies as his office, in proportion to the rent of his whole house, of which it is a part, could not, at a fair estimate, exceed fifty dollars. Besides, the Acting Commissioner occupies the same room as a post office.

As the committee were instructed by the joint resolution under which they were appointed, to "collect all the information they may be able to procure," they deem it within the province of their duty, to state, for the information of the legislative assembly, that Mr. Swan, at the same time that he holds the office of Acting Commissioner under the Territory, holds also the office of post master at Iowa City. The committee are of opinion, that, under the organic law, the office of post master and the office of acting commissioner are incompatible. A part of the 8th section of the organic law reads, that "No person holding a commission or appointment under the United States or any of its officers, except as a militia officer, shall hold any office under the government of the Territory.

A large proportion of the contracts made by the Acting Commissioner for materials and labor, betrays, in the opinion of the committee, a want of prudence and discretion. The contracts are principally verbal—which the committee consider wrong. They consider it wrong to risk the interest of the Territory to the amount of $400, $600, and $1200, on mere loose, verbal agreements, about the specifications of which there may be endless differences. In the written contracts, also, there is a want of stability—a practice of playing "fast and loose"—and too much condescension in permitting contractors to make, annul and transfer their bargains at pleasure. For example: on the 12th of November, 1839, "John Frierson & Co." entered into contract with the Commissioners, agreeing to quarry and deliver "as many perches of stone in the rough of such dimensions as may be called for by the architect," as would be necessary to complete the foundation and basement story of the capitol, and the stone generally for building, "except the stone to be used betweeen the basement story and the top of the cornice," at one dollar per perch of 24¾ cubic feet, and stone to complete the building from the basement, for $2100; also, as many merchantable brick, as may be required for the building, at $8 per thousand; also, unslacked lime at 25 cents per bushel, and sand at five cents per bushel.

The first branch of this contract is undoubtedly favorable to the Territory, and that part in relation to the brick, lime, and sand, favorable to the contractors; taking it together, it is a fair contract for both parties.

On the 25th December, Mr. Frierson & Co., becomes dissatisfied with that part of it, in relation to the stone, and is permitted to abandon it, and is also permitted the privilege of transferring the favora-

ble branches of his contract to third persons. That part respecting the brick, he transfers to Joseph Wilford, jr., who receives it under the following instrument: "Know all men by these presents, that whereas John Frierson & Co., on the 12th day of November, 1839, entered into contract with Chauncy Swan, John Ronalds, and Robert Ralston, for the delivery of the stone, brick, and lime, necessary to complete the capitol, at Iowa City; and whereas the said John Frierson & Co. did, on the 25th day of December, 1839, transfer to Joseph Wilford, jr. all that part of the said contract which relates to the furnishing brick——now, therefore, be it known, that I, Joseph Wilford, jr., am held and firmly bound to the said Joseph Frierson, for the payment of one dollar per thousand for all brick received of me by the Acting Commissioner at Iowa City, as a consideration for this transfer of said contract, which I agree to pay him as estimates are made and paid for every sixty days, by the Acting Commissioner, agreeably to article, this day made and signed by the said John Frierson & Co.

In testimony whereof, I have hereunto set my hand and seal, this 27th day of December, 1839.

JOSEPH WILFORD, jr., J. P."

On the back of this instrument is the following: "I hereby authorize Chauncey Swan, Acting Commissioner, to retain in his hands one dollar per thousand for my use, the same being the amount agreed on as my compensation for the transfer.—December 27, 1839.

JOHN FRIERSON & CO.

This singular paper the committee find in the hands of the Acting Commissioner. It appears that Mr. Frierson & Co., is permitted to pocket between one and two hundred dollars of the public money, as a bonus for transferring a part of his contract, which he did not wish to abandon, whilst he relinquishes the unfavorable part, and is released from his bonds.

That part of Mr. Friersons & Co.'s contract which relates to the lime and sand, is, on the 25th day of December, 1839, given to Lyman Dillon, and Green Weaver; to what advantage to Mr. Frierson & Co., does not appear.

On the 22d of October, 1840, Mr. John Ronalds (one of the commissioners) contracted in writing to "deliver to the Acting Commissioner, twenty thousand feet of good oak flooring for the use of the capitol," for which it was stipulated, that he should receive at the rate of twenty dollars per thousand, board measure, at the mill: Provided, it costs no more than one dollar on each hundred, to deliver the same at Iowa City, in that case said Acting Commissioner is to have said lumber at thirty dollars per thousand at Iowa City, on the capitol square. And the agreement concludes that "said Swan has, on his part this day, paid me in advance, on the above contract, the sum of four hundred and twenty-nine dollars, the receipt being hereby acknowledged."

The committee were informed by the Acting Commissioner that no part of the lumber mentioned in this contract had been delivered, though he stated that a portion of it was sawed.

This is certainly a curious contract. Mr. Ronalds agrees to deliver twenty thousand feet of lumber, upon such terms that in no event shall it cost the Territory more than twenty dollars per thousand at his mill. At the outside, therefore, the whole amount cannot cost the Territory more than $400, at the mill. It seems, however, by the receipt, that the Acting Commissioner advances $29 more than by the terms of the contract, the lumber can possibly come to.

On the 12th of November, 1839, John F. Rague agrees with the commissioners to erect the capitol to the top of the horizontal cornice, porticos, columns, entablatures, &c., in two years from that date, according to the original plans, for $46,400, the Commissioner furnishing the materials. William McDonald and William Skeen, afterwards become partners of Rague in the contract, and are recognised as such by the Commissioner.

In a subsequent contract, dated March 14, 1839, (but evidently intended for March 14, 1840,) between the Commissioners and Rague, McDonald, and Skeen, a portion of the work is omitted, viz: the porticos, and the consideration reduced to the sum $34,000, and the commissioners agree to pay the contractors $5,000 in addition, for furnishing rock sufficient to erect the building to the under side of the architrave. On the sixteenth of March, eighteen hundred and forty, Skeen withdraws from the firm. The contractors proceed with the work till they think they have performed services to the amount of $10,000, when they throw up the contract, and receipt for and receive the amount. The Acting Commissioner discovering that he has paid them too much, contrives to make them refund in money and tools, some eleven hundred dollars.

The amount of notes in the hands of the Acting Commissioner, given for lots, up to November 1, 1840, the committee found to be $19,102 72, exclusive of notes amounting to $647 50, given for lots by Mr. Swan, and reported by him as cash on hand in his last report. The Acting Commissioner reported one note of $148, which he says has been since paid. The aggregate amount of the whole number of lots sold at the date of his last report, is $34,397 75

The amount of notes then on hand,	19,250 72
The amount of funds realized therefrom,	$15,147 03

The total amount of money which has been received by the Acting Commissioner from the appropriation, sale of lots, and other sources, is $35,809 21

The total amount of his disbursements, is	33,479 39
Balance in his hands,	$2,329 82

The committee, without vouching for the entire accuracy of this exhibit, believe it to be at least an approximation to correctness.

The aggregate amount of the unsold lots, according to the valuation of the Acting Commissioner, is about $174,000. The committee are of opinion that the present minimum price is somewhat too high, and would suggest the propriety of authorizing its reduction.

The capitol has a fair start, and could be speedily completed, if the means of the Territory, ultimately ample, were immediately available. The committee are apprehensive that a sufficient amount of funds for a vigorous prosecution of the work cannot be seasonably realized from the resources of the Territory, without the aid of a loan, on the faith of the lots.

One obstacle in the way of realizing means from the notes given for lots, in so full a manner as might be expected, grows out of the form of the certificates made use of at the first and second sales in 1839. At those sales, two hundred and four lots were sold at an aggregate of $28,378 75. One-fourth being paid down, the purchasers gave their notes for the balance, payable in three instalments, and received certificates of their purchases. The following is a copy of one of them:

TERRITORY OF IOWA, IOWA CITY,
Office of Commissioner of Public Buildings.

"I, Chauncey Swan, Acting Commissioner of Public Buildings, at the Seat of Government for the Territory aforesaid, do hereby certify, that of the county of in the this day purchased lot No. in block No. in the city of Iowa, the established Seat of Government of the Territory aforesaid, and having complied with the conditions of sale, the said , his heirs or assigns, are entitled to a deed of conveyance in fee simple to said lot, so soon as the title is obtained from the Government of the United States; for which conveyance the faith of the Territory of Iowa is hereby pledged.

Given, &c. C. SWAN, &c.

About $14,000 are due on notes under these certificates; and a number of the holders imagine that their lots are in no danger of forfeiture if their notes are not paid at maturity. It is unfortunate that this form of certificate was made use of—where the blame attaches—if any and where—the committee are not advised. The Acting Commissioner states that they were forwarded to him to be used, by the Executive.

The legislative assembly will judge whether there has been any mismanagement or mal-practice at the sales of lots, from the testimony of Messrs. Irish and Wilcher.

All of which is respectfully submitted.

ALFRED HEBARD,
FRANCIS SPRINGER.

TESTIMONY.

The first witness examined by the Committee was James N. Ball, introduced by the Acting Commissionr, to show that the books kept by William Skeen, his foreman, were not in his possession.

James N. Ball, (sworn.)—Question. Do you know where the books kept by William Skeen, as superintendent of the works on the public buildings at Iowa City, are?

Answer. From the best of my knowledge, living in the same house with him, I believe the books referred to, are in the possession of Skeen.

Ques. How many books did he keep?

Ans. Two or more; time book and pay-roll.

Joseph Woodworth, (sworn.)—Question. When did you commence work with the Acting Commissioner?

Answer. I did some work for him in June, eighteen hundred and forty, and on the ninth of July, if I recollect right, I commenced working for him in the capacity of foreman of the quarry.

Ques. What were your wages?

Ans. Two dollars and twenty-five cents per day, and boarded.

A paper purporting to be a pay-roll was presented to witness.

Ques. Is this your pay-roll for July?

Ans. It is a copy of my pay-roll for July.

Ques. Where is the original?

Ans. I delivered it to Mr. Swan. I think Mr. Swan had the pay-rolls copied every night about that time.

Ques. Is this a true and correct copy of your pay-roll for July?

Ans. I think it is.

The column of expenses was footed up, and to the sum total, the sum of one hundred and nine dollars and thirty-two cents, had been added as "brought from July." Mr. W. explained, and said that the last item of one hundred and nine dollars and thirty-two cents, was not on the original. The first part of the roll, I believe, is a true copy of the original. I am not so certain with regard to the latter part. I think the sum of one hundred and nine dollars and thirty-two cents, is intended to cover the expenses of myself and hands in June.

Ques. How many hands had you in June?

Ans. From four to eight hands, employed from six to eight days in examining the bank for stone.

Ques. Did you keep an account of the number of hands you had employed, and the number of days they worked?

Ans. I kept a regular pay-roll.

Ques. What did you give the hands in your employ in June?

Ans. I think one dollar and twenty five cents per day, and they boarded themselves. Some part of the time I had an ox team and a horse team. The June pay-roll must be in Mr. Swan's hands.

Ques, Did you or Mr. Swan pay for your board?

Ans. In June I charged nothing for board; after that to Oct. Mr. S. paid my board.

Ques. What did you pay a week for board?

Ans. Until Oct. two dollars and seventy-five cents; after that three dollars.

Ques. Did you keep any books?

Ans. None, except for team work.

The original pay-rolls having been sent for by the Committee, were here brought in by Mr. Dolbee.

The roll marked "A" witness stated was his original pay-roll for June, and that marked "B," his original pay-roll for July. Witness stated that these two pay-rolls embraced all the hands and teams under his charge, in the months of June and July, eighteen hundred and forty.

Ques. Did you receive the sum of six hundred dollars and fifty-three cents, specified in your receipt to Mr. Swan, dated August first, eighteen hundred and forty?

Ans. I did not. I actually received no money except my wages; but I am perfectly satisfied that all the men were paid, and that the amount receipted for in the receipt of August first, was paid.

Ques. What is the amount of the expenses of the hands and teams under your charge, including your own wages, according to your pay-rolls for the months of June and July?

Ans. Four hundred and fifty-four dollars and forty-six cents.

Ques. Do you know how long, and at what rates the hands mentioned in the copy of your pay-roll for July, other than those under your charge, worked?

Ans. I could not say positively.

Ques. In July where were you and your hands employed?

Ans. At the city quarry.

Mr. W. stated that the sum of fifty-five dollars, being the amount of his receipt to Mr. Swan, dated October twenty-nine, eighteen hundred and forty, was for services as superintendent in September and October, part at the Cedar quarry, and part at the city quarry.

Ques What is the two hundred dollars receipt, dated August twenty-first, eighteen-hundred and forty, for?

Ans. I had been out at the Cedar quarry, and come into the city, Mr. Swan wanted to send for some money, and desired my receipt. I gave the receipt for two hundred dollars, it being as near as I could calculate the amount of expenses at the Cedar quarry at that time. I gave

the receipt without getting the money; the money was received in September by the hands. The amount of this receipt was afterwards deducted from the expenses, according to pay-rolls and team work.

Mr. W. stated that he gave the receipt for two thousand three hundred and eigty two dollars and twenty-three cents, on final settlement, in like manner as the other receipts above referred to, were given.

Ques. What is the whole amount of expenses, according to your pay-rolls and accounts for the months of August, September, and October?

Ans. One thousand nine hundred sixty-four dollars and thirty-one cents.

Mr W. stated that he kept some team work accounts separate from the pay-rolls; that the sum of thirty-three dollars and thirty-eight cents, paid Charles Swan, for team work, and twenty-six dollars and fifty cents paid Lyman Dillon, for team work, both in July, should be added to the amount of expenses in June and July, according to pay-rolls for those months, and the sum of forty-seven dollars and eighty-seven cents paid to Matthew Brown, for team work; he was not certain whether he or Skeen receipted for it; but thinks that he did not.

Mr. W. was afterwaads called in by the Committee, to explain something about the work performed by Rague & Co., and said:—I assisted in estimating the work performed by Rague & Co. on the capitol. It was the latter part of June, or first of July. Mr Skeen and myself made the estimates. Rague & Co. had carried the rough mason work, and a part of the cut-work up to the bottom of the water table, nearly all round. and the interior walls were up entire to the bottom of the water table. We estimated the value of the work then done, at as near ss I can recollect, something in the neighborhood of nine thousand dollars. Rague & Co. did no more work after we made the estimates. As near as I can recollect, we estimated the work done at four dollars and fifty cents per perch. I do not remember the number of perch. I understood from Mr. M'Donald, (one of the firm,) that in July, at Burlington, Rague & Co. gave Mr. Swan a receipt for ten thousand dollars, they proposing to erect the walls up to the underside of the water table for that amount; the quarry failing, the walls were not erected that high, and the estimates were made to ascertain how much the work fell short of that amount.

James Hanby, (sworn.)—A receipt for six hundred dollars was shown to Mr. H., which he said was his, and he signed his own name and that of Mr. Heron to it.

Question. Did you receive the money mentioned in this receipt?

Ans. I received a part in money, at sundry times, and a part in provisions; we have a long account with Mr. Swan; we have never settled. What I received was the same as money. Mr. Swan paid some hands at work for us. At the date of the receipt, I wanted some money, and he asked me what was the amount of our dealings. I

said that I thought it was about six hundred dollars. The next day he paid me fifty dollars. We did not know for certain the amount of our dealings with him; we only made a rough guess at it.

Ques. Was there a contract between you and Mr. Swan?

Ans. There was.

Ques. Was it written or verbal?

Ans. We had no written contract; it was merely a verbal agreement for the delivery of Joists.

Ques. What were the terms of the contract?

Ans. We were to furnish it at seven cents per lineal foot.

Mr. H. here presented a bill of the joists he was to furnish, handed to him at the time of the agreement, by Mr. Swan. The bill called for

Joists	- - -	42 by 23	feet long.
"	- - -	26 by 25½	"
"	- - -	36 by 23	"
"	- - -	68 by 22	"
"	- - -	2 by 25½	"
"	- - -	2 by 14	"
"	- - -	50 by 8¾	"
"	- - -	13 by 8¾	"
"	- - -	5 by 19½	"

and stated that he had furnished nearly the amount of the bill, in timber, sawed and unsawed; and that Mr. Swan had their verbal engagement to complete it.

Ques. Does this bill embrace the whole amount of lumber you were to furnish?

Ans. It does.

Ques. When do you consider your contract fulfilled?

Ans. As soon as the timber is on the ground, and sawed into joists.

Ques. What other labor have you done for Mr. Swan, pay for which is included in your receipt?

Ans. Working on the bridge, on the lintles, putlocks, and making and keeping tools in order for the masons and stone cutters.

Ques Have you a regular account of these several items?

Ans. I do not know positively whether we have or not.

Ques. What was the amount and value of your work on bridge, lintles, putlocks, and making and keeping tools in order for masons and stone cutters?

Ans. On the bridge, I think I worked nine days, and four hands four days, and three hands eight days. My wages were (board included) three dollars and seven cents per day; the hands two dollars and twenty-five cents; the lintles and putlocks I do not remember about,—I had nothing to do with them. Mr. Heron put hands to work on them; as to the tools, it is impossible for me to tell any thing that would be correct about them.

Mr. H., at the suggestion of Mr. Heron, here explained, and said that they also, at the time they made the above contract, agreed to furnish joists and timber necessary to support the roof. This timber they had not yet furnished, for the reason that they had not received the bill.

Ques. Do you understand that the six hundred dollar receipt will cover the expense of furnishing the timber for the roof, according to your agreement?

Ans. I should not suppose it would.

James Heron, (sworn.)—Mr. Heron being present when Mr. Hanby was examined, came before the Committee for the purpose of giving his understanding of the six hundred dollar receipt.

Ques. Did you sign the receipt?

Ans. I did not, I was not present when it was signed, nor consulted about it, though I sanctioned it afterwards. I always understood receipt was given for the purpose of covering the expenses of getting out the joists and roof timber, and work on the same, and that it had no connexion with work on the bridge, lintles, making and repairing tools, &c.

Ques. What amount of timber were you to furnish for the roof?

Ans. I do not recollect. The bill of it has never been furnished us, and the reason assigned for not furnishing the bill was that the draft had not been made out.

Ques. At what rate were to you furnish the timber?

Ans. Seven cents per lineal foot.

Ques. Has any part of the lumber and labor been furnished by you to the Acting Commissioner, if so, state to how much?

Ans. The timber is all on the ground but fifteen stocks—the posts have never been delivered to Mr. Swan, though a part of them is on the ground, they are ours yet. Our agreement was to have fulfilled the contract before this time, but is still in a state of progress. I mean the joists necessary for the second tier.

Ques. Have you been paid for work on bridge, &c ?

Ans. I expect we have for work on bridge; I am not certain about the bills, &c., we have an unsettled account with Mr. Swan.

Ques. How much money have you acceived from Mr. Swan?

Ans. I am not able to answer that question directly. I agree with Mr. Hanby, on that point.

Ques. Have you bought lots of Mr. Swan?

Ans. I bought four lots at the sale in October, eighteen hundred and thirty-nine, and I have bought second hand, two other lots of other persons, one of Mr. Cox, and one of Mr. Owen, and since the last sale, I have entered one at two hundred dollars, and paid fifty dollars on it. I have paid about twenty-eight dollars for Mr. Osbourne. One of the first lots I bought of Mr. Swan, was one hundred and five dollars, the Owen lot, was one hundred and five dollars, and I have paid

three payments on it (seventy-eight dollars and seventy-five cents.) On the Cox lot, I have paid thirty-nine dollars and sixty-five cents. Another of the first lots was about sixty-two dollars; I have paid for it. The first payment on the four first lots, I made in cash. Of the other two first lots, one was one hundred and ninety dollars, the other one hundred and twenty dollars. These two lots I consider I have paid up for.

Ques. What amount of notes and obligations given by you to Mr. Swan for lots, which you are held for, is now due and not paid?

Ans. About one hundred and eighty-five dollars and twenty-five as near as I can recollect. This sum I consider included in the six hundred dollar receipt

Charles Drury, (sworn.)--A receipt for one thousand two hundred dollars, for forty thousand feet of lumber, was presented to Mr. D.

Ques. Is this your rreceipt?

Ans. I signed the receipt

Ques. Have you received the amount of money it calls for, and in cash?

Ans. Part in cash, and a part in town in town property.

Ques. What proportion of each?

Ans. It would be hard for me to find out. I lifted some notes of my own, given for town property, and some for other individuals.

Ques Have you minutes of the account of notes of your own and of others, that you lifted by your agreement to furnish lumber?

Ans. I have not—several of the notes are destroyed.

Ques. Have you delivered the amount of forty thousand feet of lumber?

Ans. I cannot say to be certain about it. I did not measure all the lumber myself. It was the calculation at the time of settlement that I had delivered it all.

Ques. Who measured the lumber?

Ans. It was measured by myself, and men under my employ.

Ques. Did Mr. Swan measure any of it?

Ans. I do not know.

Ques. Did you keep an account of the lumber as it was delivered?

Ans. I did keep an account of the loads that were hauled. I was delivering lumber along through the summer, and gave receipts as I received the money, and when I got through, I took up the small receipts and gave the large one.

Ques. Where was the lumber delivered, and by whom?

Ans. It was delivered at the city, and by me.

Ques. Did your books show at the time of settlement that you had delivered it all?

Ans. They did.

Ques. Where are your books?

Ans. They are some at the mills, and I think I have some bills of the lumber here in town.

Ques. How many lots have you bought of the Acting Commissioner?

Ans. I have bought two lots and a part of a lot.

Ques. What kind of lumber did you deliver?

Ans. I delivered some 1¼ inch walnut for making patterns, and tools of different kinds; some sheeting at different times; scantling 2½ by 4, some 2½ by 8 inches, and a considerable quantity of 1½ inch oak lumber, used for scaffolding; and some one inch lumber.

Ques. Was your contract written or verbal, and what were its specifications?

Ans. It was verbal. I do not remember the specifications to the amount—the terms were three dollars per hundred.

Walter Butler, (sworn.)—Two receipts, one for $154 50, the other for $22 50, were shown to Mr. B.

Ques. Were these receipts signed and given by you?

Ans. They were.

Ques. Did you receive the amount of money therein specified, in cash, at the time you signed them?

Ans. No. I had a contract for hauling rock from Cedar with Mr. Swan, and my team worked on the Avenue, and hauled some rock on the quarry. I received the money at different times.

Ques. How much money have you received on the receipts?

Ans. I cannot tell. I have received the full amount in money and payment on a lot; I have paid $200 on my lot, for which I gave no receipt. I have done work enough for the Acting Commissioner to cover the receipts and the $200 payment on my lot.

Charles Connelly, (sworn.)—A receipt for $450 was shown Mr. C.

Ques. Is this receipt yours?

Ans. It is my hand write.

Ques. At the time you gave this receipt, had you received the amount it calls for, in cash?

Ans. I had not received it all in cash; a part of the amount being paid by Mr. Swan to Mr. Jones on my order—it was the same as cash to me.

[The receipt stated that the amount was paid for timber.]

Ques. Did you make a contract with Mr. Swan for the delivery of timber?

Ans. I made none but a verbal agreement.

Ques. What amount of timber did you agree to furnish?

Ans. I cannot state the exact amount. I agreed to furnish the long joists and some short joists and lintles, according to certain bills presented to me by Mr. Swan. I was to have three cents per foot, board measure, for what I furnished on this agreement. The timber I furnished on the first agreement came to $700. [This sum covers another receipt for $250.] The $250 receipt I received all in cash. I furnished about twenty-five thousand feet for the amount of the two receipts.

[Another receipt for $479, was here exhibited to Mr. C.]

This receipt, witness states, was partly connected with his timber agreement—about twenty-five or twenty-six dollars of it.

Ques. For the balance, how much timber did you furnish?

Ans. Three hundred and eighteen putlocks, ten feet long; two hundred and furteen lintles, five and six feet long, and one hundred and fifteen joists, six by nine; amounting to the full balance.

[Another receipt for one hundred dollars was here exhibited.]

The witness stated that he had received his share of this receipt, and his partner the balance. And that he had furnished lumber to the amount of these four receipts, with the exception of from eight to fourteen hundred feet, which he was prevented from delivering by the ice and low water.

Ques. What did you receive per hundred for sheeting?

Ans. Three dollars. It was square edged, and one inch thick.

Stephen Wicher, jr., (sworn.)—All that I know in relation to the official conduct of the Acting Commissioner, is what he told me himself a week or ten days after the second sale of lots, a year ago last fall. He, or some one else, had told me that the nominal amount of the second sale, was rising eleven thousand dollars, and he told me that the amount actually received, was, at that time, about two hundred dollars. He gave, as his reasons for the limited amount of receipts, that some of the persons in whose names purchases were made, were not present at the sale; that he had not seen them since the sale, and could not tell whether they would take the lots or not, and that some who had taken lots had not then paid the first instalment. That he had taken their notes for the first instalment for a limited time, some thirty days, some sixty, and some for a longer period. He said he supposed that the money would be paid in by the time the Territory might want it, or words to that effect. The current of the conversation seemed to be, that he was desirous that the nominal amount of sales should appear as large as possible, and that the amount of receipts was not immediately so material. The reason of my attention being directed particularly to this part of the conversation, was my having previously heard that a system of puffing was practiced at the first sale—that a Mr. Shay and Mr. Gano of Cincinnati, were deterred from bidding at the first sale in consequence thereof.

Ques. Do you know of any fictitious sales?

Ans. I know of none of my own knowledge. I inferred from Mr. Swan's conversation that there were sales that might prove to be unreal.

Ques. Do you know of any witnesses who would be apt to know of any mal-practice on the part of the Acting Commissione?

Ans. I know of some who will be able, perhaps, to communicate some light upon the subject. They are Capt. Irish, J. B. Gardner, Dr. Jesse Bowen, A. Calkin, Samuel W. Stewart, Samuel J. Frost, Mr. Fletcher, Rev. Mr. Gardner, and Messrs. Hanby and Heron.

Capt. F. M. Irish, (sworn.)--Mr. Irish's receipt for $193 50, was exhibited to him.

Ques. Was the receipt given for what it purports to be?

Ans. It was. I received the amount of money therein specified; my team hauled eleven loads of stone from Cedar quarry at something less than fifteen dollars per load. The balance was for work on Avenue—the amount I do not recollect. I presented my bill of items, however, at the time of settlement.

Ques. Are the other receipts you have given correct and true?

Ans. They are, to the best of my recollection.

Ques. Do you know of any acts of mal-practice on the part of the Acting Commissioner, either in relation to the sale of lots, or in relation to his operations on the capitol?

Ans. So far as his having bid off lots at the sale, a year ago last October, at the minimum price, in his own name, and in the name of persons not known in this place, and afterwards disposing of these lots at an advance upon the minimum price, and stating that he had a right to all the proceeds arising thereof, over and above the minimum price; so far as all this is concerned, if it may be considered as mal-practice, it came within my own knowledge—the Acting Commissioner stating that he had a right to realize a profit or make something by the operation, as well as any body else. I should judge there were some 20 or 30 lots bid off in this manner, not all in his name, but some in the name of his friends; all of which he stated he had the control of. The reason of my mind being so fresh on the subject, is the fact of my being present at several conversations between Mr. Swan and Gen. Gano, of Cincinnati, at the time of the sale. General Gano made some enquiries of Mr. Swan about this manner of sale and expressed his dissatisfaction, saying, that he did not consider this making sale of lots to unseen purchasers, fair; and that he was unwilling to bid against such purchasers, and that he was dissuaded from bidding on some particular lots which he desired, in consequence of it. Gen. Gano was reputed to be wealthy, he bought one lot. There were two other gentlemen with him—Mr. Pew and Mr. Shay—who were also reported to be men of property.

They purchased one lot each, and I am not sure but more. The twenty or thirty lots I mentioned, were bid off by Mr. Swan, and Mr. Dillon, and when bid off, some were ordered to be put down to Mr. Swan, some to Mr. Dillon, and some to several individuals in Dubuque. Mr. Swan stated that he was authorized to bid for the persons in whose names the lots were put down to, and stated that his motive in pursuing this course was in order to have a clean sale of all the lots offered, and that there should be no lots returned unsold, lest it should have an injurious effect on future sales. The course pursued by Mr. Dillon, particularly, had a decidedly injurious effect, it prevented several citizens from purchasing lots. Frequently, when lots were of-

fered, and the minimum price called, he would ride up and declare that a particular lot should not be sold, unless it brought so much, naming the sum, above a minimum. In one instance, I recollect the minimum of a lot was one hundred dollars, when it was called, he rode up and declared that that lot should not be sold for less than three hundred dollars. I am not aware that Mr. Swan had any control over Mr. D. or that he was accessary to his course. He did not, however, take any step to prevent it, and the citizens and persons present were generally dissatisfied with it. I am not aware that Mr. Swan tried to prevent the sale of any lots, but from the relation in which Mr. Swan and Mr. Dillon stood to each other, the feeling of dissatisfaction must necessarily have extended itself to Mr. Swan. They came here together, and appeared to act together in all matters concerning public affairs here, Dillon appearing to be prime minister of the business. I was auctioneer at the sale. The manner of managing the sale was this: We had a list of the lots to be sold, Mr. Swan had put the minimum price on many of the lots, before the sale, in some instance the minimum was put on at the sale, and then the question was asked "who will give one dollar more than the minimum price?" if no body bid, the lot was put down to Mr. Swan, or to some other person abroad. In this manner the sales were made to Mr. Swan, and to the persons at Dubuque.

So far as relates to Mr. Swan's business transactions on the capitol, I know nothing from my own knowledge.

Ques. Are you and Mr. Swan on friendly terms?

Ans. I know nothing to the contrary.

Ques. Do you know of any person who would be likely to know the same facts you have testified to?

Ans. I know of Mr. Shagley, who was present at the sale, and also Mr. Gardner, who assisted as clerk of the sale.

Mr. Langworthy, from the same Committee, submitted a Report, being that of the minority of said Committee, which was also read, as follows:

To the Honorable the House of Representatives:

The undersigned, one of the committee appointed under the joint resolution of the legislative assembly, to examine the public buildings at Iowa City, &c., differing in many important particulars from the majority of said committee, asks leave to submit the following report:

He would, however, preface by saying that he fully and cheerfully accords with the views of the majority of the committee, so far as their report relates to the public building, the materials on hand, and their estimates of the amount of masonry necessary to be done to erect the capitol to the base of the architrave.

He would further state, that he regrets very much the causes which have led him to adopt this mode of submittlng his views to the legis-

lative, and would gladly have left the subject in the hands of the majority of the committee. But believing that much injustice will be done individuals, and that the people of the Territory will not be able fully to comprehend the facts in reference to the conduct of the Acting Commissioner in the discharge of his duty, from the report submitted by the majority of the committee, as that report is calculated, from its peculiar phraseology, to impress the reader with ideas which the facts before the committee will not warrant, when stripped of the high coloring and one-sided conclusions drawn from them by the majority of the committee. He would not be understood to accuse the majority of misstating the facts, or of wilfully endeavoring to wrong or injure the standing of the Acting Commissioner; but would willingly accord to them the most pure and patriotic motives; while he seriously attributes any false colorings and shades that characterise a part of their report, to other and more blameless causes.

Such as wishing their views on every minor matter connected with the investigation, to appear in their full and broadest light, and being pre-disposed, from rumors which have long been afloat in the country, regarding the affairs at Iowa City, to judge harshly towards the Acting Commissioner.

These considerations have induced the undersigned to submit a complete statement of all that came to the knowledge of the committee during their sitting at Iowa City, so far as the same bears any relation to the accounts of the Acting Commissioner. A copy of the testimony has been submitted by way of appendix to the report of the majority of the committee.

The undersigned would here remark, that this copy is but a partial report of the testimony taken by the committee; and that all those parts which would appear to the advantage of the Acting Commissioner are either left out of the copy of the testimony or studiously evaded in their report. It must also be remembered, that all the testimony taken, was entirely exparte; and that when Mr. Swan desired to be present at the examination of witnesses, the committee refused him that privilege. For the purpose of obviating the necessity of submitting seperate reports, the undersigned requested the committee to report *the facts as we found them*, without coloring, shade, or comment, and allow each member to append such other statements as a sense of duty might dictate; but was informed that they had their report prepared as it must be submitted.

With these remarks concerning the nature of the testimony as submitted to the legislative assembly, and the differences which divide the committee, the undersigned would submit the following statement of facts.

But before proceeding with his recital of the acts of the committee, it may not be amiss for the undersigned to advance his own opinions and views of the manner of conducting the investigation. And while

he regrets that such should have been the course pursued by the committee, he, nevertheless, feels bound, from a sense of duty, to say, that there was an apparent disposition to collect the gossip found afloat in the city, so far as the same could, in any way, affect the standing of the Acting Commissioner, else, why should a gentleman be called from a distant town and kept in attendance for nearly a week, ranging the city, and occasionally presenting a written communication to the committee, while the undersigned had no means of judging whether the person aforesaid was acting in the capacity of an assistant prosecutor, or what was his connection with the committee until the common talk of the city informed him that he had been called by order of the committee as a witness. He would further state, many of the acts of the committee seemed to partake more of the nature of an attack upon character, than a fair investigation after truth; and that when enquiries were made of witnesses, the questions were better calculated to embarrass than to elicit the true state of the transaction under consideration. The undersigned does not make these remarks in a spirit of censure, but for the purpose of showing the various causes which have induced him to submit his understanding of the result of the whole examination made by your committee at Iowa City.

The committee, after having examined the building, materials on hand, and the character of the workmanship generally, proceeded to compare the reports of the Acting Commissioner, heretofore made to the legislative assembly, with his receipts or vouchers, and found them very nearly to correspond: and as we were compelled to hurry over a multiplicity of figures, the undersigned believes that the reports, according to the vouchers, were substantially correct.

We next examined into the character of the several vouchers, with a view to determine whether they were what they purport to be, *true* and correct *receipts* for moneys paid out by the Acting Commissioner.

The first one was the receipt of Mr. Woodworth, for six hundred dollars and fifty-three cents.

Mr. Woodworth's pay-rolls were carefully examined, and we found that in the months of June and July, they amounted to four hundred and fifty-four dollars and forty-six cents; the balance of the receipt is made up by the exhibit of receipts of different individuals for hauling, &c. Mr. Woodworth testified that the different sums were all paid by Mr. Swan and himself, in the office.

Mr. Woodworth's next receipt was for two hundred dollars. This appeared to have been drawn without settling his pay-roll; but Mr. W. stated, that his hands had done work to that amount, at the Cedar quarry, but they had not finished working there, and the money was drawn on an estimate of the work done.

The next receipt of Mr. W. is for fifty-five dollars; and was for his own work and board for the months of September and October.

Another receipt for the sum of two thousand three hundred and eighty-two dollars and twenty-three cents, signed by Mr. Woodworth, was given on a final settlement between him and Mr. Swan, and covers the whole balance of his pay-rolls for work, hauling, &c., together with several receipts for hauling from Cedar quarry.

The several receipts amount to three thousand two hundred thirty-seven dollars and seventy-six cents, and are satisfactorily accounted for to the undersigned.

We then proceeded to examine the receipts of William Skeen, foreman on the building, and found them to amount to the sum of four thousand five hundred sixty-six dollars and five cents.

Mr. Skeen's pay-rolls for work on the capitol, amounted to only three thousand eighty-seven dollars and thirty-five cents, leaving a balance of one thousand four hundred and seventy-nine dollars and seventy cents, to be accounted for; to balance this sum, we found receipts for hauling, for work on the Avenue, &c., to the amount of one thousand two hundred and ten dollars and seventy cents; there still remained the sum of two hundred and sixty-nine dollars, for which we found no receipts; but the books of Mr. Skeen, kept for hauling, show the amount, and he has certified to its correctness; in the above amount is included the sum of seven hundred and sixty dollars and ninety cents, found on the pay-roll kept by Mr. Dillon, and certified to by Mr. Skeen. The undersigned can thus account for all the money receipted for by Mr. Skeen, which makes a large item in the report of the Acting Commissioner, and one, for various reasons, the committee thought proper to examine very carefully.

William Watt receipted for the sum of one thousand four hundred and seventy dollars and fifty-three cents; he kept the pay-rolls in October, after Mr. Skeen had left. The pay-rolls of Mr. Skeen, up to the seventeenth of said month, show an expenditure of six hundred and forty-eight dollars and eighty-six cents. After that time, those kept by Mr. Watt show an expenditure of four hundred and nineteen dollars and ninety-one cents. The balance of this receipt is made up of accounts of C. Swan, to the amount of three hundred and ninety-six dollars and sixty cents, for different items, from the first of May, eighteen hundred and thirty-nine, to the first of November, eighteen hundred and forty, and is comprised of charges as one of the board of commissioners, for services before his appointment as Acting Commissioner, for hauling tools, &c., from Dubuque; for traveling to and from Burlington for money, &c.

The receipt of Heron and Hanby for the sum of six hundred dollars, was found to be given on a contract for lumber for joists, a part of the roof, and for labor on the same. A part of the above amount was paid in money, and a part in lots. Messrs. Heron and Hanby stated that they had delivered a considerable partion of the lumber on the ground, but it was not yet ready for use, though they are at work

on it at the present time, and will have it all ready by the time the building is ready to receive it.

As none of the above named timber has actually been received by the Acting Commissioner in a shape for use, the undersigned would consider it partly as an advance of money or lots.

The several receipts of Charles Connelly were carefully examined. We found them to amount to one thousand four hundred and ninety-seven dollars, which sum Mr. Connelly affirmed he had received, and delivered the lumber to the full amount of his contract, except about eight hundred feet, which lies in the river a little above the city.

We examined the receipt of Charles Drury for the sum of $1,200.

Mr. Drury testified, that he had delivered lumber on the capitol square for that amount, and received his pay in cash and city lots.

The next receipts were those of Mr. Butler, one for the sum of one hundred and fifty-four dollars and fifty cents, and one for twenty-two dollars and fifty cents.

Mr. Butler testified, that he had received those sums at different times in cash and in part payment for a lot, and that he performed labor to the full amount of the same in hauling from Cedar.

A large item in the reports of the Acting Commissioner, is the sum of ten thousand dollars, paid to John F. Rague and company, on their contract for furnishing rock, and erecting the capitol.

Mr. Woodworth testified, that he assisted to make an estimate of the work done, and to be done on the basement, and found there had been work performed to the value of about nine thousand dollars; and that it would cost about one thousand dollars to complete the same. About this time the board of commissioners were engaged in settling with Rague & Co., and an order was passed directing the Acting Commissioner to seize upon the effects of Rague and company, to the value of one thousand dollars, as a balance which had been overpaid him by the Acting Commissioner.

Shortly after that time, the Acting Commissioner charged himself with the sum of one thousand one hundred and five dollars, received from Rague and company, in cash, tools, iron, &c.; it therefore appears that the Acting Commissioner executed the order of the board.

The undersigned is of the opinion, from the books, receipts, &c., examined, and the testimony taken by your committee, that the receipts named in the reports of the Acting Commissioner are exactly what they purport to be, actual expenditures of money for the purposes therein named. These, in all, are found to amount, from the time of making the location up to the date of his last report, to the sum of thirty-three thousand four hundred and seventy-nine dollars and thirty-two cents; add to this the salary of the Acting Commissioner from time of his appointment up to the first of November, eighteeu hundred and forty, one year, five months, and twenty-three days, at one thousand two hundred and fifty dollars per year, one thousand eight hun-

dred and fifty-one dollars, making the total credits of C. Swan, Acting Commissioner, on the first of November last, thirty-five thousand three hundred and thirty dollars and thirty-two cents. We found him chargeable at the same date with the following sums, viz: drawn from the appropriation made by Congress for the erection of the public buildings, twenty thousand dollars, and from the sale of lots in Iowa City, and for tools and other receipts, the total sum of fifteen thousand one hundred sixty-one dollars and seventy-one cents, making, in all, chargeable to the Acting Commissioner, the sum of thirty-five thousand one hundred and sixty-one dollars and seventy-five cents, leaving a balance due him, at the date of his last report, of hundred and sixty-eight dollars and sixty-one cents.

These several items may not be precisely correct, as in the hurry of business some errors may have been made; but the undersigned is fully satisfied that the result could not be materially varied by the most strict and careful scrutiny.

The next business that came before us was the amount of lots sold and the amount of notes now in the office of the Acting Commissioner, we found from the books of sale, that the total amount for which lots had been sold, was thirty-four thousand three hundred and ninety-seven dollars and seventy-five cents. Of this sum there remains on hand in the office, notes to the amount of nineteen thousand seven hundred and forty-nine dollars and twenty-two cents, these include the several notes of C. Swan, given for lots, and by him reported as cash in his last report.

These notes are fast becoming due, and the sum of thirteen thousand dollars on them will be payable by the middle of July next; the balance are those which have been taken for lots sold since the late minimum price was fixed, and many of them will not be payable until late in the year eighteen hundred and forty-one, or early in eighteen hundred and forty-two.

The undersigned had reason to find fault with many of the receipts and vouchers, by their not being sufficiently explicit, and containing too many different items in one receipt, and strongly objects to the mode of keeping the pay-rolls, as the hands are not required on these to receipt for their own pay. He also thinks proper to state that many of the contracts by Mr. Swan, for building, materials, &c., are too indifinite, not setting forth the precise amount of work to be done, and the exact specifications of the different parts of the same. In the contract with Rague and company, we were not able to come at the actual value of the work done when compared with the whole contract.

In some of the contracts for lumber, the kind, quality, and quantity are not mentioned as specifically as we could wish.

In some instances there appears to have been small advances made on contracts. This was wrong, and should not be done by any one

entrusted with the prosecution of public works. As a paliation for this, it may easily be supposed that the contractors in that place were, many of them, honest men, but not sufficiently able to go on and complete their contracts without some advances; but as the instances were few, the undersigned would not attach as much blame to the transaction as he would under other circumstances.

The Acting Commissioner has charged the Territory with the sum of forty dollars, extra, for services in making out the report of the board of commissioners in July last; whether this is a correct charge or not, it is not the province of the undersigned to determine; but he would state, that as it was an extra report, and as it is the duty of the board to make it out under a resolution of the legislature, and as the commissioners did not meet for that purpose, but required him to prepare it for them, and consequently no charge was made by them for daily services; and finally, as it was an extra work of no inconsiderable amount, it seems but reasonable that some allowance should be made for it. Of the same nature, is an item of clerk hire, wherein he pays his son one hundred and fifty-five dollars, for assisting to make out said report, and also fix the valuation of lots as required to be done by the Governor and Secretary, in conjunction with the Acting Commissioner; and as all the duty was thrown upon him by the neglect of the others to assist, it was impossible for him to get along without assistance; had they all attended as contemplated in the law, they would undoubtedly have required pay for their services. These seem to be the circumstances in justification of the above named charges. There is also an item of one hundred and twenty dollars for office rent; whether, under the law, the Acting Commissioner has a right to charge this or not, the undersigned is not prepared to say; or whether the sum charged is too much or too little.

There are also, three separate charges for hauling specie from Burlington, amounting in all to about $84, the balance of the sum is made up for services as one of the board of commissioners; some allowance is certainly due the Acting Commissioner on these charges, whether to the full amount or not, the undersigned considers it not his province to say.

In the receipts of Mr. Woodworth, is included an item of $62 54, as a charge of Mr. Swan's, for work done on Avenue, in 1839. This is an item which needs some explanation, as it is incorporated in the receipt of a person who could not have been known to the expenditure.

These particulars are presented to the legislative assembly, without comment, as they form the principal subject of animadversion on the part of the majority of the committee.

It may be proper for the undersigned to make a few remarks concerning the cost of the building, and a few rough estimates of the probable cost of enclosing and partially finishing the same.

After deducting the sums expended in surveying the city, buying maps, grading avenue, digging the foundation of capitol, procuring scaffolding, opening quarry, purchasing tools, and all other expenditures foreign to the building to the building itself, there remains about the sum of $18,000, actually expended on the capitol in work and materials; and the undersigned is of the opinion that as much more expended in prosecuting the work during the next summer, will erect the walls to the square, and finish the gable ends, put on the roof, and finish the two rooms designed for the temporary use of the legislative assembly; to accomplish this, there is on hand, lumber, rock, brick, lime, sand, &c., to the value of from $2,000 to $3,000, leaving a balance to be provided of from fifteen to sixteen thousand dollars; which will be required in cash, in order successfully to carry on the work for next season.

The undersigned would here suggest to the legislative assembly, his views as to the proper policy to be adopted in order to advance the best interests of the Territory at the present crisis:

First—He would recommend that a resolution be passed changing the day of meeting to the first Monday in December next, and providing for holding the session at Iowa City.

Second—To authorize a reduction of the price of lots, and provide for a public sale in May next, and provide also, that all lots sold, shall be paid for as follows: one half cash in hand, and one fourth in six months, and the remainder in twelve months; or let them be sold for materials, labor, &c.; and

Third—To pass a law authorising a loan of money, or the issuing of scrip on the faith of the lots sold and to be sold in the city. Also, let the Secretary of the Territory be authorized to sell the furniture, &c. now belonging to the legislature, and purchase other for their use at Iowa City.

If the above suggestions are complied with, the undersigned has no doubt but that the building can and will be fully prepared for the accommodation of the legislative assembly at its next meeting, and that the citizens will be as well prepared to accommodate the members as they now are in Burlington.

All of which is respectfully submitted for your consideration.

EDWARD LANGWORTHY

On motion of Mr. Lash,

Ordered, That the Reports do lie upon the table until Tuesday next, and that two hundred copies of the same be printed.

Mr. Van Antwerp, on leave, presented the petition of sundry citizens of Cedar county, praying that a Territorial Road may be located, leading from Moscow, Muscatine county, to Iowa City.

Ordered, That said petition be referred to the Delegations from the counties of Johnson and Muscatine, Cedar, Jones, and Linn.

Mr. Leffler, on leave, introduced No. 105, H. R. File, "A Bill to

incorporate the Iowa Insurance Company at Burlington," which was read a first time, and ordered to be printed.

Mr. Porter presented the remonstrance, of sundry citizens of Henry county, in relation to the establishment of a Territorial Road from Columbus City, in Louisa county, via John Lee's, &c., to intersect the road leading from Fort. Madison to Mount Pleasant, in Henry county.

Ordered, That said remonstrance be referred to the Select Committee composed of the delegations from Louisa and Henry counties.

On motion of Mr. Steele,

The House adjourned until Monday morning next.

Monday Morning, January 4, 1841.

Mr. Lash presented the remonstrance of sundry citizens of Henry County, remonstrating against any change of the county lines of said county.

On motion of Mr. Lash,

Ordered, That said remonstrance, together with the petition in relation to the same, be referred to the Delegations from the counties of Henry and Des Moines.

Mr. Wilson of H., presented the petition of sundry citizens of this Territory, asking the repeal of the present Law in relation to Blacks and Mulattoes.

Ordered, That said petition be referred to a Select Committee of one member from each electoral District.

Whereupon the Speaker appointed Messrs. Wilson of H., Miller, Avery, Steele, Wilson of J., Toole, Felkner, Summers and Langworthy said Committee.

Mr. Wilson of J., presented the petition of sundry citizens of Jefferson county, praying that a law may be passed to authorize Richard Irwin, and Alfred Colvin to erect a Dam across Big Cedar Creek in said county.

Mr. Wilson of J., presented the petition of sundry citizens of Jefferson county, asking the passage of a Memorial to Congress, for an appropriation to build a bridge across Big Cedar Creek in said county.

Ordered, That said petitions be referred to the Delegations from the counties of Jefferson and Van Buren.

Mr. Summers gave notice, that he would on some future day, introduce a Memorial to Congress, for the establishment of a National Armory on Rock Island.

Mr. Summers from the Select Committee to which was referred the petition of sundry citizens of Clinton county praying the passage of a law to allow said county to elect one member to the House of Representatives submitted the following report:

Your Committee find from the return of the Marshal of the Territory at the extra session of the Legislature in July last, that the whole population of the Territory amounted to 43,117 souls. Divide this number by 26 (the whole number of Representatives) and it will require 1658 souls and a fraction over, to entitle any county or District to one Representative in the lower branch of the Legislature and 3,316 and a fraction to a member of the upper branch.

Your Committee also find when the census was taken the population of Scott county to be 2193 souls and the population of Clinton county 800 souls making in all 2993 souls consequently it appeared that the 2 counties were found wanting 323 souls to entitle them to one member of the Council and two members of the House of Representatives but the number wanting being small the Legislature thought proper to give them the representation they now have.

Your Committee feel disposed to grant the prayer of the petitioners of Clinton county, could it be done without infringing on the rights of Scott county, but as the number of inhabitants in Scott county is nearly three times as great as that of Clinton county, and the population of Clinton county not being quite half enough to entitle her to one representative.

Your Committee are of opinion that it would be doing great injustice to the people of Scott county to be thrown on an equal footing in representation with Clinton county, when the difference in numbers is as great as it is at present

Your Committee therefore ask to be discharged from any further consideaation of the subject.

The report was concurred in.

Mr. Lash from the Committee on engrossed Bills reported Nos. 53. 90. 97. 98. 103, & 104. H. R. File, as correctly engrossed.

Mr. Mason from the Select Committee, to which the subject was referred, reported No. 106. H. R. Fille, "A Bill to establish the county seat of Deleware county."

Mr. Walworth in accordance with previous notice, introduced No. 107, H. R. File, A Bill to provide for, and regulate marks and brands."

Said Bills were severally read a first time.

On motion of Mr. Lash,

No. 98, H. R. File, A Bill to locate and establish a Territoaial road from Columbus City in Louisa county to intersect the road from Fort Madison to Mount Pleasant in Henry county was taken up, and referred to the Delegations from Henry and Louisa counties.

On motion of Mr. Brierly,

No. 93, H. R. File, "A Bill to locate and establish the county Seat of Lee county," was taken from the table and committed to a Com-

mittee of the Whole House for it consideration.

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Brierly,

Ordered, That said Bill be engrossed and read a third time on to-morrow.

On motion of Mr. Hendershott,

No. 65, H. R. File, "A Bill to establish a Territorial Road from Burlington to the mouth of the Des Moines river," was taken from the table, together with the petitions in relation to the same, and referred to the Delegations from the counties of Des Moines and Lee.

On motion of Mr. Teeple,

No. 108. H. R. File, A Memorial to Congress for the resurvey of a certain portion of the Military road from Dubuque to the Missouri line," was taken from the table.

On motion of Mr. Porter,

The House resolved itself into a Committee of the Whole House, on said Memorial.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Memorial under consideration, and directed him to report the same with an amendment, to which the House agreed.

On motion of Mr. Teeple,

Ordered, That said Memorial be engrossed and read a third time on to-morrow.

On motion of Mr. Teeple,

No. 96. H. R. File, "A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a dam across the west fork of Crooked Creek, in the county of Washington," was taken from the table and ordered to be engrossed for a third reading on to-morrow.

No. 102. H. R. File, A Bill to Divorce Sarah East from her husband Hardman E. W. East, being the order of the day, and under consideration, a motion was made by Mr. Summers, that the same be engrossed and read a third time on to-morrow.

And the question being put,

Was determined in the negative. Yeas 4, Nays 19.

The Yeas and Nays being desired by Mr. Hendershott.

Those who voted in the affirmative, were,

Messrs. Summers, Toole, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Porter, Robertson, Steele, Teeple, Van Antwerp, Walworth, and Wilson of J.

So the Bill was lost.

No. 105. H. R. File, A Bill to incorporate the Iowa Insurance Company at Burlington," was read a second time.

On motion of Mr. Leffler,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Leffler,

Ordered, That said Bill do lie upon the table until to-morrow.

No. 44, C. F. "A Bill to incorporate the Town of Farmington, in Van Buren county," and

No. 53, H. R. File, "A Bill to provide for electing Justices of the Peace," &c., were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 90. H. R. File, "A Bill to confer on certain associations the powers and immunities of corporations, or bodies politic in law," was was read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 16, Nays 8.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning Felkner, Hebard, Hendershott, Isett, Leffler, Lewis, Miller, Robertson, Toole, Walworth, Wilson of H, Wilson of J. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Box, Langworthy, Lash, Mason, Steele, Summers, Van Antwerp, and Whitaker.

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

Ordered, That the Clerk request the concurrence of the Council therein.

No. 97, H. R. File, "A Bill to amend an act entitled An act to prevent and punish Gambling," was read a third time.

And the question being put, Shall the Bill pass?

Was determined in the negative.

No. 103, H. R. File, "A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Landing,"

No. 104, H. R. File, "A Bill to district the county of Johnson into Districts for electing County Commissioners."

Were severally read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Leffler, from the Select Committee, to which certain petitions were referred, reported

No. 109, H. R. File, "A Bill to establish a certain Territorial Road," which was read a first time.

On motion of Mr. Robertson,

No. 12, H. R. File, "A Bill to amend an act fixing the time for the annual meeting of the Legislative Assembly," was taken from the table and referred to a Select Committee of one member from each Judicial District. Messrs. Robertson, Felkner, and Lash were appointed said Committee.

On motion of Mr. Summers,

Ordered, That the Committee on the Judiciary be instructed to report on to-morrow, in relation to the Bill defining a lawful fence, and to provide against trespassing animals.

Mr. Van Antwerp, on leave, introduced No. 110, H. R. File, "A Bill to incorporate the Washington Mill and Manufacturing Company."

Which was read a first time.

Mr. Walworth, from the Committee on Territorial Roads to which was referred No. 37, C. F. "A Bill to lay out and establish a Territorial road from Bellview to Iowa City," reported the same back to the House without amendment, which was read a first time.

Mr. Masom, from the Select Committee, to which was referred No. 15, C. F. "A Bill to provide for the appointment of a Superintendent of Public Instruction," reported the same back to the House, and recommended the passage of the same.

Said Bill was read a first time, and,

On motion of Mr. Lash,

The 42d rule was suspended, and the Bill read a 2nd time and, the question being put, Shall the Bill be read a 3d time on to-morrow?

Was determined in the affirmative. Yeas 20, Nays 3.

Yeas—Messrs. Avery, Box, Brierly, Felkner, Hebard, Hendershott, Lash, Leffler, Mason, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Nays—Messrs. Isett, Langworthy, and Lewis.

So the Bill was ordered to a third reading on to-morrow.

Mr. Isett, from the Committee appointed to examine the Records, &c., reported that they had examined the same, and found the proceedings of this House correctly recorded up to the 29th of November, inclusive.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 30th ultimo, present to the Governor, for his approval—

An Act to district the county of Linn for the election of County Commissioners.

An Act to incorporate the Fairfield Lyceum.

An Act providing for the service of Writs by Copy, in certain cases.

An Act to establish a Seminary of Learning, at or near Marion, in Linn county.

An Act supplemental to an act, regulating practice in the District Courts.

An Act supplementary to an act, for the benefit of Settlers &c. on the Half Breed lands.

An Act to amend an act, establishing certain Territorial Roads therein named.

A Joint Resolution, relative to a Mail Route from Peru, Illinois, to Davenport, Iowa, thence to Iowa City," and,

A Joint Resolution, providing for the printing of the Laws of the present session.

On motion of Mr. Brierly,

The House adjourned.

2 O'CLOCK P. M.

A motion was made by Mr. Summers, to reconsider the vote on the passage of No. 97. H. R. File, A Bill to amend an act to prevent and punish Gambling."

To which the House agreed.

A motion was made by Mr. Wilson of H. that the Bill be referred to a Select Committee with instructions to report on to-morrow,

The motion was lost.

The question then being on the passage of the Bill, and being put,

Was determined in the negative. Yeas 10, Nays 14.

Yeas, Messrs. Box, Brierly, Lash, Robertson, Steele, Summers, Teeple, Toole, Whitaker, and Wilson of H.

Nays, Messrs. Avery, Felkner, Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Mason, Porter, Van Antwerp, Walworth, Wilson of J. and Cox, Speaker.

So the Bill was lost.

Mr. Hendershott from the Committee on Expenditures, to which was referred the petition of Wm. Anderson, asking compensation as guard of Penitentiary, submitted the following report:

Your Committee are of opinion that the petitioner's request is amply provided for, in the law providing for the appointment of Auditor of Public accounts, and regulating the duties of Territorial Treasurer, and that the Legislature can have no action on the petitioner's request.

Therefore your Committee ask to be discharged from any further consideration on said petition.

The Report was concurred in.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

I am ~~directed~~ to inform the House of Representatives that the Council have passed

No. 45. C. F. A Bill to change the time of the meeting of the Legislative Assembly, also with amendments.

No. 55. H. R. A Bill to establish certain Territorial Roads.

No. 46. C. F. A Bill to amend an act regulating interest on money.

And have agreed to amendments of the House of Representatives, to amendments of the Council to

No. 83. H. R. An Act to establish a road from Burlington to Washington in Washington county.

In which the concurrence of the H. of R. is requested,

Also without amendment,

No. 89. H. R. "A Bill amend an act entitled "an act establishing certain Territorial Roads therein named, approved January 14th 1840.

No. 68. H. R. "A Bill to establish a Territorial road from Charleston in Jackson county to Tipton in Cedar county.

No. 84. H. R. "A Memorial asking an additional Land District.

No. 99. H. R. "A Bill to make valid in Law, the survey of the Town of Dartmouth in Jones county.

No. 95. H. R. A Bill to amend an act establishing certain Territorial roads.

And then he withdrew.

No. 45. C. F. "A Bill to change the time of the meeting of the Legislative Assembly," was read a first time.

On motion of Mr. Langworthy,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now,

The Bill was then read a second time, and on motion, referred to the Select Coommittee appointed this morning, to which was referred No. 12. H. R. File, A Bill relative to the same subject."

No. 55. H. R. File, "A Bill to establish certain Territorial Roads" being under consideration as returned from the Council amended, was taken up, the amendments read and severally concurred in.

No. 46. C. F. A Bill to amend an act regulating interest on money, was read a first time.

On motion of Mr. Mason,

The 42nd rule was suspended and No. 106. H. R. "A Bill to establish the County Seat of Delaware county," was read a second time, and

On motion of Mr. Langworthy,

Ordered, to be engrossed and read a third time on to-morrow.

On motion of Mr. Wilson of H.,

Resolved, That a Select Committee be appointed, to address a memorial to Congress asking for a donation in money or land, for the encouragement of education in each and every county in the Territory.

Messrs. Wilson of H. Mason and Hebard, were appointed said Committee.

On motion of Mr. Porter,

No. 87. H. R. File, A Bill to amend the several acts relative to the

organization of the Militia &c." was taken from the table and committed to a Committee of the Whole House for its consideration,

After some time spent therein, Mr. Speaker resumed the Chair and Mr. Box reported, that the Committee had according to order, had said Bill under consideration, and had stricken out all after the enacting clause, and directed him to report the same and ask the concurrence of the House.

Pending the question of concurring in the report of the Committee.

Mr. Porter moved a call of the House which was had, and the roll being called, Mr. Browning appeared to be absent.

On motion of Mr. Summers,

Leave of absence was granted to Mr. Browning.

The question was then put; Will the House concur in the report of the Committee?

And determined in the affirmative. Yeas 13. Nays 12.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Brierly, Felkner, Hendershott, Leffler, Lewis, Mason, Robertson, Steele, Teeple, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Hebard, Isett, Langworthy, Lash, Miller, Porter, Summers, Toole, Wilson of H. and Wilson of J.

So the report was concurred in.

A Motion was then made by Mr. Porter, to refer said Bill to the Committee on Corporations.

And the question being put,

Was determined in the negative. Yeas 11. Nays. 14.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery Box, Felkner, Isett, Langworty, Lash, Miller, Porter, Toole, Wilson of H. and Wilson of J..

Those who voted in the negative, were,

Messrs. Brierly, Hebard, Hendershott, Leffler, Lewis, Mason, Robertson, Steele, Summers, Teeple, Van Antwerp, Walworth, Whitaker and Cox, Speaker.

So the motion was lost.

A motion was made by Mr. Lewis, that the same do lie upon the table.

The motion was lost.

A motion was made by Mr. Walworth, that the Bill be indefinitely postponed.

And the question being put was determined in the affirmative.

Mr. Wilson of J. on leave introduced No. 111. H. R. File "A Bill to district the county of Jefferson into County Commissioners' Districts," which was read a first time.

On motion of Mr. Hendershott,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and on motion the 42nd rule was again suspended and the same read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Porter on leave, reported No. 112. H. R. File A Bill to locate and establish a Territorial Road from Columbus City in Louisa county to intersect the Territorial Road from Fort Madison to Mount Pleasant in Henry county," which was read a first time.

On motion of Mr. Porter,

Ordered, That the 42nd rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and on motion the House resolved itself into a Committee of the Whole House for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Summers reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments, to which the House agreed.

Ordered, That said Bill be engrossed and read a third time on to-morrow.

Mr. Walworth in accordance with previous notice, introduced No. 113. H. R. File A Bill to establish certain Territorial Roads therein named," which was read a first time.

On motion of Mr. Walworth the 42nd rule was suspended, and the Bill read a second time, and

Ordered to be engrossed and read a third time on to-morrow.

Mr. Hendershott offered the following:

Resolved, That no new Bills or business shall bo introduced into this House after the 10th day of this month, except by special leave of the House.

The Resolution was lost.

On motion of Mr. Porter,

The House adjourned.

Tuesday Morning, January 5, 1841.

In consequence of the absence of the Speaker, Mr. Lash was appointed Speaker *pro tempore.*

Mr. Teeple presented the petition of sundry citizens of Washington and Johnson counties, praying the Legislative Assembly to grant a Charter to Joseph Ehle, to build a Dam across English river.

Ordered, That said petition be referred to a Select Committee.

Whereupon, Messrs. Teeple, Felkner, and Toole, were appointed said Committee.

Mr. Summers, from the Select Committee to which a certain petition was referred, asking an alteration of the Territorial Road, from Rockingham to Iowa City, and a remonstrance in relation to the same, reported, that they had had the same under consideration, and believe it to be inexpedient to make any change in said Road.

The Report was concurred in.

Mr. Summers, from the Select Committee, to which was referred No. 27, C. F. "A Bill to re-locate the Seat of Justice of Clinton county," reported the same back to the House, together with No. 114, H. R. File, "A Bill to enable the citizens of Clinton county to establish the Seat of Justice of said county," which were read a first time.

On motion of Mr. Summers,

No. 114, H. R. File, was ordered to be printed.

Mr. Hebard, from the Committee on Territorial Affairs, to which was referred No. 6, C. F. "A Joint Resolution, respecting the reserved sections of land contiguous to Iowa City," reporteu:

That they have had the same under consideration, and come to the conclusion that the same ought not to receive the sanction of this House, for the following reasons:

1st. Because the statements in relation to the lands having become valuable in consequence of improvements made upon the same before the location of the Capitol, are untrue in point of fact.

2d. Because the individuals claiming the lands, have made their improvements on the same, knowing that they were reserved from sale, and stand in the same situation as claimants upon the 16th sections.

3d. Because precedent, and the circumstances under which the reserve is understood to have been made, have induced the belief that Congress will grant this land to the Territory, or hereafter to the State, in aid of the Territorial or State Treasury.

4th. Because the land derives its value principally from the location of the Capitol at Iowa City, and the expenditure of the public funds at that place, and it is reasonable that the Territory should have the advantages of the advance in value.

On motion of Mr. Felkner,

Ordered, That said Report do lie upon the table until to-morrow.

Mr. Robertson, from the Select Committee, to which was referred No. 45, C. F. "A Bill to amend an act, fixing the time for the annual meeting of the Legislative Assembly," reported the same back to the House with amendments, which were read a first time.

On motion of Mr. Teeple,

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and,

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House, for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Mr. Avery moved a call of the House, which was had, and the roll being called, those who failed to answer to their names, were Messrs. Browning and Leffler.

The Sergeant-at-Arms was directed to require the attendance of the absentees.

On motion of Mr. Hendershott,

Leave of absence was granted to Mr. Leffler.

After a short time, a further call of the House was, on motion, suspended.

A motion was made by Mr. Hendershott, that the Bill be laid upon the table. The motion was lost.

A motion was made by Mr. Lewis, that the same do lie upon the table until Thursday next.

And the question being put,

Was determined in the negative. Yeas 12. Nays 12.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Hebard, Hendershott, Lash, Lewis, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

So the motion was lost.

A motion was made by Mr. Summers, that the Bill be read a third time on Thursday next.

Pending which, a motion was made by Mr. Steele, that the House do now adjourn.

The motion was lost.

Mr. Porter moved a call of the House, which was had, and the roll being called, all the members answered to their names except Mr. Browning.

The Seargeant-at-Arms was then directed to require the attendance of the absentees.

A motion was then made by Mr. Langworthy, that a further call of the House be suspended.

And previous to the question being put,

On motion of Mr. Box,

The House adjourned.

2 O'CLOCK, P. M.

Mr. Robertson moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were Messrs. Hendershott, Mason, Miller, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, the absentees appearing, a further call of the House was, on motion, suspended.

The question then pending, being, to order No. 45, C. F. "A Bill to amend an act fixing the time of the annual meeting of the Legislative Assembly," to a third reading on Thursday next.

And previous to the question being put,

A motion was made by Mr. Steele, to strike out the words "Iowa City the permanent seat of Government of Iowa Territory," in the first section of said Bill.

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Yeas—Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, Whitaker, Wilson of H and Wilson of J.

Nays—Messrs. Box, Brierly, Felkner, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

So the motion was lost.

A motion was then made by Mr. Wilson of H. to strike out the words "Iowa City," and insert "Mount Pleasant."

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Yeas—Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

Nays—Messrs. Box, Brierly, Felkner, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox Speaker.

So the motion was lost.

A motion was then made by Mr. Browning, to strike out the words "Iowa City," and insert "Fort Madison."

And the question being put,

Was determined in the affirmative. Yeas 14, Nays 12.

Yeas—Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Langworthy, Lash, Leffler, Miller, Porter, Summers, Wilson of H. and Wilson of J.

Nays—Messrs. Felkner, Isett, Lewis, Mason, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, Whitaker, and Cox, Speaker.

So the motion was agreed to.

A motion was made by Mr. Langworthy, to reconsider the vote last given,

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Yeas—Messrs. Felkner, Isett, Langworthy, Lash, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

Nays—Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Leffler, Lewis, Miller, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was then made by Mr. Summers, that the Bill be referred to a Select Committee.

And the question being put,

Was determined in the negative. Yeas 12, Nays 14.

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Langworthy, Lash, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Leffler, Lewis, Miller, Porter, Steele, Whitaker, Wilson of H. and Wilson of J.

So the motion to refer was lost.

On motion of Mr. Box,

Ordered, That the 42d rule be suspended, and the Bill be read a third time now. The Bill was then read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 24, Nays 2.

Yeas—Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lewis, Leffler, Mason, Miller, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. Wilson of J. and Cox, Speaker.

Nays—Messrs. Lash and Steele.

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

Ordered, That the Clerk acquaint the Council therewith.

Mr. Miller, from the Committee appointed to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses to No. 57, H. R. File, "An Act to amend an act relative to practice in the District Courts," reported, that the Council had receded from their amendment.

Mr. Summers, in accordance with previous notice, introduced No.

115, H. R. File, "A Joint Resolution, relative to an Armory on Rock Island."

Mr. Lewis, from the Select Committee, to which certain petitions were referred, reported

No. 116, H. R. File, "Preamble and Resolution, asking our Delegate in Congress, to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county."

No. 117, H. R. File, "A Bill to authorize Richard Irwin and Alfred Colvin to erect a Dam across Big Cedar Creek, in Jefferson county,' and,

No. 118, H. R. File, "A Bill to re-locate a Territorial Road from Keasauqua, via Rising Sun, and Philadelphia, to Fairfield, in Jefferson county."

Said Bills weere severally read a first time.

On motion of Mr. Box,

The House adjourned.

Wednesday Morning, January 6, 1841.

Mr. Steele presented the petition of sundry citizens of Van Buren county, asking the Legislature to grant a Charter to Isaac W. McCarty and James C. McCutcheon, to erect a Dam across the Desmoines river, in said county.

Ordered, That said petition be referred to the Delegation from Van Buren county.

Mr. Hendershott, from the Select Committee, to which No. 65, H. R. File, "A Bill to establish a Territorial Road from Burlington to the mouth of the Desmoines river," was referred, together with petitions in relation to the same, reported,

No. 119, H. R. File, "A Bill to establish a Territorial road from Burlington, via, Keokuk and Montrose, &c., to the mouth of Desmoines river," as the report of the majority of said Committee.

Mr. Brierly, from the same Committee, reported back to the House the original Bill, as the report of the minority of said Committee.

Said Bills were severally read a first time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bills be read a second time now.

The Bills were then read a second time, and, on motion, the House resolved itself into a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Summers reported, that

the Committee had, according to order, had said Bills under consideration, and had stricken out all after the enacting clause of No. 119, H. R. File, and inserted No. 65, H. R. File, the orioinal Bill, as a substitute therefor, and directed him to report the same, and ask the concurrence of the House.

And the question being put, Will the House concur in the report of the Committee?

Was determined in the affirmative. Yeas 13, Nays 11.

The yeas and nays being desired by Mr. Leffler,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Mason, Miller, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Robertson, Steele, Summers, and Whitaker.

So the report was cocurred in.

On motion of Mr. Miller,

The 42d rule was again suspended, and the Bill read a third time, and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

The Council have passed—

No. 48, C. F. "A Bill to establish and lay out á Territorial Road from Marion to Bellview, via Edinburgh."

No. 49, C. F. "A Bill to authorize the Commissioners of Linn county to employ an Agent to sell lots at Marion, the Seat of Justice of said county."

No. 19, C. F "Joint Resolution, providing for printing a list of acts &c., in the several newspapers in this Territory."

No. 20, C. F. "Joint Resolution, asking our Delegate in Congress, to procure the passage of a law, to allow the Commissioners of Linn county to pre-empt the quarter section of land upon which Marion is located."

No. 22, C. F. "Joint Resolution, asking the appointment of a Commissioner, to re-survey the northern boundary line of the Half Breed Tract."

No. 51, C. F. "A Bill to establish a Territorirl Road from Dubuque to Camp Atkinson."

Also, with amendments,

No. 75. H. R. File, A Bill to locate and establish certain Territorial Roads in Louisa county, and for other purposes."

No. 82, H. R. File, A Bill to provide for the election of Legislative offices, and to fix their compensation.

No. 103, H. R. File, A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Landing.

And have amended the amendments of the H. of R. to

No. 9, C F. "A Bill to amend an act regulating conveyances.

In which the concurrence of the H. of R. is requested.

Also, without amendment,

No. 78, H. R. File, "A Bill to establish a Territorial Road from the north part of Washington county to the Missouri line."

No. 104, H. R. File, "A Bill to district the county of Johnson into County Commissioners' Districts.

I herewith present for your signature five Acts and Memorials.

And then he withdrew.

The Speaker then signed said Acts and Memorials.

Mr. Steele, from the Select Committee, to which a certain petition was referred reported No. 120, H. R. File, "A Bill to authorize Isaac W. McCarty and James C. McCutcheon to erect a Dam across the Desmoines river," which was read a first time.

A motion was made by Mr. Steele, that the 42d rule be suspended and the Bill be read a second time now.

The motion was lost.

Mr. Teeple, from the Committee on Enrolled Bills, reported

An Act to make valid in law, the survey of the Town of Dartmouth. in Jones county.

An Act to establish certain Territorial Roads.

An Act to amend an act entitled "An act establishing certain Territorial roads therein named," approved Jan. 14th, 1840.

An Act to amend an act, establishing certain Territorial Roads.

An Act supplementary to an act, fixing the terms of the District Courts.

A Memorial to the Post Master General; and,

A Memorial to Congress on the subject of Post Roads, as correctly enrolled.

The Speaker then signed the above entitled Acts and Memorials.

On motion of Mr. Walworth,

The House adjourned until to-morrow morning.

Thursday Morning January 7, 1841.

Mr. Brierly presented the petition of sundry citizens of the Town of Nashville in Lee county, asking the incorporation of said Town.

On motion of Mr. Brierly,

Ordered, That said petition be referred to the Delegation from Lee county.

Mr. Browning from the Select Committee, to which was referred the petition of sundry citizens, praying that a Charter may be granted to Joseph Wasson to build a dam across English river, together with the report of the Committee on Corporations in relation to the same, reported back to the House, the same report, and recommended the adoption of the same.

The report was concurred in.

Mr. Toole from the Committee on engrossed Bills, reported, Nos. 62. 93. 96. 108. 112, and 113. H. R. File as correctly engrosed.

Mr. Wilson of H. from the Select Committee to which was referred the petition, asking the repeal of the law in relation to Blacks and Mulattoes, reported, No. 121 H. R. File A Bill to amend an act to regulate Blacks and Mulattoes," which was read a first time.

Mr. Teeple from the Select Committee, to which was referred a petition asking the same, reported,

No. 122. H. R. File, "A Bill to authorize Joseph Ehle and Isaac Ramsey to erect a dam across English river in Washington county," which was read a first time.

A motion was made by Mr. Robertson, to take up No. 27. C. F. "A Bill to locate the county Seat of Clinton county," to which the House agreed.

The Bill was then taken from the table, and,

On motion the House resolved itself into a Committee of the Whole House, for the consideration of the same, together with No. 114. H. R. File, "A Bill to enable the citizens of Clinton county to locate the Seat of Justice of said county."

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said Bills under consideration, and directed him to report the same with an amendment to No. 27. C. F. and ask the concurrence of the House.

On motion of Mr. Summers,

Ordered, That said Bills do lie upon the table until Monday next.

No. 43, C. F. A Bill to establish and lay out a Territorial road from Marion to Bellview, via Edenburgh," was read a first time.

A motion was made by Mr. Miller, to take up No. 93. H. R. File "A Bill to locate Seat of Justice of Lee county," to which the House agreed.

The Bill was then taken up, read a third time and passed.

Ordered, That the Clerk request the concurrence of the Council therein.

On motion of Mr. Walworth,

No. 107, H. R. File, A Bill to provide for, and regulate Marks and Brands," was read a second time, and ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Leffler,

No. 63, H. R. File "A Bill to amend an act entitled "an act, to provide for the survey of a Territorial Road, approved July 29th 1840," was read a second time, and committed to a Committee of the Whole House for its consideration,

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Van Antwerp reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

To which the House agreed.

On motion of Mr. Leffler,

Ordered, That the 42nd rule be suspended and the Bill be read a third time now.

The Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Steele, to take up No. 120, H. R. File, A Bill to authorize Isaac W. McCarty and James C. McCutcheon to build a dam across the Des Moines River,"

To which the House agreed.

Said Bill was then taken up and read a second time.

On motion of Mr. Steele,

Ordered, That the 42nd rule be suspended and the Bill be read a third time now.

Said Bill was then read a third time and passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Walworth,

No. 113. H. R· File, "A Bill to establish certain Territorial Roads therein named," was taken up, read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Bills &c. from the Council of the following titles, to wit:

No. 49. A Bill to authorize the Commissioners of Linn county to employ an Agent to sell lots at Marion, the Seat of Justice of said county."

No. 19. A Joint Resolution, providing for printing a list of acts &c. in the several newspapers &c."

No. 22. Joint Resolution, asking the appointment of a Commissioner to resurvey the Northern Boundary of the Half Breed Tract."

No. 51. A Bill to locate and establish a Territorial road from Dubuque to Camp Atkinson," and,

No. 20. A Joint Resolution, asking our Delegate in Congress, to procure the passage of a law, to allow the Commissioners of Linn county, to pre-empt the quarter Section of Land upon which Marion is located."

Were severally read a first time.

No. 82. H. R. File, "A Bill to provide for the election of Legislative Officers and to fix their compensation," being under consideration as returned from the Council with amendments.

A motion was made by Mr. Leffler that the House do disagree to the same,

And the question being put, was determined in the affirmative.

No. 75. H. R. File, "A Bill to locate and establish a certain Territorial Road in Louisa county, and for other purposes," being returned from the Council with amendments, was taken up and considered; and,

On motion of Mr. Toole, the amendments were concurred in.

No. 103. H. R. File A Bill to authorize John S. Faber to establish and keep a Ferry across the Mississippi River, at Faber's landing," being returned from the Council, amended was taken up, the amendments read, and on motion of Mr. Langwhorthy severally concurred in by the House.

No. 9, C. F. "A Bill to amend an act, regulating conveyances," being returned from the Council, with the amendments of the House to the same amended, was taken up, the same read and concurred in.

No. 6. C. F. A Joint Resolution respecting the reserved sections of land contiguous to Iowa City," was read a second time.

Mr. Felkner from the Committee on Territorial Affairs to which was referred the aforesaid Resolution, submitted a report, together with a petition from sundry citizens of Johnson county which were read for the information of the House. Said report reads as follows:

The Committee on Territorial affairs to which was referred A Joint Resolution relative to the reserved sections of land at Iowa City, Report, That they have had the subject under consideration and believe that the interests of the Territory, and the rights of the citizens who have settled on, and claimed said land, demand the adoption of the resolution above referred to, for the following reasons:

1st. There is no good reason to believe that Congress will donate said land to the Territory, were we to ask it, in which case it would necessarily remain reserved as at present, which would operate against the progress and improvement of the City, as the improvement of any town depends in a great measure on the improvement of the adjoining country.

2nd. The greater part of that land having been claimed and some improvements made thereon previous to the passage of the Law establishing the Seat of Government in that county and consequently before those lands were reserved from sale, it would be doing great injustice to the citizens residing thereon to have their just rights, (according to the customs and usages of this Territory, with regard to settlers and claimants on the public lands) taken from them and appropriated to the use of the Trritory.

3rd. The greater portion of those lands being timbered, which is daily being destroyed, every person, wishing so to do, taking the privilege of cutting and hauling off at pleasure, the land will soon be rendered less valuable in proportion to the timber taken off a considerable portion of said land being valuable principally on account of its timber.

Your Committee therefore recommend the adoption of the resolution requiring said lands to be sold as other government lands are sold and as soon as practicable.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House for the consideration of the Resolution

After some spent therein, Mr. Speaker resumed the Chair and Mr. Lewis reported, that the Committee had, according to order, had said Resolution under consideration and directed him to report the same without amendment.

On motion of Mr. Avery,

The House adjourned.

2 O'CLOCK P. M.

The House resumed the consideration of No. 6. C. F. "A Joint Resolution, relative to the reserved sections of land contiguous to Iowa City," as reported by the Committee of the Whole House, during the forenoon's Session.

Mr. Lewis moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were Messrs. Avery, Bronwing, Mason, Teeple, Van Antwerp, Walworth, Wilson of H. and Cox.

On motion of Mr. Lewis,

Leave of absence was granted to Mr. Cox.

The Sergeant at Arms was then directed to require the attendance of the absentees

After a short time, the absentees appearing, a further call of the House, was, on motion suspended.

Mr. Hebard then offered No. 123. H. R. File. "A Preamble and Resolution, relative to the reserved sections land contiguous to Iowa City," as a substitute for the aforesaid Resolution.

On motion of Mr. Leffler,

The substitute was amended by adding the following proviso to wit:

Provided, That our Delegate in Congress, can secure to any person or persons who may have made a *bona fide* settlement or improvement, on any of said lands prior to the location of the Seat of Government, a right to purchase by pre-emption any quantity not exceeding one hundred and sixty acres."

The substitute was then adopted, and on motion of Mr. Summers, ordered to be engrossed and read a third time on to-morrow.

No. 37, C. F. A Bill to lay out and establish a Territorial Road from Bellview to Iowa City," was read a second time.

On motion the House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Isett reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Summers,

Ordered, That said Bill be read a third time on to-morrow.

No. 46, C. F. "A Bill to amend an act, regulating Interest on money," was read a second time, and,

On motion of Mr. Steele,

Ordered to a third reading on to-morrow.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

I am directed to inform the House of Representatives that the Council have amended the amendment of the H. of R. to

No. 45, C. F. "A Bill to change the time of the meeting of the Legislative Assembly."

In which the concurrence of the H. of R. is requested.

And then he withdrew.

A motion was made by Mr. Leffler, to take from the table No. 105, H. R. File, "A Bill to incorporate the Iowa Insurance Company at Burlington." To which the House agreed.

The Bill was then taken from the table, and being under consideration,

A motion was made by Mr. M ason, to amend the first section in the 2d line, by striking out the words "one hundred," and inserting "fifty" therefor. And the question being put, was determined in the negative.

A motion was made by Mr. Mason, to amend the 3d section by inserting the word "not" in the 1st line, after the word "shall," and to strike out all after the word "States," in the 4th line, to the word "Corporation," in the 9th line, and all after the word "banking" in the 12th line of said section. Pending which,

On motion of Mr. Leffler,

Said Bill was laid upon the table until to-morrow.

No. 91, H. R. File, "A Resolution providing for the appointment of a Committee, to revise the Laws," being the order of the day, was committed to the Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Lewis, that said resolution be indefinitely postponed. And the question being put,

Was determined in the affirmative.

No. 92, H. R. File, "A Bill to repeal certain acts thereing named," was read a second time.

A motion was made by Mr. Hendershott, that said Bill be indefinitely posponed. Pending which,

On motion of Mr. Lewis,

Ordered, That said Bill do lie upon the table.

No. 109, H. R. File, "A Bill to lay out and establish a certain Territorial Road," was read a second time.

On motion of Mr. Leffler,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

The Bill was then read a third time, and passed,

Ordered, That the Clerk acquaint the Council therewith.

Mr. Porter, on leave, presented the petition of sundry citizens of Henry and Jefferson counties, asking a Charter to be granted to Silas Deeds, to build a Dam across Skunk river, in Jefferson county.

Ordered, That said petition be referred to the Delegations from the counties of Henry and Jefferson.

No. 15, C. F. "A Bill to create the office of Superintendent of Public Instruction."

No. 62, H. R. "A Bill to provide for assessing and collecting county revenue."

No. 96, H. R. File, "A Bill to authorize Michael Hayse and Joseph B. Rogers, to erect a Dam across the west fork of Crooked Creek, in Washington county.

No. 101, H. R. "A Bill to incorporate the Presbyterian Church of Dubuque."

No. 106, H. R. "A Bill to establish the County Seat of Delaware county."

No. 108, H. R. File, "A Memorial to Congress, for the re-location of a certain portion of the Military Road, from Dubuque to the Missouri llne."

No. 112, H. R. File, "A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county;" were severally read a third time, passed, and their titles agreed.

Ordered, That the Clerk acquaint the Council therewith.

No. 110, H. R. File "A Bill to incorporate the Washington Mill and Manufacturing Company," and,

No. 115, H. R. File, "A Joint Resolution relative to an Armory on Rock Island," were severally read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 116, H. R. File, "A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county," was read a second time.

On motion of Mr. Lewis,

Ordered, That the 42d rule be suspended, and the Resolution be read a 3d time now.

The Resolution was then read a third time, passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 117, H. R. File, "A Bill to authorize Richard Irwin and Alfred Colvin to erect a Dam across Big Cedar Creek, in Jefferson county," was read a 2d time.

On motion of Mr. Lewis.

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 118, H. R. File, "A Bill to re-locate a Territorial Road from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county," was read a 2d time.

On motion of Mr. Lewis,

Ordered, That said Bill be engrossed, and read a third time on to-morrow.

No. 45, C. F. "A Bill to change the time of meeting of the Legislative assembly," being returned from the Council with the amendments of the House amended, was taken up, and being under consideration,

A motion was made by Mr. Langworthy, to strike out in the amendment of the Council to that of the House, all after the words "Iowa City," being as follows: "On condition that the Public Buildings at Iowa City, shall be so far completed that the legislative assembly can be accommodated in said building, or that other sufficient buildings shall be furnished for the accommodation of the legislative assembly, rent free, and in either case, the Governor shall issue his proclamation informing the members of the Legislature of the fact."

And the question being put, was determined in the affirmative.

Yeas 15, Nays 9.

The yeas and nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Mason, Miller, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Avery, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Steele, and Whitaker.

So the motion was agreed to.

The question was then taken on the amendment of the Council to the amendment of the House, as amended and determined in the negative. Yeas 11, Nays 13.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Langworthy, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Avery Box, Brierly, Hebard, Hendershott, Lash, Leffler, Lewis, Miller, Porter, Steele, Whitaker, and Wilson of J.

So the amendment was disagreed to.

On motion, the House adjourned.

Friday Morning, January 8, 1841.

Mr. Brierly, from the Select Committee, to which a certain petition was referred, reported No. 124, H. R. File, "A Bill to incorporate the town of Nashville, in Lee county," which was read a first time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a second and third time; and the question being put, Shall the Bill pass?

Was determined in the affirmative.

Mr. Porter, from the Select Committee, to which was referred a petition of sundry citizens of Henry county, reported

No. 125, H. R. File, "A Bill to authorize Silas Deeds to erect Dam across Skunk river," which was read a first time.

Mr. Toole, from the Committee on Engrossed Bills, reported

Nos. 107, 110, and 115, H. R. File, as correctly engrossed.

Mr. Mason, from the Committee on Enrolled Bills, reported, that they did, on the 7th inst., present to the Governor for his approval,

A Memorial to Congress, on the subject of Post Roads;

An Act supplemental to an Act, fixing the terms of the District Courts;

A Memorial to the Postmaster General;

An Act to amend an Act, establishing certain Territorial Roads;

An Act to make valid in law the survey of the Town of Dartmouth. in Jones county;

An Act to establish certain Territorial Roads;

An Act to amend an Act establishing certain Territorial Roads therein named, approved Jan. 14th, 1840;

A Memorial to Congress, on the subject of a further purchase of land from the Sac and Fox Indians;

A Memorial to Congress, asking the removal of the Winnebago

Indians from the Neutral Tract, with a view to a permanent future residence.

An Act for the relief of the citizens of Muscatine county;

An Act to amend an act, entitled "An act to authorize the keeping of certain Ferries therein named;" and,

An Act to authorize Wm. St. John to keep a Ferry.

Mr. Mason also reported, as correctly enrolled,

An Act to amend an act relative to practice in the District Courts;

An Act to establish a Territorial Road from Charleston, in Jackson county, to Tipton, in Cedar county;

An Act to District the county of Johnson into County Commissioners' Districts;

An Act to establish a Territorial Road from the north part of Washington county, to the Missouri line;

An Act to establish the Territorial Roads therein named;

A Memorial to Congress, asking an additional Land District; and,

An Act to locate and establish certain Territorial Roads in Louisa county.

The Speaker pro tem. then signed the above entitled Acts and Memorial.

A motion was made by Mr. Summers, to re-consider the vote of yesterday, in striking out the condition in the amendment of the Council to the amendment of the House to No. 45, C. F. "A Bill to amend an act fixing the time of the annual meeting of the Legislative Assembly." Pending which,

Mr. Hendershott moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were Messrs. Browning and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, the absentees appearing, a further call, was, on motion, suspended.

The question was then put on the re-consideration of said vote, and determined in the affirmative. Yeas 16, Nays 10.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Felkner, Isett, Langworthy, Lash, Lewis, Mason, Robertson, Steele, Summers, Toole, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. and Cox, Speaker.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Leffler, Miller, Porter, and Wilson of J.

So the motion was agreed to.

A motion was then made by Mr. Summers, that the House concur in said amendment. Pending which,

A motion was made by Mr. Hendershott, to amend said amendment,

by striking out the word "shall," and inserting the word "may," in which it was made obligatory on the part of the Governor to convene the Degislature at Iowa City, provided either of the conditions in the amendment were complied with.

And the question being put,

Was determined in the negative. Yeas 7, Nays 19.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Leffler, Lewis, and Porter.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Lash, Mason, Miller, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H, Wilson of J. and Cox, Speaker.

So the motion was lost.

The question then recurring on concurring in said amendment.

And previous to its being put,

A motion was made by Mr. Browning, that the House do now adjourn. The motion was lost.

A motion was made by Mr. Hendershott, that the House do now adjourn until to-morrow morning.

And the question being put,

Was determined in the negative. Yeas 6, Nays 20.

The Yeas and Nays being desired by Mr. Steele.

Those who voted in the affirmative, were,

Messrs. Browning, Hendershott, Lewis, Miller, Porter, and Wilson of H—6.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Felkner, Hebard, Isett, Langworthy, Lash, Leffler, Mason, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson,of J., and Cox, Speaker.—20.

So the motion was lost.

A motion was then made by Mr. Porter, that the House adjourn, which was lost.

A motion was made by Mr. Browning, to amend said amendment by requiring the Governor to give sixty days' notice.

And the question being put,

Was determined in the negative.

The question was then put on concurring in said amendment, made by the Council, and determined in the affirmative, Yeas 19, Nays 7.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Felkner, Isett, Langworthy, Lash, Lewis, Mason, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., Wilson of J., and Cox, Speaker.

Those who voted in the negative, were,
Messrs. Box, Browning, Hebard, Hendershott, Leffler, Miller, and Porter.

On motion of Mr. Hendershott,
The House adjourned until to-morrow morning.

Saturday Morning, January 9, 1841.

Mr. Avery presented the account of Evan Evans, against the Territory, for furniture furnished the Legislative Assembly &c., which was on motion referred to the Committee on claims.

On motion of Mr. Summers,
Ordered, That Joseph M. Robertson be allowed his *per diem* pay as a member of this House from the commencement of the present sesssion.

Mr. Browning from the majority of the Select Committee, to which was referred the petitions of sundry citizens of Desmoines and Henry counties, praying a portion of Henry county to be attached to Desmoines repoted that they had, had the same under consideration and would recommend the passage of a law according to the prayer of the said petition.

The Committee find that there are fifty-one names on the petition in favor of the passage of said law, and one hundred and thirty-eight signers to the remonstrance.

Mr. Porter from the minority of said Committee reported that having had the same under consideration believe it to be inexpedient to make any change in said county lines from the fact of there being more subscribers to the remonstrance than to the petition, and therefore ask to be discharged from the further consideration of the subject.

A motion was made by Mr. Porter that the report of the minority be adopted,

And the question being put,
Was determined in the affirmative. Yeas 20, Nays 5.
The Yeas and Nays being desired by Mr. Porter.

Those who voted in the affirmative, were,
Messrs. Box, Brierly, Felkner, Isett, Langworthy, Lash, Lewis, Mason, Miller, Porter, Robertson Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J

Those who voted in the negative, were,
Messrs. Avery, Browning, Hebard, Hendershott, and Leffler.
So the Report of the minority was adopted.

On motion of Mr. Porter,

Ordered, That the Report of the majority do lie upon the table until Christmas next.

A message from the Council by Mr. Wallace their Secretary.

Mr. Speaker:—

I am directed to inform the House of Representatives that the Council have passed,

No. 54, C. F. A Bill to amend an act entitled an act additional and supplementary to an act for the benefit of settlers &c. on the half breed lands passed the present session.

No. 53, C. F. A Bill entitled "an act to charter the Ellenborough Ferry Company.

No. 23, C. F. Joint Resolution asking the establishment of an armory at Rock Island.

Also with amendments,

No. 101, H. R. A Bill to incorporte the Presbyterian Church of Dubuque,

In which the concurrence of the House of Representatives is requested,

Also without amendment,

No. 111, H. R. A Bill to district the county of Jefferson into three County Commissioner's districts.

No. 116, H. R. Preamble and Resolutions asking our Delegate in Congress to use his influence to obtain an appropriation to erect a bridge across Big Cedar Creek in Jefferson county.

The Council insist upon their amendments to

No. 82, H. R. File A Bill to provide for the election of Legislative Officers and to fix their compensation.

I herewith present for your signature, An act to incorporate the Town of Farmington in Van Buren county."

And then he withdrew.

The Speaker pro tem. then signed the above entitled acts.

Mr. Avery from the Committee on records, reported that the Journals of this House were correctly recorded up to the 12th day of Dec. 1840.

Mr. Isett from the Select Committee to which was referred No. 77. H. R. File, A Bill to amend an act subjecting Real and Personal estate to execution," reported No. 126. H. R. File, as a substitute, which was read a first time.

Mr. Hebard in accordance with previous notice, introduced No. 127. H. R. File, A Bill to provide for the survey of a Territorial road from Burlington to Keosauqua and Missouri line, which was read a first time.

Mr. Teeple, from the Committee on Enrolled Bills, reported

An act to authorize John S. Faber to establish and keep a Ferry across the Mississippi river, at Faber's Lnding, as correctly enrolled.

The Speaker pro tem. then signed the said Act.

Mr. Toole, from the Committee on Engrossed Bills, reported No. 118, H. R. File, as correctly engrossed.

Mr. Browning, on leave, introduced No. 128, H. R. File, "A Bill relative to Imprisonment for Debt," which was read a first time.

On motion of Mr. Browning,

Ordered, That the 42d rule be suspended, and the Bill read a 2nd time now.

Said Bill was then read a second time, and,

On motion, The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Miller,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, Messrs. Miller, Isett, and Mason were appointed said Committee.

Mr. Isett, on leave, introduced No. 129, H. R. File, "A Bill to locate a Territorial from Bloomington, in Muscatine county, to Columbus City, in Louisa county," which was read a first time.

Mr. Leffler, from the Committee on the Judiciary, to which was referred No. 4, H. R. File, "A Bill defining a lawful Fence, and to provide against trespassing animals," reported the same back to the House with an amendment, which was read a first time.

On motion of Mr. Summers,

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and,

On motion, The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

Several slight amendments being made to said Bill,

A motion was made by Mr. Walworth, that the same be referred to a Select Committee, with instructions to report during the afternoon's sessiyn.

And the question being put,

Was determined in the affirmative.

Whereupon, Messrs. Walworth, Summers, and Toole were appointed said Committee.

Mr. Langworthy, on leave, introduced No. 130, H. R. File, "A Joint Resolution, authorizing the Secretary of the Territory to sell the furniture belonging to the Legislative Assembly," &c., which was read a first time.

Mr. Van Antwerp, from the Committee on Enrolled Bills, reported, that they had this day presented to His Excellency the Governor, for his approval,

An act to authorize John S. Faber to establish and keep a Ferry across the Mississippi river at Faber's Landing.

A Memorial to Congress, asking an additional Land District."

Also—

An act to establish a Territorial Road from the north part of Washington county, to the Missouri line.

An act to establish the Territorial Roads therein named.

An act to amend an act relative to Practice in the District Courts.

An act to district the county of Johnson into County Commissioners' Districts.

An act to establish a Territorial Road from Charleston, in Jackson county, to Tipton, in Cedar county.

An act to locate and establish certain Territorial Roads.

On motion of Mr. Brierly,

The House adjourned.

2 O'CLOCK, P. M.

No. 105, H. R. File, "A Bill to incorporate the Iowa Insurance Company at Burlington," was taken up, and being under consideration, and the question being on the motion made by Mr. Mason on the 7th inst, to amend the 3d section by inserting the word "not" in the 1st line, after the word "shall," and strike out all after the word "States" in the 4th line to the word "Corporation" in the 9th line, and all after the word "Banking" in the 12th line of said section.

And upon which a division of the question was called for.

The question then recurring on inserting the word "not" after the word "shall," and being put, was determined in the affirmative.

The question was then put on striking out all after the word "States" in the 4th line, to the word "Corporation," in the 9th line, and determined in the negative.

The question then recurring on striking out all after the word "Banking," in the 12th line of said section,

And being put, was determined in the negative.

Several slight emendments being made to said Bill, a motion was made by Mr. Leffler, to suspend the 42d rule, and the Bill be read a third time now. To which the House agreed.

The Bill was then read a third time, passed, and the title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A message from the Council, by Mr. Wallace, ther Secretary:

MR. SPEAKER—

I am directed to inform the H. of R. that the Council have passed, No. 23, C. F. A Bill to amend an act to encourage the destruction of Wolves.

No. 47, C. F. A Bill providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

No. 55, C. F. A Bill requiring clerks of the District Courts to give bonds.

No. 57, C. F. A Bill to amend an act entitled "an act to re-locate the county seat of Jackson county."

No. 58, C. F. A Bill for the relief of the Sheriff of Jefferson county.

No. 59, C. F. A Bill to amend an act concerning costs and fees.

No. 60, C. F. A Bill to amend an act regulating General Elections, &c.

No. 62, C. F. A Bill providing for the building of Locks in the dams on the Desmoines river.

Also, with amendments—

No. 93, H. R. A Bill to locate the county seat of Lee county.

No. 113, H. R. A Bill to establish certain Territorial Roads therein named.

In which the concurrence of the H. of R. is requested.

Also, without amendment,

No. 85, H. R. A Bill to authorize Elias Smith to keep a Ferry across the Mississippi river; and,

No. 106, H. R. File, A Bill to establish the county seat of Delaware county.

And then he withdrew.

No. 19, C. F. "A Joint Resolution, providing for printing a list of acts, &c., in the several newspapers," was read a second time.

On motion of Mr. Summers,

Ordered, That said Resolution be read a third time on Monday next.

No. 20, C. F. "A Joint Resolution, asking our Delegate in Congress to procure the passage of a law to allow the Commissioners of Linn county to pre-empt the quarter section of land on which Marion is located," was read a second time.

On motion of Mr. Hendershott,

Ordered, That the 42d rule be suspended, and the Resolution be read a third time now.

Said Resolution was then read a third time, passed, and the title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 22, C. F. "A Joint Resolution, asking the appointment of a Commissioner to re-survey the northern boundary line of the Half Breed Tract," was read a second time, and,

On motion of Mr. Hendershott,

The 42d rule was suspended, and the Resolution read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 48, C. F. "A Bill to establish and lay out a Territorial Road, from Marion to Bellview, via Edinburgh," was read a second time.

On motion of Nr. Walworth,

The House resolved itself into a Committee of the Whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr Hebard reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, to which the House agreed.

On motion of Mr. Walworth,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 49, C. F. "A Bill to authorize the Commissioners of Linn county, to employ an Agent to sell lots at Marion, the Seat of Justice of said county," was read a second time.

On motion of Mr. Summers.

Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

The Bill was then read a third time, passed, and the title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Walworth, from the Select Committee, to which was referred No. 4, H. R. File, "A Bill concerning enclosures and trespassing animals," reported the same back to the House with an amendment, which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Isett, to take up No. 53, C. F. "A Bill to Charter the Ellenborough Ferry Company."

To which the House agreed.

Said Bill was then taken up, and read a first time.

A motion was made by Mr. Isett, that the 42d rule be suspended, and the Bill be read a second time.

The motion was lost.

Mr. Van Antwerp, on leave, introduced No. 131, H. R. File, "A Bill to locate a Territorial Road from Edinburgh to Iowa City," which was read a first time.

Mr. Isett, in accordance with previous notice, introduced No. 132, H. R. File, "A Bill regulating County Seats," which was read a first time.

On motion of Mr. Robertson,

No. 45, C. F. "A Bill to incorporate the first regular Baptist Church of Davenport," was taken from the table, and read a second time.

Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

Said Bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 51, C. F. "A Bill to locate and establish a Territorial Road from Dubuque to Camp Atkinson," was read a second time.

On motion of Mr. Browning,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with amendments.

To which the House agreed.

A motion was made by Mr. Walworth, that the Bill be laid upon the table. The motion was lost.

A motion was made by Mr. Summers, that the Bill be read a third time on Monday next.

And the question being put,

Was determined in the negative. Yeas 5, Nays 14.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Hebard, Isett, Lewis, Steele, and Summers.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Hendershott, Lash, Leffler, Mason, Miller, Robertson, Teeple, Toole, Walworth, Whitaker, and Wilson of H.

So the motion was lost.

On motion of Mr. Mason,

Ordered, That said Bill be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Mason, Walworth, and Summers said Committee.

A Message from the Council, by Mr. Wallace their Secretary.

Mr. Speaker—

The Council have passed,

No. 43, H. R. File, An Act to amend an act, concerning Executions, approved Jan. 25, 1839.

No. 69, H. R. File, A Bill to establish a Territorial Road from Burlington to the mouth of the Desmoines river.

Also, with amendments,

No. 67, H. R. File, A Bill to authorize John Godden, his heirs and assigns, to build a Dam across the Desmoines river.

In which the concurrence of the House of Representatives is requested.

And then he withdrew.

Mr. Isett gave notice, that he would, on some day hereafter, intro-

duce a Bill to incorporate the Bloomington Library and Reading Room Association.

On motion of Mr. Hendershott,

The House adjourned.

Monday Morning, January 11, 1841.

Mr. Miller presented the petition of sundry citizes of Denmark, in Lee county asking the repeal of certain sections of the present law in relation to Blacks and Mulattoes, so as to allow them the right of trial by jury when claimed as fugitive slaves.

Ordered, That said petition do lie upon the table.

Mr. Wilson of H. from the Select Committee to which was referred the petition of George Jones asking for a charter to be granted him to erect a dam across Skunk River, also the petition of Duvall W. Henderson asking a charter to be granted him to erect a dam across Skunk River at or near the same place, reported, that having had the same under consideration, they had come to the conclusion not to report a bill in favor of either, from the fact of the subscribers to each petition being so nearly equal. They therefore ask to be discharged from the further consideration of the same.

The report was concurred in.

Mr. Miller, from the Select Committee to which was referred No. 128. H. R. "A Bill relative to imprisonment for debt," reported the same back to the House without amendment, which was read a first time.

On motion of Mr. Browning,

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and on motion, The House resolved itself into a Committee of the Whole House, for its consideration.

After some spent therein, Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said Bill under consideration and directed him to report the same without amendment.

A motion was made by Mr. Browning, that the Bill be engrossed and read a third time on to-morrow.

Pending which,

On motion of Mr. Leffler,

Said Bill was laid upon the table until to-morrow.

Mr. Porter, on leave, introduced No. 133. H. R. File, "A Bill to

authorize Samuel and John B. Crawford to erect a dam across Skunk River," which was read a first time.

On motion of Mr. Porter,

Ordered, That the 42 nd rule be suspended and the Bill be read a second and third time now.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

Mr. Mason, from the Select Committee, to which was referred No. 51. C. F. A Bill to locate and establish a Territorial Road from Dubuque to Camp Atkinson," reported the same back to the House with amendments, which was read a first time.

On motion of Mr. Langworthy,

Ordered, That the 42nd rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time. a motion was made by Mr. Mason to strike out the amendments made by the Select Committee to which the same was referred,

And the question being put, Was determined in the affirmative.

Ordered, That the 42d rule was again suspended, and the Bill read a third time now.

Said Bill was then read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Felkner,

The House adjourned.

2 O'CLOCK P. M.

The Speaker not being present, Mr. Summers, was on motion of Mr. Robertson, appointed Speaker Pro Tempore.

No. 67. H.R. File, "A Bill to authorize John Godden, his heirs or assigns, to build a dam across the Desmoines River," being returned from the Council amended, and being under consideration,

A motion was made by Mr. Lewis, that the House concur in the amendment to the first Section relative to the length and width of the Locks, which was lost.

The question was then taken on the remaining amendment, and concurred in.

Mr. Browning, on leave, presented the account of Messrs. David and Kitchen against the Territory, which was referred to the Committee on Claims.

No. 82, H. R. "A Bill to provide for the election of Legislative Officers, and to fix their compensation," being returned from the Council with their amendments insisted upon, being under consideration, a motion was made by Mr. Steele, that the House insist upon their disagreement to the same, to which the House agreed.

On motion of Mr. Lash,

Ordered, That there be a Committee of conference appointed in relation to the disagreeing vote of the two Houses on said Bill.

Whereupon, the Speaker pro tem. appointed Messrs. Lash, Lewis, and Browning said Committee.

No. 93, H. R. File, "A Bill to locate the county Seat of Lee county," as returned from the Council amended, was taken up, and on motion of Mr. Brierly, the amendments were concurred in.

No. 101. H. R. File, A Bill to incorporate the Presbyterian Church of Dubuque," being returned from the Council with an amendment, and being under consideration, a motion was made by Mr. Langworthy, that the House disagree to the same. Which was determined in the affirmative.

No. 113, H. R. A Bill to establish certain Territorial Roads therein named," as returned from the Council amended, was taken up, the amendments read, and on motion of Mr. Van Antwerp, severally concurred in.

No. 22, C. F. A Bill to amend an act to encourage the destruction of Wolves," was read a first time.

On motion of Mr. Avery,

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and on motion of Mr. Steele, the House resolved itself into a Committee of the Whole House for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

A motion was made by Mr. Mason to strike out the words "not exceeding six months old."

And previous to the question being put, a motion was made by Mr. Lash to strike out the enacting clause of said Bill.

And the question being put, was determined in the affirmative.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

The Council have passed,

No. 50, C. F. A Bill for the benefit of Insane Persons.

Also, with amendments,

No. 70, H. R. "A Bill to amend the act concerning the distribution of the Laws;

No. 120, H. R. File, A Bill to authorize Isaac W. McCarty, &c. to erect a Dam across the Desmoines river;

No. 124. H. R. File, A Bill to incorporate the Town of Nashville, in Lee county.

In which the concurrence of the House is requested.

Also, without amendment:

No. 63. H. R. File, An act to amend an act, to provide for the survey of a Territorial Road, approved July July 29th, 1840.

No. 109, H. R. File, A Bill to lay out and establish a certain Territorial Road;

No. 117, H. R. File, A Bill to authorize Richard Irwin and Alfred Colvin to erect a Dam across Big Cedar Creek, in Jefferson county.

The Council have indifinitely postponed

No. 53 H. R. File, A Bill to provide for electing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

I also herewith present for your signature,

An act to create the office of Superintendent of Public Instruction.

An act to amend an act regulating Conveyances.

And then he withdrew.

The Speaker pro tem. then signed the above entitled Acts.

No. 54, C. F. A Bill to amend an act entitled "An act additional and supplemental to an act for the benefit of Settlers, &c., on the Half Breed Lands, passed the present session," was read a second time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 47, C. F. A Bill providing for the appointment of a Superintendent of Public Buildings at Iowa City, and a Territorial Agent, and for other purposes," was read a first time.

A motion was made by Mr. Porter, that the 42d rule be suspended, and the Bill be read a second time now.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Porter, Robertson, Steele, Toole, Whitaker, Wilson of H. and Wilsonof J.

Those who voted in the negative, were,

Messrs. Felkner, Isett, Langworthy, Mason, Miller, Summers, Teeple, Walworth, and Van Antwerp.

Two-thirds not voting in the affirmative, the rule was not suspended.

Bills from the Council of the following titles, to wit:

No. 55, "A Bill requiring Clerks of the District Courts to give bonds," &c.

No. 57, "A Bill to amend an act entitled an act to re-locate the county seat of Jackson county."

No. 58, "A Bill for the relief the Sheriff of Jefferson county."
No. 59, "A Bill to amend an act concerning Costs and Fees."
No. 60, "A Bill to amend an act regulating General Elections," &c. and
No. 62, "A Bill providing for the building of Locks in the Dams across the Desmoines river."
Were severally read a first time.
No. 23, C. F. "A Joint Resolution asking the establishment of an Armory on Rock Island," was read a first time.
On motion of Mr. Robertson,
Ordered, That the 42d rule be suspended, and the Resolution be read a 2d and 3d time now.
Said Resolution was then read a second and third time, and passed.
Ordered, That the Clerk acquaint the Council therewith.
On motion of Mr. Isett,
No. 53, C. F. "A Bill entitled, An act to incorporate the Ellenborough Ferry Company," was taken up and read a second time.
On motion, The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,
Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments.
To which the House agreed.
A motion was made by Mr. Isett, to amend the 5th section by adding the words "and the encouragement of emigration and settlement on the same."
To which the House agreed.
A motion was made by Mr. Lash, to strike out the 8th section of said Bill, which reads as follows:
"That the Shares of Stock of said Company shall be deemed and considered personal estate: and all the joint property, funds and effects of said Company shall be answerable for all the contracts made or authorized by or for said Company, and for all just claims against the same, but none of the Stockholders shall be liable in person or property, for any of the contracts of, or claims against the said corporation; and the service of legal process on the President, or any of the Trustees, shall be a sufficient service on the Corporation."
And the question being put,
Was determined in the negative. Yeas 10, Nays 13.
Yeas—Messrs. Avery, Box, Brierly, Hendershott, Lash, Mason, Steele, Summers, Van Antwerp, and Whitaker.
Nays—Messrs. Browning, Felkner, Hebard, Isett, Langworthy, Miller, Porter, Robertson, Teeple, Toole, Walworth, Wilson of H. and Wilson of J.
So the motion was lost.

A motion was made by Mr. Lash, to strike out all after the 2d line in said section.

And the question being put,

Was determined in the negative. Yeas 2, Nays 22.

Yeas—Messrs. Lash, and Steele.

Nays—Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lewis, Mason, Miller, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost

A motion was made by Mr. Isett, to strike out all after the 3d line in said section.

And the question being put,

Was determined in the affirmative. Yeas 18, Nays 6.

Yeas—Messrs. Avery, Box, Brierly, Felkner, Hebard, Isett, Langworthy, Lewis, Mason, Miller, Porter, Summers, Teeple, Toole, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Nays—Messrs. Browning, Hendershott, Lash, Robertson, Steele, and Whitaker.

So the motion was agreed to.

A motion was made by Mr. Lash, to strike out all after the second line in the 2d section.

And the question being put,

Was determined in the negative.

A motion was made by Mr. Steele, that the Bill be indefinitely postponed.

And the question being put,

Was determined in the negative. Yeas 10, Nays 14.

Yeas—Messrs. Box, Brierly, Browning, Hendershott, Langworthy, Lash, Mason, Steele, Van Antwerp, and Whitaker.

Nays—Messrs. Avery, Felkner, Hebard, Isett, Lewis, Miller, Porter, Robertson, Summers, Teeple, Toole, Walworth, Wilson of H. and Wilson of J.

So the motion was lost.

Mr. Mason, from the Committee on Enrolled Bills, reported,

An act to authorize Elias Smith to keep a Ferry across the Mississippi river.

An act to amend an act concerning Executions, approved Jan. 25, 1839.

An act to establish a Territorial Road from Burlington to the mouth of the Desmoines river.

An act to establish the County Seat of Delaware county.

An act to District the county of Jefferson into County Commissioners' Districts; and,

A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county, as correctly enrolled.

The Speaker pro tem. then signed the above entitled Acts and Resolution.

A motion was made by Mr. Robertson, that the House do now adjourn until six o'clock, this evening.

And the question being put,

Was determined in the affirmative. Yeas 14, Nays 10.

Yeas—Messrs. Avery Box, Brierly, Browning, Hendershott, Lash, Mason, Miller, Robertson, Steele, Teeple, Toole, Van Antwerp, and Whitaker.

Nays—Messrs. Felkner, Hebard, Isett, Langworthy, Lewis, Porter, Summers, Walworth, Wilson of H. and Wilson of J.

So the motion was agreed to, and the House adjourned.

6 O'CLOCK, P. M.

The House resumed the consideration of No. 53, C. F. "A Bill entitled An act to Charter the Ellenborough Ferry Company."

Mr. Miller moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names were, Messrs. Hendershott, Langworthy, Leffler, Mason, Porter, Robertson, Teeple, Van Antwerp, Walworth, Wilson of H. and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Miller,

Leave of absence was granted to Messrs. Cox and Leffler.

After a short time, a further call of the House was, on motion, suspended.

A motion was made by Mr. Lewis, to lay said Bill on the table until Wednesday next.

The motion was lost.

On motion of Mr. Lash,

Ordered, That said Bill do lie upon the table until to-morrow.

No. 121, H. R. File, "A Bill to amend an act relative to Blacks and Mulattoes," was read a second time.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Whitaker, to strike out the first section of said Bill.

And the question being put,

Was determined in the affirmative. Yeas 19, Nays 4.

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hen-

dershott, Isett, Langworthy, Lash, Lewis, Mason, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, and Whitaker.

Those who voted in the negative, were,

Messrs. Miller, Porter, Wilson of H. and Wilson of J.

So the motion was agreed to.

No. 122, H. R. File, "A Bill to authorize Joseph Ehle and Isaac Ramsey to build a Dam across English River, in Washington county, was read a second time.

On motion of Mr. Porter,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a third, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 125, H. R. File, "A Bill to authorize Silas Deeds to build a Dam across Skunk River," was read a second time.

On motion of Mr. Porter,

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a third and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 126, H. R. File, "A Bill to amend an act, subjecting Real and Personal Etate to Execution," was read a second time.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hendershott reported, that the Committee had, according to order, had said Bill under consideration, and have stricken out all after the enacting clause, and directed him to report the same, and ask the concurrence of the House.

And the question being put, Will the House concur in the Report of the Committee?

Was determined in the affirmative.

A motion was made by Mr. Walworth, to strike out the enacting clause.

And the question being put,

Was determined in the affirmative.

No. 127, H. R. File, A Bill to provide for the re-survey of a Territorial Road from Burlington to Keosauqua, in Van Buren county," was read a second time.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House on said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Avery reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Lewis,

Ordered, That said Bill do lie upon the table.

A motion was made by Mr. Walworth, to take up the Reports of the Committee appointed to visit and examine the Public Buildings, &c., at Iowa City.

The motion was lost.

No. 129, H. R. File, A Bill to locate a Territorial Road, from Bloomington, in Mucatine county, to Columbus City, in Louisa county," was read a 2d time.

On motion of Mr. Isett,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

The Bill was then read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 130, H. R. File, "A Joint Resolution, authorizing the Secretary to sell the furniture, &c,. belonging to the Legislative Assembly," was read a second time.

A motion was made by Mr. Langworthy, to suspend the 42d rule, and the Resolution be read a third time now.

The motion was lost.

A motion was made by Mr. Steele, to lay the Resolution upon the table.

And the question being put,

Was determined in the negative. Yeas 7, Nays 17.

The Yeas and Nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hebard, Lewis, Porter, Robertson, and Steele.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Hendershott, Isett, Langworthy, Lash, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilsonof H. and Wilson of J.

So the motion was lost.

On motion of Mr. Porter.

The House resolved itself into a Committee of the Whole House, for the consideration of said Resolution. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr Brierly reported, that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same with an amendment.

And the question being put, Will the House concur in the Report of the Committee?

Was determined in the negative. Yeas 10, Nays 10.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Browning, Hendershott, Lash, Lewis, Steele, Whitaker, Wilson of H. and Wilsonof J.

Those who voted in the negative, were,

Messrs. Box, Felkner, Langworthy, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, and Walworth.

So the report was not concurred in.

A motion was made by Mr. Langworthy, that the Resolution be engrossed, and read a third time on to-morrow.

And the question being put,

Was determined in the affirmative. Yeas 14, Nays 7.

The yeas and nays being desired by Mr. Browning,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Hebard, Hendershott, Langworthy, Mason, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, and Wilson of H.

Those who voted in the negative, were,

Messrs. Avery, Browning, Lash, Lewis, Steele, Whitaker, and Wilson of J.

So the motion was agreed to.

No. 131, H. R. File, "A Bill to locate a Territorial Road from Edinburgh to Iowa City," was read a second time, and,

On motion of Mr. Felkner,

The House resolved itself into a Committee of theWhole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Langworthy reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Steele,

Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

The Bill was then read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Wilson of H. that the House do now adjourn.

The motion was lost.

No. 132, H. R File, "A Bill regulating County Seats," was read a second time.

A motion was made by Mr. Whitaker to lay said Bill upon the table. The motion was lost.

On motion of Mr. Steele,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and have stricken out all after the enacting clause, and directed him to report the same, and ask the concurrence of the House.

The Report was concurred in.

A motion was made by Mr. Whitaker to strike out the enacting clause.

And the question being put,

Was determined in the affirmative.

No. 107, R. File, "A Bill to provide for, and regulate Marks and Brands," and

No. 110, H. R. File, "A Bill to incorporate the Washington Mill and Manufacturing Company."

Were severally read a 3d time, passed, and titles agreed to

Ordered, That the Clerk acquaint the Council therewith.

No. 115, H. R. File, "A Preamble and Resolution, relative to the establishment of an Armory on Rock Island," was read a 3d time, and

On motion of Mr. Hendershott,

Laid upon the table.

No. 118, H. R. File, "A Bill to re-locate a Territorial Road from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county," was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 19, C. F. "A Joint Resolution, providing for the printing of a list of the Acts, &c., in the several newsapers," was read a 3d time, and

On motion of Mr. Lash,

Laid upon the table.

No. 37, C. F. "A Bill, to lay out and establish a Territorial Road from Bellview to Iowa City," was read a 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 46, C. F. "A Bill to amend an Act, regulating Interest on Money," was read a third time.

On motion of Mr. Mason,

Ordered, That said Bill do lie upon the table.

No. 70, H. R. File, "A Bill to amend the Act concerning the distribution of the laws," being returned from the Council with an amendment was taken up the same read and cocurred in by the House.

No. 120, H. R. File, "A Bill to authorize Isaac W. McCarty and Jas. C. McCutchen to erect a Dam across the Demoines river," being returned from the Council amended, was taken up, the amendments read and severally concurred in.

No. 124, H. R. File, "A Bill to incorporate the Town of Nashville, in Lee county," as returned from the Council, amended, was taken up, the amendments read, and on motion of Mr. Miller, severally concurred in.

No. 50, C. F. "A Bill for the benefit of Insane Persons," was read a first time.

On motion, The House adjourned.

Tuesday Morning, January 12, 1841.

Mr. Toole from the Committee on engrossed Bills reported Nos. 123 and 130. H. R. File as correctly engrossed.

Mr. Lash offered the following:

Resolved, That the officers of this House be allowed the following sums to wit:

The Chief Clerk six dollars per day, The Assistant Clerk five dollars per day, and all other officers three dollars per day from the commencement of the present session to the close of the same.

A motion was made by Mr. Porter to amend the Resolution by striking out the word "*three*" and inserting the word "*four*"

And the question being put,

Was determined in the negative. Yeas 2, Nays 23.

The Yeas and Nays being desired by Mr. Steele,

Yeas.—Messrs. Porter, and Wilson of H.

Nays.—Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Robertson, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, and Wilson of J.

So the motion was lost.

A motion was made by Mr. Steele, to strike out the word "*six*" and insert the word "*five.*"

And previous to the question being put a division of the same was called for.

The question was then put on striking out the word "*six,*"

And determined in the negative. Yeas 2, Nays 23.

The Yeas and Nays being desired by Mr. Miller.

Those who voted in the affirmative, were,

Messrs. Miller, and Steele.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Lash, Leffler, Lewis, Mason, Porter, Robertson, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H., and Wilson of J.,

So the motion to strike out was decided in the negative.

A motion was made by Mr. Browning to strike out the words "*and all other officers*" and insert the following to wit: "and enrolling Clerk, Sergent at Arms, Door-keeper, Messemger, and Fireman each."

A motion was made by Mr. Wilson of Henry, to amend the amend-

ment so as to allow the messenger four dollars per day.

The motion was lost.

The question was then put on the amendment offered by Mr. Browning.

To which the House agreed.

The question was then put on the adoption of the Resolution as amended and determined in the affirmative.

Mr. Teeple from the Committee on claims, to which was referred the account of Evan Evans and others, reported that they had, had the same under consideration and directed him to offer the following resolution for adoption.

Resolved, That Evan Evans be allowed twenty-six dollars, and Messrs. David and Kitchen be allowed three dollars and fifty cents, as per Bills laid in.

The Report was concurred in and the Resolution adopted.

Mr. Teeple from the Committee on enrolled Bills reported,

An act to lay out and establish a certain Territorial Road," and

An act to authorize Richard Irwin and Alfred Colvin to erect a dam across Big Cedar Creek in Jefferson county as correctly enrolled.

No. 27, C. F. "A Bill to relocate the Seat of Justice of Clinton county," being the order of the day and under consideration.

A motion was made by Mr. Summers, to amend said Bill, by adding the following, to wit:

That at the next August election, the qualified voters of the said Clinton county, may vote for the Seat of Justice as follows, to wit:

Those who are in favor of the present location shall vote for Camanche, and those who are in favor of the location made by the Commissioners aforesad shall vote for said location, and it is hereby made the duty of the Judges of election at each precinct in said county to keep a seperate box to deposite the votes for Seat of Justice, and in the election for Seat of Justice, the Judges and Clerks of election shall be governed in all respects, and the parties shall have the privilege of contesting, in the same manner and every thing else relative to said election shall be done and performed as is provided in "An act entitled "an act to establish the Seat of Justice of Scott county," approved July 29. 1840, so far as it may be applicable; and the point receiving the greatest number of legal votes shall thenceforward be the Seat of Justice of Clinton couuty, *provided*, that if the Seat of Justice is removed from Camanche, it shall continue to be the temporary Seat of Justice, until the public buildings are erected at the new location.

And the question being put,

Was determined in the negative. Yeas 6. Nays 16.

The Yeas and Nays being desired by Mr. Summers,

Those who voted in the affirmative, were,

Messrs. Brierly, Felkner, Isett, Mason, Summers, and Van Antwerp,

Those who voted in the negative, were,

Messrs. Avery, Box, Browning, Hebard, Hendershott, Langworthy, Leffler. Lewis, Robertson, Steele, Teeple, Toole Walworth, Whitaker, Wilson of H. and Wilson of J.

So the amendment was disagreed to.

A motion was then made by Mr. Summers, that the Bill be laid upon the table until the first Monday in December next.

And the question being put,

Was decided in the negative. Yeas 6. Nays 18.

Yeas.—Messrs. Felkner, Isett, Mason, Steele, Summers, and Van Antwerp.

Nays.—Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Langworthy, Lash, Leffler, Lewis, Miller, Robertson, Teeple, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Summers, to lay the Bill on the table until Thursdays next.

The motion was lost.

On motion of Mr. Robertson,

Ordered, That said Bill be read a third time on to-morrow.

A motion was made by Mr. Browning, to take up No. 128, H. R. "A Bill relative to Imprisonment for Debt."

To which the House agreed.

Said Bill was then taken up, and,

On motion of Mr. Browning,

The 42d rule was suspended, and the Bill read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 19, Nays 4.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Isett, Langworthy, Leffler, Lewis, Mason, Miller, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Hendershott, Lash, Robertson, and Steele.

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

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Isett, to take up No. 53, C. F. "A Bill entitled An act to incorporate the Ellenborough Ferry Company." The motion was lost.

A motion was made by Mr. Teeple, to take from the table No. 16, H. R. File, "A Bill to provide for ascertaining the wishes of the legal voters of this Territory on the mode of voting by *ballot*, or *viva voce*."

To which the House disagreed.

On motion of Mr. Lash,

Ordered, That the Reports of the Committee appointed to visit and

examine the Public Buildings, &c., at Iowa City, be taken from the table.

Said Reports were then taken up, and being under consideration, a motion was made by Mr. Hebard, that the Report of the majority be accepted, and the Committee be discharged.

Pending which,

On motion of Mr. Avery,

The House adjourned.

2 O'CLOCK P. M.

The question pending at the adjournment, being to accept the Report of the majority of the Committee, appointed to visit and examine the Public Buildings, &c., at Iowa City, and that the same be discharged. And after debate,

On motion of Mr. Box,

Said Reports were laid upon the table.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

The Council have passed,

No. 56, C. F. "A Bill to levy a Territorial Tax."

No. 65, C. F. "A Bill to change the name of the town of Rising Sun, in Van Buren county, to that of Pittsburg.

No. 52, C. F. "A Bill to amend an act entitled An act to provide for the erection of a Penitentiary."

No. 63, C. F. "A Bill to authorize a loan of money, to be expended on the Capitol."

No. 66, C. F. "A Bill to authorize Judah Learning to erect a Dam across Big Cedar Creek, in Jefferson county."

No. 61, C. F. "A Bill relative to Salaries of the Auditor, Treasurer, and Librarian."

No. 67, C. F. "A Bill to amend an act regulating the action of Replevin."

Also, with amendments,

No. 51, H. R. File, "A Bill to amend the acts therein named."

No. 4, H. R. File. "A Bill concerning enclosures," &c.

No. 112, H. R. "A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county," and,

No. 118, H. R. "A Bill to re-locate a Territorial Road, from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county.

In which the concurrence of the H. of R. is requested.

Also, without amendment,

No. 108, H. R. File, A Memorial to Congress, for the re-location of a certain portion of the Military Road, from Dubuque to the Missouri line."

The Council insist upon their amendment to

No. 101, H. R. File, "A Bill to incorporate the Presbyterian Church of Dubuque," and have appointed Messrs. Hastings, Springer, and Hall a Committee of Conference in relation to the disagreeing vote of the two Houses upon

No. 82, H. R. "A Bill to provide for the election of Legislative officers and to fix their compensation."

I herewith present for your signature six Acts and two Joint Resolutions.

And then he withdrew.

The Speaker pro tem. then signed the above Acts and Resolutions.

Mr. Mason, from the Committee on Enrolled Bills, reported as correctly enrolled:

An act to establish certain Territorial Roads therein named.

An act to amend an act to provide for the survey of a Territorial Road," approved July 29, 1840.

The speaker pro tempore then signed said acts.

Mr Mason, from the Committee on Enrolled Bills reported, that the Committee had, this day, laid before the Governor, for his approval,

An act to authorize Richard Irwin and Alfred Colvin to erect a dam across Big Cedar Creek, in Jefferson county;

An act to establish certain Territorial Roads;

An act to authorize Elias Smith to keep a Ferry across the Mississippi river;

An act to establish the County Seat of Delaware county;

An act to amend an act concerning Executions;

An act to District the county of Jefferson into three County Commissioners' Districts;

An act to establish a Territoral Road from Burlington to the mouth of the Desmoines river;

A Preamble and Resolution, asking our Delegate in Congress to use his influence to obtain an appropriation, to erect a Bridge across Big Cedar Creek, in Jefferson county;

An act to amend an act to provide for the survey of a Territorial Road, approved 27 July, 1840.

An act to establish certain Territorial Roads therein named.

On motion, the House adjourned until 6 o'clock in the evening.

6 O'CLOCK, P. M.

Mr. Lash, from the Committee on Expenditures, on leave, reported No. 134, H. R. File, A Bill to provide for the compensation of the Members, Officers, and Printers of the Legislative Assembly, and for other purposes, which was read a first time.

On motion of Mr. Lash,

No. 47, C. F. "A Bill providing for the appointment of a Superintendent of Public Buildings at Iowa City, and for other purposes," was taken up, read a second time, and being under consideration,

Mr. Brierly moved a call of the House, which was had, and the roll being called, those who failed to answer to their names, were,

Messrs. Hendershott, Langworthy, Leffler, Mason, Miller, Porter, Van Antwerp, Walworth, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Whitaker.

Leave of absence was granted to Mr. Cox.

After a short time, the absentees appearing, a further call of the House, was, on motion of Mr. Steele, suspended

On motion of Mr. Miller,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Lash reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Teeple, to amend the 19th section, by striking out the word "seven" and inserting the word "five," making the sum allowed the Agent, five hundred dollars per annum.

And the question being put, was determined in the negative.

A motion was made by Mr. Mason, to amend the 11th section, by striking out the word "thirty," and inserting the word "sixty."

The motion was lost.

A motion was made by Mr. Langworthy, to strike out all after the enacting clause in the 1st section, and all of the 2d section of said Bill.

And the question being put,

Was determined in the negative. Yeas 9, Nays 16.

The Yeas and Nays being desired by Mr. Langworthy,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Mason, Summers, Teeple, and Van Antwerp.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler, Lewis, Miller, Porter, Robertson, Steele, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Lewis, to suspend the 42d rule, and the Bill be read a third time now.

And the question being put,

Was determined in the affirmative. Yeas 16, Nays 9.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Lash, Leffler,

Lewis, Miller, Porter, Robertson, Steele, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs Box, Brierly, Felkner, Isett, Langworthy, Mason, Summers, Teeple, and Van Antwerp.

Two-thirds not voting therefor, the rule was not suspended.

A motion was made by Mr. Box, to strike out the 8th section of said Bill.

And the question being put,

Was determined in the negative. Yeas 6, Nays 19.

The Yeas and Nays being desired by Mr. Box,

Those who voted in the affirmative, were,

Messrs. Box, Brierly, Felkner, Langworthy, Summers, and Teeple.

Those who voted in the negative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Isett, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Miller, to amend by striking out the words "elected by Joint Ballot of both Houses of the Legislative Assembly," in the 2d and 8th sections of said Bill, and inserting the words "appointed by the Governor, by and with the advice and consent of the Council."

And the question being put,

Was determined in the affirmative. Yeas 15, Nays 10.

Yeas—Messrs. Avery, Brierly, Hebard, Hendershott, Isett, Lash, Lewis, Mason, Miller, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Nays—Messrs. Box, Browning, Felkner, Langworthy, Leffler, Porter, Robertson, Steele, Summers, and Teeple.

So the motion was agreed to.

On motion of Mr. Lash,

Ordered, That said Bill be read a third time on to-morrow.

No. 46, C. F. "A Bill to amend an act regulating Interest on Money," was read a 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 127, H. R. File, "A Bill to provide for the re-survey of a Territorial Road from Burlington to Keosauqua, in Van Buren county," was read a second time.

On motion of Mr. Porter,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 53, C. F. A Bill to incorporate the Ellenborough Ferry Company, was taken up, and being under consideration,

A motion was made by Mr. Isett, to strike out the 8th section of said Bill. To which the House agreed.

A motion was made Mr. Porter, to strike out the 11th section of the same. The motion was lost.

A motion was made by Mr. Whitaker, to strike out the words "of Muscatine county" in the 11th section.

To which the House agreed.

A motion was made by Mr. Lash to strike out the words "and mixed" in the 2d section. The motion was lost.

A motion was made by Mr. Lash, to strike out all after the word "purposes" in the 7th line of the 2d section.

And the question being put,

Was determined in the negative. Yeas 6, Nays 16.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Lash, Van Antwerp, and Whitaker.

Those who voted in the negative, were,

Messrs. Browning, Felkner, Hebard, Hendershott, Isett, Lewis, Mason, Miller, Porter, Robertson, Steele, Summers, Toole, Walworth, Wilsonof H. and Wilson of J.

So the motion was lost.

A motion was made by Mr. Isett, that the 42d rule be suspended, and the Bill be read a third time now. Pending which,

A motion was made by Mr. Steele to strike out all after the enacting clause of said Bill

And the question being put,

Was determined in the negative. Yeas 5, Nays 16.

Yeas—Messrs. Box, Brierly, Lash, Steele, and Whitaker.

Nays—Messrs. Avery,Browning, Felkner, Hebard, Hendershott, Isett, Lewis, Mason, Miller, Porter, Robertson, Summers, Toole, Walworth, Wilson of H. and Wilsonof J.

So the motion was lost.

A Message from the Council, by Mr. Wallace their Secretary.

Mr. Speaker—

The Council have passed,

No. 68, C. F. A Bill to relocate a part of the Territorial Road from Black Hawk, in Louisa county, via Mount Pleasant, in Henry county, via Bentonsport, in Van Buren county, in a direction to the Missouri line.

No. 69, C. F. A Bill to amend an act, providing for the organization of Townships." in which the concurrence of the H. of R. is requested.

I herewith present for your signature, two Acts and one Joint Resolution.

And then he withdrew.

The Speaker pro tem. then signed the above entitled Acts and Resolution.

A motion was made by Mr. Miller, that the previous question be now put.

And the question being put, Shall the main question be now put?

Was determined in the affirmative.

And previous to same being put,

Mr. Lash moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names, were, Messrs. Leffler, Teeple, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Lewis,

The further call of the House was suspended.

A motion was made by Mr. Lash, that the House do now adjourn.

And the question being put,

Was determined in the negative. Yeas 3, Nays 20.

Yeas—Messrs. Hendershott, Lash, and Steele.

Nays—Avery, Box, Brierly, Browning, Felkner, Hebard, Isett, Langworthy, Lewis, Miller, Mason, Porter, Robertson, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilsonof J.

So the motion to adjourn was lost.

The main question being, Shall the rule be suspended, and the Bill be read a third time now? was put, and determined in the affirmative.

The Bill was then read a third time.

And the question being put, Shall the Bill pass?

Was determined in the affirmative. Yeas 14, Nays 7.

The yeas and nays being desired by Mr. Mason,

Those who voted in the affirmative, were,

Messrs. Avery, Brierly, Felkner, Hebard, Isett, Lewis, Miller, Porter, Robertson, Summers, Toole, Walworth, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Box, Hendershott, Lash, Mason, Steele, Van Antwerp and Whitaker.

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

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Robertson,

The House adjourned.

Wednesday Morning, January 13, 1841.

Mr. Avery presented the account of A. L. Stoddard against the Territory, for labor done &c., which was referred to the Committee on Claims.

Mr. Robertson offered the following:

Resolved, That the Hon. Thomas Cox be allowed the sum of three dollars per diem extra pay for his services as Speaker of this House from the 2nd day of Nov. 1840, until the 4th day of January 1841, both days inclusive; and that the Speaker Pro Tempore be allowed the sum of three dollars per diem extra pay for so many days as he may officiate in that capacity.

A motion was made by Mr. Brierly to strike out all after the word "*inclusive*" in said Resolution,

To which the House agreed.

The question was then put, on the adoption of the Resolution as amended, and determined in the affirmative.

Mr. Steele offered the following:

Resolved, That the Hon. John B. Lash be allowed the sum of three dollars per day extra pay for six days service as Speaker Pro Tempore of this House, and that Hon. Laurel Summers be allowed the sum of three dollars per diem extra pay for five days service as Speaker pro tempore of this House.

A motion was made by Mr. Brierly to lay the Resolution upon the table,

Pending which,

Mr. Steele moved the previous question.

And the question being put,

Shall the main question be now put?

It was determined in the affirmative. Yeas 21. Nays 3.

The yeas and nays being desired by Mr. Walworth,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hebard, Hendershott, Isett, Langworthy, Leffler, Lewis, Mason, Miller, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, Walworth, and Wilson of J.

Those who voted in the negative, were,

Messrs. Lash, Whitaker, and Wilson of H.

The main question being, Shall the Resolution be adopted?

Was put, and determined in the negative. Yeas 11. Nays 12.

The yeas and nays being desired by Mr. Langworthy,

Those who voted in the affirmative, were,

Messrs. Avery, Felkner, Hebard, Isett, Langworthy, Lewis, Mason, Robertson, Steele, Teeple, and Van Antwerp.

Those who voted in the negative were,

Messrs. Box, Brierly, Browning, Hendershott, Leffler, Miller, Porter, Toole, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the Resolution was lost.

No. 123, H. R. Joint Resolution respecting the reserved sections of land contiguous to Iowa City," was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Browning, on leave, introduced No. 135, "A Bill to amend an act incoporating the City of Burlington," which was read a first time.

Ordered, That the 42nd rule be suspended and the Bill be read a second and third time now.

The Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Miller, on leave, introduced No. 136 .H. R. A Bill to authorize Peter Brewer and Company to build a Bridge over Skunk River," which was read a first time.

On motion of Mr. Miller,

Ordered, That the 42nd rule be suspended, and the Bill be read a second time now.

The Bill was then read a second time, and on motion, referred to the Committee on Territorial Affairs.

On motion of Mr. Wilson of J.,

No. 66. C. F. A Bill to authorize Judah Leaming to erect a dam across Big Cedar Creek in Jefferson county," was taken up and read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a second and third time, and passed.

Mr. Felkner, on leave, introduced No. 137. H. R. "A Bill to incorporate Iowa City" which was read a first time

Oadered, That the 42nd rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason, from the Committee on enrolled Bills, reported, as correctly enrolled,

An act to locate a Territorial Road from Keosauqua via Rising Sun &c. to Fairfield in Jefferson county," and

An act to amend an act concurring the distribution of the Laws."

Mr. Van Antwerp, on leave, introduced No. 138. H. R. A Bill to district the county of Cedar into county Commissioner's Districts," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time now.

Said Bill was then read a second and third time, and passed.

Mr. Walworth, on leave, introduced No. 139, H. R. "A Bill to amend the act defining Crimes and Punishments, and the act regulating Criminal proceedings," which was read a first time.

A motion was made by Mr. Walworth to suspend the 42d rule and the Bill be read a second time now.

The motion was lost.

A motion was made by Mr. Whitaker to reconsider the vote on the Resolution to allow the Speaker pro tempore extra pay &c.

To which the House agreed

A motion was made by Mr. Steele, to amend the same, so as to allow extra to Mr. Summers, agreeable to the time which he may serve.

Pending which,

Mr. Porter moved a call of the House, which was had, and the roll being called, those who failed to answer to their names were, Messrs. Wilson of H. Wilson of J. and Cox.

On motion of Mr. Whitaker,

Leave of absence was granted to Mr. Cox.

After a short time a farther call of the House was, on motion, suspended.

A motion was made by Mr. Browning to lay the Resolution upon the table,

To which the House agreed.

No. 130. H. R. A Joint Resolution authorizing the Secretary to sell the furniture &c. belonging to the Legislative Assembly."

No. 27, C. F. A Bill to relocate the Seat of Justice of Clinton county." and

No. 47, C. F. A Bill to provide for the appointment of a Superintendant of Public Buildings at Iowa City &c." were severally read a third time, passed, and titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 50, C. F. A Bill for the benefit of Insane persons," was read a second time.

A motion was made by Mr. Brierly, that the Bill be referred to a Committee of the Whole House.

The motion was lost.

A motion was made Mr. Robertson, that the 42d rule be suspended and the Bill be read a third time now.

Pending which,

A motion was made by Mr. Lash to lay the same on the table until the first Monday in December next,

To which the House disagreed.

The question was then put, on the motion made by Mr. Robertson to suspend the 42d rule,

To which the House agreed.

A motion was then made by Mr. Lash to lay the Bill on the table.

And the question being put,

Was determined in the negative. Yeas 9, Nays 15.

Yeas—Messrs. Hebard, Isett, Langworthy, Lash, Leffler, Mason, Steele, Summers, and Toole.

Nays—Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Lewis, Miller, Robertson, Teeple, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

A message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

The Council have passed,

No. 71. C. F. A Bill to amend an act providing for the appointment of Justices of the Peace &c., approved January 21st 1839.

Also with amendments,

No. 105, H. R. A Bill to incorporate the Iowa Insurance Company of Burlington,

In which the concurrence of the House of Representatives is requested.

Also without amendment,

No. 122, H. R. A Bill to authorize Joseph Ehle and Isaac Ramsey to erect a dam across English River, in Washington county.

No. 125. H. R. A Bill to authorize Silas Deeds to erect a dam across Skunk River.

No. 127, H. R. A Bill to provide for a resurvey of a Territorial Road from Burlington to Keosauqua, in Van Buren county.

No. 133, H. R. A Bill to authorize Samuel and John B. Crawford to erect a dam across Skunk River.

The Council have concurred in all the amendments made by the House of Representatives to,

No. 53. C. F. A Bill entitled "An act to charter the Ellenborough Immigration and Ferry Company.

And then he withdrew.

The House then resumed the consideration of No. 50. C. F. A Bill for the benefit of Insane persons," and

The question being put, shall the Bill pass?

Was determined in the affirmative. Yeas 13, Nays 6.

Yeas—Messrs. Box, Brierly, Browning, Felkner, Hendershott, Leffler, Mason, Miller, Robertson, Steele, Walworth, Wilson of H. and Wilson of J.

Nays—Messrs. Isett, Langworthy, Lash, Summers, Toole, and Van Antwerp.

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

No. 55, C. F. A Bill requiring Clerks of the District Courts to give Bonds &c." was read a second time, and ordered to a third reading on to-morrow,

On motion of Mr. Hendershott,

The House adjourned.

2 O'CLOCK, P. M.

Mr. Brierly, on leave, introduced No. 140, H. R. "A Bill to provide for the election of an additional Justice of the Peace at Montrose and Keokuk, in Lee county," which was read a first time.

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

Said Bill was then read a second time, and on motion of Mr. Porter referred to the Delegations from Henry and Lee counties.

Mr. Isett on leave, introduced No. 141, H. R. "A Joint Resolution authorizing the Secretary to forward copies of the Laws &c. under the Franking privilege of the Executive," which was read a first time.

Ordered, That the 42d rule be suspended and the Resolution be read a second and third time now.

Said Resolution was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Steele,

The Resolution relative to the extra pay &c. of the Speakers pro-tempore was taken from the table.

The motion pending on said Resolution, being to amend the same so as to allow extra pay to Mr. Summers agreeable to the time which he may serve.

And the question being put,

Was determined in the affirmative. Yeas 13, Nays 6.

The Yeas and Nays being desired by Mr. Walworth,

Those who voted in the affirmative were,

Messrs. Avery, Brierly, Browning, Felkner, Hebard, Isett, Mason, Porter, Robertson, Steele, Teeple, Van Antwerp, and Whitaker.

Those who voted in the negative were,

Messrs. Box, Miller, Toole, Walworth, Wilson of H. and Wilson of J.

So the amendment was agreed to.

The question was then put, on the adoption of the Resolution as amended.

And determined in the affirmative. Yeas 15, Nays 5.

The yeas and nays being desired by Mr. Miller,

Those who voted in the affirmative were,

Messrs. Avery Brierly, Browning, Felkner, Hebard, Isett, Lewis,

Mason, Porter, Robertson, Steele, Teeple, Toole, Van Antwerp, and Whitaker.

Those who voted in the negative were,

Messrs. Box, Miller, Walworth, Wilson of H. and Wilson of J.

So the Resolution as amended was agreed to.

Mr. Browning, on leave, introduced No. 142, H. R. "A Bill to amend an act relative to practice in the District Courts" which was read a first time.

Ordered, That the 42d rule be suspended and the Bill be read a second and third time now.

The Bill was then read a second time, and on motion of Mr. Mason, the word "adjoining" was inserted after the word "any" so as to read in any adjoining county."

A motion was then made by Mr. Browning that the Bill be indefinitely postponed.

The motion was lost.

The Bill was then read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Porter, from the Select Committee to whom was referred No. 140. H. R. "A Bill to provide for the election of additional Justices of the Peace &c." reported the same back to the House with amendments, which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

The Bill was then read a 2d and 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Avery, on leave, introduced No. 143, H. R. A Bill to amend an act concerning Wills and Testaments," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second and third time mow.

Said Bill was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Box,

No. 134, H. R. A Bill to provide for compensating the members, officers and Printers of the Legislative Assembly, and for other purposes," was taken up, and read a second time.

Mr. Isett, moved a call of the House, which was had, and the roll being called, those who failed to answer to their names were Merssrs. Langworthy and Porter.

The Sergeant at Arms was then directed to require the attendance of the absentees.

After some time a further call of the House was on motion, suspended.

On motion of Mr. Felkner,

The House resolved itself into a Committee of the Whole House for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with sundry amendments, and ask leave to sit again.

Leave was granted.

On motion of Mr. Browning,

The House adjourned until six o'clock in the evening.

6 O'CLOCK, P. M.

No. 57. C. F. A Bill to amend an act entitled "an act to relocate the County Seat of Jackson county," was read a second time.

On motion of Mr. Hendershott,

Ordered, That the 42d rule be suspended, and the Bill be read a third time now.

The Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Lash,

The House again resumed the consideration of No. 134, H. R. File, A Bill to provide for compensating the members, officers, and Printers, of the Legislative Assembly, and for other purposes," in Committee of the Whole House.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with sundry amendments, and ask the concurrence of the House.

On motion of Mr. Hendershott,

The House adjourned.

Thursday Morning, January 14, 1841.

The Speaker pro tem. presented the petition of sundry citizens of Scott county, asking the passage of a law to Divorce H. E. W. East and his wife Sarah East.

On motion of Mr. Toole,

Ordered, That said petition be referred to a Select Committee.

Whereupon, Messrs. Toole, Robinson, and Lash, were appointed said Committee.

Mr. Hebard, from the Committee on Territorial Affairs, to which was referred No. 136, "A Bill to authorize Peter Brewer and Company to build a Bridge over Skunk River," reported the same back to the House with amendments, which was read a first time.

A motion was made by Mr. Steele, to take up No. 62, C. F. "A Bill providing for the building of Locks in the Dams across the Des-moines River."

To which the House agreed.

The Bill was then taken up, and read a second time.

A motion was made by Mr. Brierly, that said Bill be indefinitely postponed.

And the question being put,

Was determined in the negative. Yeas 10, Nays 11.

The Yeas and Nays being desired by Mr. Whitaker,

Those who voted in the affirmative, were,

Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Lash, Mason, and Van Antwerp.

Those who voted in the negative, were,

Messrs. Hebard, Lewis, Miller, Porter, Steele. Summers, Teeple, Toole, Walworth, Whitaker, and Wilson of J.

So the motion was lost.

A motion was made by Mr. Brierly, to amend the Bill by striking out "one aundred and twenty," and inserting "one hundred and forty five," making the length of the Locks one hundred and forty-five feet.

To which the House agreed.

A motion was made by Mr. Box, to strike out of said Bill the word "twenty-six," and insert that of "thirty-six," so as to make the width of the Locks thirty-six feet.

And the question being put,

Was determined in the affirmative.

On motion of Mr. Steele,

Ordered, That said Bill do lie upon the table until the 1st Monday in December next.

The House resumed the consideration of No. 134, H. R. File, "A Bill to provide for the compensation of the Members, Officers, and Printers of the Legislative Assembly, and for other purposes, as reported by the Committee of the Whole House. with amendments.

A motion was made by Mr. Lash, that the House disagree to the amendment made to the 27th section, relative to compensating Levi Hager for taking care of the furniture, &c., belonging to the Legislative Assembly.

The motion was lost.

A motion was made by Mr. Langworthy, to amend the amendment made in Committee of the Whole House to the 29th section by striking out the words "four hundred and fifty," and inserting "three hundred," making the amount allowed for the rent of the building occupied by the House of Representatives, three hundred dollars.

Pending which,

A motion was made by Mr. Avery, to amend the motion by striking out "four hundred and fifty," and inserting "five hundred."

And the question being put,

Was determined in the negative. Yeas 7, Nays 16.

The Yeas and Nays being desired by Mr. Whitaker,

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Hebard, Hendershott, Lash, Miller, and Walworth.

Those who voted in the negative, were,

Messrs. Box, Brierly, Felkner, Isett, Langworthy, Lewis, Mason, Porter, Steele, Summers, Teeple, Toole, Van Antwerp, Whitaker Wilson of H. and Wilson of J.

So the motion was lost.

The question then pending being the motion made by Mr. Langworthy, and previous to its being put,

Mr. Avery moved a call of the House, which was had, and the roll being called, those who failed to answer to their names, were Messrs. Leffler, Robertson, and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Whitaker,

The further call of the House was suspended.

The question pending, then being put,

Was determined in the negative. Yeas 7, Nays 18.

The yeas and nays being desired by Mr. Miller,

Those who voted in the affirmative, were,

Messrs. Felkner, Langworthy, Steele, Summers, Teeple, Toole, and Wilson of H.

Those who voted in the negative, were,

Messrs. Avery, Box, Brierly, Browning, Hebard, Hendershott, Isett, Lash, Leffler, Lewis, Mason, Miller, Porter, Robertson, Van Antwerp, Walworth, Whitaker, and Wilson of J.

So the motion was disagreed to, and the amendment made by the Committee of the Whole House was agreed to.

A motion was made by Mr. Langworthy, to strike out in the 43d section, the word "eighteen," and insert "one," so as to make the sum allowed Stephen Whicher as fees, &c., for attendance as witness at Iowa City, the sum of one dollar.

Pending which,

A motion was made by Mr. Porter, to amend said motion by striking out "eighteen" and inserting "twelve."

To which the House agreed.

A motion was made by Mr. Whitaker, to amend the Bill, by adding the following as a new section:

To John R. Woods, for recording the Journal of this House, one hundred dollars.

A motion was made by Mr. Van Antwerp, to amend the amendment, by striking out "one hundred," and inserting "two hundred."

The motion was lost.

A motion was made by Mr. Steele, to strike out "one hundred," and insert "one hundred and fifty."

And the question being put,

It was determined in the affirmative. Yeas 19, Nays 3.

The Yeas and Nays being desired by Mr. Hendershott,

Those who voted in the affirmative were,

Messrs. Avery, Box, Felkner, Hendershott, Isett, Langworthy, Lash, Leffler, Mason, Miller, Robertson, Steele, Summers, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

Those who voted in the negative, were,

Messrs. Browning, Hebard, and Lewis.

So the amendment was agreed to.

The section was then adopted as amended.

On motion of Mr. Lash,

The Bill was further amended, by allowing the sum of four dollars and fifty cents for paper, &c., to Henry W. Moore.

On motion, The 42d rule was then suspended, and the Bill read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A Message from the Council by Mr. Wallace their Secretary.

MR. SPEAKER:—

The Council have passed,

No. 123, H. R. File, substitute for No: 6, C. F. A Joint Resolution respecting the reserved sections of land contiguous to Iowa City.

No. 135, H. R. File, An act to amend an act, incorporating the City of Burlington.

No. 137, H. R. "A Bill to incorporate Iowa City."

No. 138, H. R. File. "A Bill to district the county of Cedar into County Commissioners' Districts.

No. 64, C. F. "A Bill to re-locate a Territorial Road from Hope Farm, in Louisa county, to Mount Pleasant, in Henry county.

Also, with amendments,

No. 62, H. R. "A Bill to provide for assessing and collecting County Revenue.

In which the concurrence of the H. of R. is requested.

The Council insist upon their amendment to

No. 67, H. R. "An act to authorize John Godden, his heirs or assigns, to build a Dam across the Desmoines river," and have appointed Messrs. Bailey and Coop a Commlttee of Conference in relation thereto.

The Council have also passed,

No. 72, C. F. "A Bill to authorize Hezekiah H. Gear to keep a Ferry.

No. 140, H. R. File, "A Bill to provide for the election of additional Justices of the Peace."

No. 143, H. R. File, "A Bill to amend an act relative to Wills and Testaments."

I herewith present for your signature, four Acts.

And then he withdrew.

The Speaker pro tem. then signed said Acts.

On motion of Mr. Miller,

No. 52, "A Bill to amend an act entitled An act to provide for the erection of a Penitentiary," was taken up and read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a second time now.

Said Bill was then read a second time, and, on motion,

The House resolved itself into a Committee of the Whole House for its consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Steele reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same with an amendment.

To which the House agreed.

On motion of Mr. Miller,

The 2d section was amended, by adding the following, to wit:

"But said convicts shall not be hired out of the town in which the Penitentiary is located, nor shall they be hired out seperately.

On motion, The 42d rule was suspended, and the Bill read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Whitaker,

The House adjourned.

2 O'CLOCK P. M.

Mr. Van Antwerp, on leave, introduced No. 144, H. R. File, "A Bill toestablish a Territorial Road from Moscow to Marion," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Avery, on leave, introduced No. 145, H. R. "A Bill to legalize the survey and make valid in law the present plat of the north half of the Town of Columbus, in the county of Desmoines," which was read a first time.

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 67, H. R. File, A Bill to authorize John Godden, his heirs and assigns, to build a Dam across the Desmoines river, being returned from the Council with their amendments insisted upon, was taken up, and,

On motion of Mr. Lewis,

Grdered, That there be a Committee of Conference appointed in relation to the disagreeing vote to the same.

Whereupon, Messrs. Lewis, Steele, and Whitaker, were appointed said Committee.

No. 105, H. R. File, "A Bill to incorporate the Iowa Insurance Company at Burlington," being returned from the Council with amendments, and being under consideration,

A motion was made by Mr. Steele, that the House concur in said amendments.

And the question being put,

Was determined in the negative.

No. 51, H. R. "A Bill to amend an act providing for the valuation and sale of lots in Iowa City," being returned from the Counil with amendments, was taken up, and,

On motion of Mr. Felkner,

The amendments were concurred in.

No. 4, H. R. "A Bill concerning Enclosures," being returned from the Council with amendments, and being under consideration,

A motion was made by Mr. Steele, that the House concur in the same. To which the House disagreed.

No. 112, H. R. "A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county," as returned from the Council amended, was taken up, the amendments read, and,

On motion of Mr. Lash,

Ordered, That the House disagree to the same.

No. 101, H. R. "A Bill to incorporate the Presbyterian Church of Dubuque," being returned from the Council with their amendment insisted upon, was taken up, and,

On motion of Mr. Langworthy,

Ordered, That the House do recede from said amendment.

No. 62, H. R. "A Bill to provide for assessing and collecting county Revenue, being returned from the Council with amendments, and being under consideration, the same were read, and severally concurred in.

No. 58, C. F. "A Bill for the relief of the Sheriff of Jefferson county," was read a first time.

On motion of Mr. Miller,

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 59, C. F. "A Bill to amend an act concerning Costs and Fees," was read a second time.

On motion of Mr. Mason,

Ordered, That said Bill do lie upon the table.

No. 60, C. F. "A Bill to amend an act regulating General Elections," &c., was read a second time.

On motion of Mr. Browning.

Ordered, That said Bill do lie upon the table.

No. 139, H. R. "A Bill to amend the act defining Crimes and Punishments, and the act regulating Criminal Proceedings," was read a second time.

On motion of Mr. Mason,

Ordered, That said Bill be indefinitely postponed.

No. 55, C. F. "A Bill requiring Clerks of the District Courts to give Bonds," &c., was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 56, C. F. "A Bill to levy a Territorial Tax," was read a 1st time.

A motion was made by Mr. Whitaker, that said Bill be rejected.

And the question being put,

Was determined in the affirmative.

No. 61, C. F. "A Bill relative to the Salaries of Auditor, Treasurer, and Librarian," was read a first time.

A motion was made by Mr. Toole, to reject said Bill.

And the question being put,

Was determined in the affirmative.

No. 63, C. F. "A Bill authorizing a loan of money, to be expended on the Capitol," was read a first time.

Ordered, That the 42d rule be suspended, and theBill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 64, C. F. "A Bill to re-locate a Territorial Road from Hope Farm, in Louisa county, to Mount Pleasant, in Henry county," was read a first time.

No. 65, C. F. "A Bill to change the name of Rising Sun, in Van Buren county, to that of Pittsburg," was read a first time.

Ordered, That the 42d rule be suspended, and said Bill be read a 3d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Langworthy, to rescind the 42d rule of this House for the remainder of the session.

The motion was lost.

No. 67, C. F. "A Bill to amend an act regulating the action of Replevin," was read a first time.

A motion was made by Mr. Hendershott, to reject said Bill.

To which the House agreed.

No. 68, C. F. "A Bill to re-locate a part of a Territorial Road from Black Hawk, in Louisa county, in a direction to the Missouri line," was read a first time.

On motion of Mr. Steele,

Ordered, That the 42d rule be suspended, and the Bill be read a 2d and 3d time now.

Said Bill was then read a 2d and 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 69, C. F. "A Bill to amend an act providing for the organization of Townships," was read a first time.

A motion was made by Mr. Whitaker, to suspend the 42d rule, and the Bill be read a 2d and 3d time. The motion was lost.

No. 71, C. F. "A Bill to amend an act, providing for the appointment of Justices of the Peace," was read a first time.

On motion of Mr. Hendershott,

Ordered, That said Bill be rejected.

No. 72, C. F. "A Bill to authorize Hezekiah H. Gear to keep a Ferry," was read a first time now.

On motion of Mr. Mason,

Ordered, That the 42d rule be suspended and the Bill be read a second and third time now.

Said Bill was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Robertson, from the Select Committee. to which was referred the petition of sundry citizens of Scott county, reported, No. 146, H. R. File, "A Bill to dissolve the bonds of matrimony between H. E. W. East and Sarah East," was read a first time.

Ordered, That the 42d rule be suspended and the Bill be read a second time now.

The Bill was then read a second time, and, on motion,

The House resolved itself into a Committee of the Whole House for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Walworth reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

A motion was made by Mr. Steele, that the 42d rule be suspended, and the Bill be read a third time now.

Pending which,

A motion was made by Mr. Wilson of H. to lay the same upon the table until the first day of March next.

And the question being put,

Was determined in the negative. Yeas 8, Nays 12.

Yeas—Messrs. Avery, Box, Hendershott, Langworthy, Mason, Walworth, Wilson of H. and Wilson of J.

Nays—Messrs. Browning, Felkner, Isett, Lash, Leffler, Lewis, Robertson, Steele, Summers, Teeple, Van Antwerp, and Whitaker.

So the motion to lay on the table was lost.

The question then being to suspend the 42 rule, and being put,

Was determined in the affirmative. Yeas 14, Nays 8.

Those who voted in the affirmative, were,

Messrs. Avery, Browning, Felkner, Hebard, Isett, Lash, Leffler, Lewis, Robertson, Steele, Summers, Teeple, Toole, and Whitaker.

Those who voted in the negative, were,

Messrs. Box, Hendershott, Langworthy, Mason, Van Antwerp, Walworth, Wilson of H. and Wilson of J.

Two-thirds not voting in the affirmative, the rule was not suspended.

On motion of Mr. Robertson,

Ordered, That said Bill be engrossed, and read a third time on tomorrow.

Mr. Mason, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to locate the Seat of Justice of Lee county;

An act to authorize Joseph Ehle and Isaac Ramsey to build a Dam across English River, in Washington county;"

The Speaker pro tem. then signed said Acts.

Mr. Mason, from the Committee on Enrolled Bills, reported, that the Committee had this day, presented to the Governor for his approval and signature,

An act to lay out and establish a Territorial Road from Bellview to Iowa City;

An act to amend an act entitled An act additional and supplemental to an act for the benefit of settlers, &c., on the Half Breed lands, &c. passed the present session.

A Joint Resolution asking the establishment of an Armory on Rock Island;

An act to amend an Act regulating conveyances;

An act to create the office of Superintendent of Public Instruction.

An act to incorporate the first regular Baptist Church of Davenport.

An act to locate and establish a Territorial Road from Dubuque to Camp Atkinson;"

An act to authorize the Commissioners of Linn county to employ an agent to sell lots in Marion, the Seat of Justice of said county.

An act fixing the time for the annual meeting of the Legislative Assembly.

A Joint Resolution, asking our Delegate in Congress to procure the passage of a law to allow the Commissioners of Linn county to preempt the quarter section of land on which Marion is located.

A Joint Resolution, asking the appointment of a Commissioner to re-survey the northern boundary line of the Half Breed Tract of the Sac and Fox Indians.

Mr. Box asked leave to withdraw the petition of sundry citizens of Denmark, in Lee county, in relation to Blacks and Mulattoes.

Leave was granted.

Mr. Mason asked leave to withdraw the petition of George W.

Jones, of Dubuque, in relation to a Ferry, &c.

Leave was granted.

Mr. Avery, from the Committee on Records, reported, that the Journals of this House were correctly recorded up to the 28th of December, 1840.

On motion of Mr. Lash.

No. 92, H. R. "A Bill to repeal certain acts therein named," was taken from the table, and being under consideration,

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House for consideration. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Miller reported, that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

A motion was made by Mr. Steele, that said Bill be indefinitely postponed.

And the question being put,

Was determined in the affirmative.

Mr. Lewis, from the Committee of Conference, appointed on the part of the House to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote of the two Houses to

No. 67, H. R. "A Bill to authorize John Godden, his heirs, and assigns, to build a Dam across the Desmoines river," reported, that they have agreed to amend said Bill, so as to require the Lock in said Dam to be thirty-five feet wide, and one hundred and thirty feet long.

The Report was concurred in.

On motion of Mr. Langworthy,

Ordered, That the Chief Clerk be authorized to employ as many assistant Clerks as he thinks necessary to aid the Enrolling Clerk of this House. And that the Secretary is hereby authorized to pay said Clerks three dollars per diem on the certificate of the Chief Clerk.

A motion was made by Mr. Walworth, that the House do now adjourn until six o'clock in the evening.

And the question being put,

Was determined in the negative. Yeas 2, Nays 20.

The Yeas and Nays being desired by Mr. Lash,

Those who voted in the affirmative, were,

Messrs. Avery, and Robertson.

Those who voted in the negative, were,

Messrs. Box, Browning, Felkner, Hebard, Hendershott, Langworthy, Lash, Leffler, Lewis, Mason, Miller, Steele, Summers, Teeple, Toole, Van Antwerp, Walworth, Whitaker, Wilson of H. and Wilson of J.

So the motion was lost.

On motion of Mr. Wilson of H.,

The House adjourned until to-morrow morning, 9 o'clock.

Friday Morning, January 15, 1841.

A Message from the Council, by Mr. Wallace their Secretary.

MR. SPEAKER—

The Council have passed,

No. 130, H. R. Joint Resolution authorizing the Secretary to sell the furniture &c. belonging to the Legislative Assembly."

No. 142, H. R. A Bill concerning practice in the District Courts of this Territory."

Also with amendments,

No. 134. H. R. A Bill to provide for the compensation of the members, offiers, and Printers of the Legislative Assembly, and for other purposes."

The Council have concurred in the amendments of the House to,

No. 52, C. F. A Bill to amend an act entitled an act to provide for the erection of a Penitentiary."

The Council insist upon their amendments to,

No. 105. H. R. A Bill to incorporate the Iowa Insurance Company at Burlington." and

No. 4, H. R. "A Bill concerning enclosures."

And have receded from their amendments to,

No. 112, H. R. A Bill to locate and establish a Territorial Road from Columbus City, in Louisa county to Smith's Mill in Henry county."

The Council have also passsed,

No. 145, H. R. A Bill to legalize the survey &c. of the north half of the Town of Columbus, in Desmoines county."

I herewith present for your signature three acts.

And then he withdrew.

The Speaker pro-tempore then signed said acts.

No. 105. H. R. "A Bill to incorporate the Iowa Insurance company at Burlington," being returned from the Council with their amendments insisted upon, and being under consideration,

On motion of Mr. Leffler,

Ordered, That the House insist upon said disagreeing vote, and that there be a Committee of Conference appointed in relation thereto.

Whereupon Messrs. Leffler, Browning, and Avery, were appointed said Committee.

Mr. Mason, from the Committee on enrolled Bills, reported as correctly enrolled,

An Act to amend an act incorporating the City of Burlington.

An Act to provide for the election of additional Justices of the Peace.

An Act to district the county of Cedar into county Commissioner's Districts.

An Act to authorize Silas Deeds, to erect a Dam across Skunk River.

An Act to authorize Samuel and John B. Crawford to erect a Dam across Skunk River; and

An Act to amend an act relative to Wills and Testaments &c."

Mr. Mason, from the Committee on enrolled Bills reported that the Committee had this day presented to the Governor for his approval.

An Act to authorize Joseph Ehle and Isaac Ramsey, to erect a Dam across English River; and

An Act to locate and establish the county Seat of Lee county.

Mr. Lash, from the Committee of conference, appointed to confer with a similar Committee on the part of the Council, in relation to the disagreeing vote to No. 82. H R. A Bill to provide for the election of Legislative officers, and to fix their compensation," reported that the Committee on the part of the Council have receded from their amendments.

The Leport was concurred in.

No. 134. H. R. A Bill to provide for the compensation of the members, officers, and Printers of the Legislative Assembly, and for other purpases," being returned from the Council with amendments was taken up, and being under consideration.

A motion was made by Mr. Langworthy, that the House disagree to the amendment made by the Council to the 5th section, in which the officers of the Council, viz: Recording, Enrolling, and Engrossing Clerks, Sergeant-at-Arms, Door-Keeper, Fireman, and Messenger, were allowed four dollars per diem pay, for services during the Session.

And the question being put,

Was determined in the affirmative. Yeas 15. Nays 6.

Yeas—Messrs. Avery, Box, Brierly, Browning, Felkner, Hendershott, Isett, Langworthy, Leffler, Mason, Steele, Summers, Teeple, Whitaker, and Wilson of J.

Nays—Messrs. Hebard, Lash, Lewis, Miller, Porter, and Wilson of H.

So the amendment was disagreed to.

The question was then taken on the remaining amendments as read and severally concurred in.

A message from the Council by Mr. Wallace their Secretary.

Mr. Speaker:—

The Council have passed,

No. 144. H. R. A Bill to establish a Territorial Road from Moscow to Marion.

And then he withdrew.

No. 146, H. R. A Bill to Divorce H. E. W. East and his wife Sarah East," was read a third time.

And the question being put,

Was determined in the affirmative. Yeas 11, Nays 9.

The Yeas and Nays being desired by Mr. Browning,

Those who voted in the affirmative were,

Messrs. Brierly, Browning, Felkner, Isett, Lash, Leffler, Lewis, Steele, Summers, Teeple, and Whitaker.

Those who voted in the negative were,

Messrs. Avery, Box, Hebard, Hendershott, Langworthy, Mason, Miller, Wilson of H. and Wilson of J.

So the Bill passed and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 130, H. R. "Joint Resolution authorizing the Secretary to sell the Furniture &c. belonging to the Legislative Assembly," being returned from the Council amended, was taken up, the amendment read and concurred in.

No. 4. H. R. "A Bill concerning enclosures" being returned from the Council with their amendment insisted upon, and under consideration, a motion was made by Mr. Steele that the House do recede from their disagreement.

The motion was lost.

A motion was made by Mr. Lash, that there be a Committee of Conference appointed in relation thereto.

The motion was not agreed to.

So the Bill was lost.

No. 69. C. F. "A Bill to amend an act providing for the organization of Townships," was read a second time.

On motion, The House resolved itself into a Committee of the Whole House, on said Bill.

After some time spent therein, Mr. Speaker resumed the Chair and Mr. Brierly reported that the Committee had, according to order, had said Bill under consideration, and directed him to report the same without amendment.

On motion of Mr. Steele,

Ordered, That the 42d rule be suspeded and the Bill be read a 2d and 3d time now.

The Bill was then read a second and third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 64, C. F. A Bill to relocate a Territorial Road from Hope Farm in Louisa county to Mount Pleasant in Henry county," was read a second time.

A motion was made by Mr. Wilson of H. to suspend the 42d rule and the Bill be read a third time now.

Pending which,

On motion of Mr. Lash,

Said Bill was laid upon the table.

No. 136, H. R. A Bill to authorize Peter Brewer to build a Bridge across Skunk River, was read a second time.

On motion of Mr. Avery,

Ordered, That the 42d rule be suspended and the Bill be read a 3d time now.

Said Bill was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Leffler moved a call of the House which was had, and the roll being called, those who failed to answer to their names, were Messrs. Hendershott, Langworthy, Lewis, Porter, Toole, Van Antwerp, Wilson of J. and Cox.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

On motion of Mr. Walworth,

Leave of absence was granted to Mr. Cox.

On motion of Mr. Robertson,

Leave of absence was granted to Mr. Toole.

On motion of Mr. Isett,

Leave of absence was granted to Mr. Van Antwerp.

After a short time, the further call of the House was, on motion suspended.

A message from the Council, by Mr. Wallace their Secretary.

Mr. Speaker—

The Council have disagreed to the report of the Committee of Conference upon No. 82, H. R. A Bill providing for the election of Legislative Officers, and fixing their compensation, which report recommended that the Council recede from their amendment to said Bill.,

The Council insist up their amendment to the 5th Section of,

No. 134, H. R. A Bill to provide for the compensation of the members, officers and Printers of the Legislative Assembly, and for others purposes, and have appointed Messrs. Wallace, Browne and Johnston a Committee of Conference in relation thereto; and,

No. 105, H. R. A Bill to incorporate the Iowa Insurance Company of Burlington, and have appointed Messrs. Hawkins, Parker and Hall, a Committee of Conference in relation thereto.

And then he withdrew.

No. 134, H. R. "A Bill to provide for the compensation of the members, officers, and Printers of the Legislative Assembly, and for other purposes," being returned from the Council with their amendment to the 5th sect. insisted upon, and under consideration.

On motion of Mr. Lash,

Ordered, That the House do recede from said disagreement.

Mr. Miller offered the following:

Resolved, By the Council and House of Representatives of the Territory of Iowa, that the officers of the H. of R. be allowed the same pay for their services as is provided for the officers performing similar services in the Council," which was read a first time.

A motion was made by Mr. Miller, that the 42d rule be suspended and the Resolution be read a second and third time now.

And the question being put,

There appeared, Yeas 7, Nays 13.

Yeas—Messrs. Box, Brierly, Hendershott, Miller, Steele, Whitaker, and Wilson of H.

Nays—Messrs. Avery, Browning, Felkner, Hebard, Isett, Langworthy, Lash, Leffler, Mason, Robertson, Summers, Walworth, and Wilson of J.

Two-thirds not voting in the affirmative, the rule was not suspended.

A motion was then made by Mr. Miller, that the 42d rule be suspended, and the Resolution be read a second time now.

And the question being put,

There appeared, Yeas 7, Nays 12.

Yeas.—Messrs. Box, Brierly, Felkner, Miller, Steele, Summers, and Wilson of H.

Nays.—Messrs. Avery, Browning, Hebard, Isett, Langworthy, Lash, Leffler, Mason, Robertson, Walworth, Whitaker, and Wilson of J.

Two-thirds not voting therefor, the rule was not suspended.

Mr. Leffler from the Committee of Conference appointed to confer with a similar Committee on the part of the Council in relation to the disagreeing vote of the two Hauses to No. 105. H. R. A Bill to incorporate the Iowa Insurance company at Burlington" reported that they had met, and could not agree in relation to the same.

The Report was concurred in,

So the Bill was lost.

Mr. Hebard, on leave, introduced No. 147. H. R. Joint Resolution compensating Jesse Williams for money paid by him for Seal &c." which was read a first time.

On motion of Mr. Avery,

Ordered, That the 42d rule be suspended and the Resolution be read a second and third time now.

Said Resolution was then read a second and third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Hebard to reconsider the vote of yesterday on the rejection of No. 61. C. F. A Bill relative to the salaries of Auditor, Treasurer, and Librarian."

The motion was lost.

A motion was made by Mr. Browning to reconsider the vote of

yesterday on the rejection of No. 56. C. F. "A Bill to levy a Territorial Tax."

To which the House agreed.

Said Bill was then read a first time and on motion of Mr, Lash, the 42d rule was suspended and the Bill read a second time.

A motion was made by Mr. Felkner to amend said Bill by striking out "one-half," and inserting "one-fourth," making the tax one fourth mill per centum,

To which the House agreed.

On motion of Mr. Lash,

Ordered, That the 42d rule be suspended, and the Bill be read a 3d time now.

Said Bill was then read a 3d time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Mason, from the Committee on enrolled Bills reported as correctly enrolled,

An Act to incorporate Iowa City."

An Act to authorize John Godden, his heirs and assigns to build a Dam across the Desmoines River; and

An Act to legalize the survey &c. of the north half of the Town of Columbus in Desmoines county. The Speaker pro-tempore then signed said acts.

On motion of Mr. Browning,

The House adjourned.

2 O'CLOCK, P. M.

A message from the Council, by Mr. Wallace, their Secretary.

Mr. SPEAKER:

The Council have passed,

No. 136, H. R. "A Bill to authorize Peter Brewer to build a Bridge across Skunk River."

No. 146, H. R. "A Bill to divorce H. E. W. East and his wife Sarah East.

No. 141, H. R. "Joint Resolution, authorizing the Secretary to forward copies of the Laws under the franking privilege of the Executive."

No. 147, H. R. "Joint Resolution compensating Jesse Williams for money paid by him for seals, &c.

The Council have concurred in the amendment of the H. of R. to No. 56, C. F. "A Bill to levy a Territorial Tax.

I herewith present for your signature,

An act to amend an act entitled An "act for the ereection of a Penitentiary."

And then he withdrew.

The Speaker pro tempore then signed the above entitled Acts.

Mr. Browning being in the Chair officiating as Speaker,

Mr. Steele offered the following:

Resolved, That the thanks of this House be given to the Hon. Laurel Summers, for the dignity, skill, and impartiality he has on all occasions displayed, while acting as Speaker pro tempore of this House.

Which was adopted without a dissenting voice.

A message from the Council, by Mr. Wallace, their Secretary:

Mr. Speaker—

I herewith present for your signature,

An act to amend an act, providing for the organization of Townships; and,

An act to levy a Territorial Tax.

And then he withdrew.

The Speaker pro tempore then signed the above entitled Acts.

On motion of Mr. Mason,

The House adjourned until six o'clock in the evening.

6 O'CLOCK, P. M.

Mr. Mason, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to amend an act providing for the valuation and sale of Lots in Iowa City.

An act to establish a Territorial Road from Moscow to Marion;

An act concerning Practice in the District Courts of this Territory;

An act to authorize John R. Sparks and his associates to erect a Dam across the Desmoines River;

An act to provide for the compensation of the members, Officers, and Printers of the Legislative Assembly, and for other purposes;

An act to authorize Peter Brewer and Company to build a Bridge across Skunk River;

A Joint Resolution, authorizing the Secretary to forward copies of the Laws, &c, under the franking privilege of the Executive.

A Joint Resolution, authorizing the Secretary to sell the furniture belonging to the Legislative Assembly; and,

A Joint Resolution, compensating Jesse Williams, for money paid by him for Seals, &c.

On motion of Mr. Steele,

Ordered, That there be a Committee appointed to wait upon the Council, and inform them that the House has no further business before them, and are now ready to adjourn, *sine die.*

Mr. Mason, from the Committee on Enrolled Bills, reported, that the Committee had this day laid before the Governor, for his approval,

An act to amend an act entitled An act to provide for the erection of a Penitentiary.

An act authorizing a loan of money, to be expended on the Capitol;

An act requiring Clerks of the District Courts to give bonds.

An act to re-locate a part of the Territorial Road leading from Black Hawk, in Louisa county, via Mount Pleasant, in Henry county, via Bentonsport, in Van Buren county, in a direction to the Missouri line.

An act to authorize H. H. Gear to keep a Ferry;

An Act for the relief of the Sheriff of Jefferson county.

An act to change the name of Rising Sun, in Van Buren county, to that of Pittsburg;

An act to amend an act entitled An act to re-locate the county seat of Jackson county, approved July 24th, 1840.

An act to District the county of Cedar into County Commissioners' Districts.

An act to amend an act, incorporating the City of Burlington;

An act to provide for the election of Justices of the Peace.

An act to amend an act, relative to Wills and Testaments.

An act to authorize John R. Sparks and his associates, to erect a Dam across the Desmoines river.

An act to authorize Peter Brewer and Company, to build a Bridge over Skunk River;

An act to provide for the compensation of the Members, Officers, and Printers of the Legislative Assembly, and for other purposes.

An act to establish a Territorial Road from Moscow to Marion.

An act to amend an act, relative to Practice in the District Courts.

A Joint Resolution, compensating Jesse Williams for money paid by him for seals, &c.

A Joint Resolution, authorizing the Secretary to forward copies of the Laws under the franking privilege of the Executive.

An act for the benefit of Insane Persons.

An act to charter the Ellenborough Immigration and Ferry Company.

An act to establish and lay out a Territorial Road from Marion, in Linn county, to Bellview, via Edinburghh.

An act to re-locate the Seat of Justice of Clinton county.

An act to amend an act regulating Interest on money.

An act to authorize Judah Learning to erect a Dam across Big Cedar Creek in Jefferson county.

An act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes.

An act to locate a Territorial Road from Columbus City, in Louisa county, to Smith's Mills, in Henry county.

An act to authorize John Godden, his heirs and assigns, to build a Dam across the Desmoines River.

An act to provide for assessing and collecting county Revenue.

An act to legalize the survey, and make valid in law, the present

plat of the north half of the Town of Columbus in Desmoines county.

An act to Incorporate Iowa City.

An act to Incorporate the Town of Nashville, in Lee county.

Joint Resolution, respecting the reserved sections of land contiguous to Iowa City.

An act to authorize Silas Deeds to erect a Dam across Skunk River.

An act to incorporate the Presbyterian Church at Dubuque.

A Memorial to Congress for the re-location of a certain portion of the Military Road from Dubuque to the Missouri line.

An act to divorce Sarah East from her husband Hardman E. W. East.

An act to re-locate a Territorial Road, running from Keosauqua, via Rising Sun and Philadelphia, to Fairfield, in Jefferson county, and

An act to provide for a re-survey of a Territorial Road from Burlington to Keosauqua, in Van Buren county.

On motion of Mr. Hebard,

Ordered, That a Committee be appointed to act in conjunction with a similar Committee on the part of the Council, to wait upon the Governor, and inform him that the two Houses have no further business before them, and to know if he has any further communications to make to them, and if not, they are now ready to adjourn *sine die.*

Whereupon, Messrs. Hebard and Langworthy were appointed said Committee.

The Committee retired, and after a short time returned, and reported, that they had performed the duty assigned them, and that the Governor had no further communication to make to the Legislative Assembly at the present session.

Messrs. Hall and Parker, a Committee from the Council, were announced, and informed the House that the Council had no further business before them, and were now ready to adjourn *sine die.*

A motion was made by Mr. Langworthy, that the House do now adjourn *sine die.* And the question being put,

Was determined in the affirmative.

The Speaker pro tempore then addressed the House as follows:

GENTLEMEN—Our session has at length come to a close, and on account of the indisposition of the Speaker, it has become my duty to adjourn this House. Our session, gentlemen, has passed away as calmly as could be expected; true, we have disposed of several very exciting questions, which were calculated to arouse our passions; but if any bad feelings have arisen at any time during the session, one towards another, may all such feelings die within these walls—may they be forgotten forever. Gentlemen, be assured that each of you will carry with you to your homes my respect and esteem, and may you all be received by your constituents in a manner which your untiring industry so justly merits. This House stands adjourned *sine die.*

APPENDIX.

A MEMORIAL

To Congress, for an appropriation to improve and continue the Military Road from Dubuque to the Missouri line.

To the Honorable the Senate and House of Representatives in Congress assembled.

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That the Military Road established by an act of the Twenty-fifth Congress, on which has been expended Twenty Thousand Dollars, appropriated by your Honorable Body, is fast becoming one of the most important internal thoroughfares in the Territory, and is proving to be of immense importance to the country, affording the most direct and convenient route from St. Louis, and the lower Mississippi, via Iowa City, (the Seat of Government of this Territory,) to Dubuque, and the upper Mississippi.

Your Memorialists therefore beg leave respectfully, to call the attention of your Honorable Body to the importance of making a further appropriation of Twenty Thousand Dollars for the erection of bridges and for the continuation of said road south of Iowa City.

Your Memorialists would respectfully represent, That the travel on said road is frequently interrupted, and at times, for weeks together, for want of bridges on some of the streams over which the road passes, thus putting an entire stop to the travel, as well to the Mail, which passes over said road semi-weekly.

Your Memorialists deem it unnecessary to further urge upon your consideration the magnitude of an improvement of such vital importance to the community, as it will be seen, that by the improvement and completion of the route, it will afford a certain and convenient thoroughfare at all seasons of the year, thus rendering an incalculable relief to the whole traveling community on said route, at seasons when the navigation of the Mississippi, as well as the crossing of its tributaries, are entirely obstructed by ice, also affording a certain and convenient highway for the transportation of troops and munitions of war, without which, portions of our frontier country would be subject to great exposure in case of Indian hostilities.

Your Memorialists would further call the attention of your honorable body to the report of Capt. W. B. Guion, Engineer on Public Works in this Territory, as an additional evidence of the importance of this improvement.

Your Memorialists would therefore pray your honorable body to take the subject under their wise deliberation and give it that consideration which its magnitude demands, and in conclusion would say, that in view of the consideration above mentioned, together with a knowledge of the liberality which your honorable body has manifested on like occasions in other Territories, that they feel the fullest assurance, that their prayer will be favorably received.

Resolved, That the Governor be respectfully requested to forward three copies of this Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to A. C. Dodge, our Delegate in Congress.

A MEMORIAL

To Congress, to amend the Organic Law of the Territory of Iowa.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled.

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That the inhabitants of the Territory of Iowa are put to great inconvenience, and in many cases have suffered actual loss, by reason of the limited jurisdiction conferred upon Justices of the Peace by the Law organizing this Territory.

Your Memorialists would further represent, That in a great many cases, it is preferable for those who have a good and just cause of action, when the amount due is more than fifty dollars, to submit to the loss and neglect to enforce the claim, than to seek redress in a Court of Record, thereby subjecting themselves to the expense and trouble of traveling, in many cases, twenty or thirty miles to the place where the Court is held, and all the expense incidental to prosecuting a suit to final judgment.

Your Memorialists would therefore respectfully pray your Honorable Body so to amend that part of the 9th section of the Organic Law, confining the jurisdiction of Justices of the Peace to a sum not exceeding fifty dollars, and extend said jurisdiction to one hundred dollars.

Resolved, That his Excellency the Governor, be requested to forward three copies of the above Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to A. C. Dodge, our Delegate in Congress.

A MEMORIAL

To Congress, for an appropriation to continue the construction of the Agency Road.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

Your Petitioners, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That under the provisions of a law of the twenty-fifth Congress, appropriating five thousand dollars, a Road was authorized and commenced, running west from the City of Burlington, through the counties of Desmoines, Henry, and Van Buren, toward the Indian Agency. That the above appropriation was found sufficient to survey the entire route, and construct a part of it lying between Burlington, on the Mississippi, and the point where the said road crosses Skunk river, a distance of about seventeen miles—That the said road, touching at important mills, and leading through a country densely populated, is felt to be one of great importance to the citizens generally, aside from any accommodation it may be to the Agency itself—That the said road, running directly west into the interior of the country, would greatly facilitate immigration, and consequently hasten the sale and settlement of the public lands, and in the event of another purchase from the Indians, an object much desired and confidently expected, it would become one of the most important routes to the country so obtained.

Your Memorialists would further remind your Honorable Body, that the United States Agent and Engineer was induced by a conviction of the importance of the route to furnish the proper department at Washington with an estimate of the amount necessary to finish the road and bridge the streams, and that the Secretary at War recommended an appropriation according to the estimate of the Engineer, of twenty-three thousand dollars. Your Memorialists therefore pray that an appropriation of the above estimate be made, to continue the construction of said Road.

Resolved, That the Governor be requested to forward one copy of this Memorial to the President of the Senate, one copy to the Speaker of the House of Representatives, and one copy to the Honorable A. C. Dodge, our Delegate in Congress.

A MEMORIAL

To Congress, for an appropriation to improve the Territorial Road from the City of Burlington to the town of Fairfield, in the county of Jefferson.

To the Senate and House of Representatives of the United States, in Congress assembled.

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent, That the Territorial Road from the city of Burlington to the town of Fairfield, in Jefferson county, by the way of Mount Pleasant, the county Seat of Henry county, is, perhaps, as important a Road as any in the Territory, from the following facts: That it passes through as populous and fertile a portion of the country as any in the Territory, besides passing immediately through the following named thriving towns and villages, viz: New London, Mount Pleasant, Rome, and Lockridge.

And your Memorialists would further represent, That at certain seasons of the year, said road is rendered impassable, from the fact of said road crossing several small streams that are past fording a considerable portion of every year.

Your Memorialists would further say, That no appropriation from the General Government ever having been made to the counties of Desmoines, Henry and Jefferson, that has been of much benefit to that portion of the Territory, they feel justifiable, and do not think they will be considered extravagant, in asking an appropriation of fifteen thousand dollars for the improvement of said road.

Resolved, That His Excellency be requested to forward three copies of this Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to the Honorable A. C. Dodge, our Delegate in Congress.

A MEMORIAL,

Asking for an additional Land District.

To the Honorable the Senate and House of Representatives of the United States of America, in Congress assembled.

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully call your attention to the necessity of establishing another Land District in this Territory.

Your Honorable Body will readily perceive, by reference to the

map of Iowa, the great difficulties and many inconveniences suffered by the inhabitants of the middle part of this Territory, being compelled to go to either extreme of the Territory to secure their homes, there being at present but two Land Offices in the Territory, one at Dubuque, the other at Burlington. The Dubuque District extends south to the Township line dividing Townships seventy-seven and seventy-eight, rendering the south-western extreme of this District more than one hundred miles from the Land Office. This subjects the numerous and bona fide settlers residing in this part of the District, to many and unnecessary inconveniencies. The settlers on the north part of the Burlington District suffer similar difficulties from their remoteness from the Land Office, and from the bad roads and impassable streams at certain seasons of the year.

Your Memorialists would therefore most respectfully recommend the passage of a law creating a new Land District, the office for which shall be established at Iowa City, the Seat of Government for Iowa Territory.

This location, your Memorialists believe, would have the desired effect of affording more facilities to the settlers in purchasing the public lands than any other point that could be selected, as the principal part of the Lands on the Mississippi River have already been sold. This location would be central to a large district of country, part of which is already surveyed, and the whole of which is settling very rapidly. And your Memorialists, &c.

Resolved, That His Excellency, the Governor, be requested to forward three copies of this Memorial, one to the President of the Senate, one to the Speaker of the House Representatives, and one to the Hon. A. C. Dodge, our Delegate in Congress.

A MEMORIAL

To the Senate and House of Representatives of the United States of America in Congress Assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully ask: That the Military road leading from Dubuque to the southern boundary of Iowa, be so far altered in its location as to make Washington the seat of Justice of Washington County, and Jefferson and Trenton in Henry County, points on said road. Washington is situated in the midst of a rich and thriving country, and bids soon to become a place of consideration importance. Said road may be relocated in such a way as to pass through Washington, the seat of Justice of said county without an increase of perhaps more than one and a half miles distance, and by this route several difficult hills and streams can be avoided at a saving of perhaps four or five thousand dollars in improving said road.

Also, that said road may be relocated in its route between the towns of Mount Pleasant and Washington, in Henry County, so as to make Salem, in said county, a point. The relocation of said road will not increase its distance and furnish a better and more suitable route between those points than its present location which is considerably hilly, and passes over considerable low and rather wet land.

Your menorialists would therefore most respectfully recommend the passage of a law, requiring the relocation above mentioned to be made, and your memorialists, &c.

Resolved, That the Governor be requested to forward three copies of the foregoing memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to A. C. Dodge, our Delegate in Congress.

A MEMORIAL

To Congress for the benefit of Jeremiah Smith Jr.

To the Senate and House of Representatives of the United States in Congress Assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That by an act of the Legislature of Wisconsin approved 3d Dec. A. D. 1836, entitled an act to establish the Seat of Government of said Territory, and provide for the erection of public buildings &c. the Seat of Government was permanently located at Madison, and temporarily at Burlington now in the Territory of Iowa. At the time of the location of said Seat of Government, there were no buildings in said Burlington sufficiently large, and in other respects suitable for convening the Legislative Assembly, and Major Jeremiah Smith was urgently requested and prevailed upon, to erect one at his own expense, for their exclusive use and benefit. He was persuaded by the members of the Legislative Assembly, and the Federal officers engaged in the government of this Territory to erect a large and commodious house at an expense of eight thousand dollars which was used solely by them and their officers, and while in their actual possession and occupancy was totally destroyed by fire on the morning of the 13th December 1839.

At the commencement of the session of said Assembly, entire, and uncontroled possession of the whole of said building was given to them by Major Smith.

The origin of the fire is unknown to your memorialists, but they are induced to believe it was the result of unforeseen accident and misconduct, chargeable to no one.

Your Memorialists would further represent, That the building was not insured either in whole or in part, from the fact that there were

no insurance officers within the Territory or adjacent State of Illinois.

Your memorialsts would represent, That the loss of said building is a peculiar hardship to the owner, and that the greatest part of his hard earnings through life were invested in it at the special instance of the servants of the people and government officers, and that too in a spirit of accommodation and liberality rather than of gain, that he has a large family entirely dependant upon him for their support and education, that he is a public spirited and estimable citizen, and deserves compensation for his labour and relief from the heavy loss he has sustained.

Your memorialists the therefore respectfully pray you to make an appropriation of eight thousand dollars to Jeremiah Smith Jr., to compensate him for the loss of the aforesaid building, believing that he is justly entitled to it, and that misfortune, poverty, and merit will not apply in vain.

Resolved, That his Excellency Robert Lucas, be requested to forward a copy of this memorial to our Delegate in Congress.

A MEMORIAL

To Congress on the subject of Post Roads.

To the Honorable the Senate and House of Representatives in Congress Assembled.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully call your attention to the subject of establishing an additional number of mail routes within this Territory.

Your memorialists would represent, That since the establishment of any mail routes by Congress, many parts of this Territory have become densely settled and destitute of all mail facilities.

Your memorialists would therefore most respectfully recommend the establishment by law of the following routes: from Burlington to Iowa City, via Virginia Grove, Hope Farm, and Columbus City; from New Boston, Illinois, to Iowa City, via Harrison, Williamsport, and Fredonia; From Grand river, to Iowa City; From Keosauqua, in Van Buren County, to the southern line of said county; From St. Francisville, in Missouri, to the town of Keokuk; thence to Montrose, Iowa; From Iowa City, Johnson County, to Iowaville, in Van Buren County, via Washington and Brighton, in Washington County, and Fairfield, in Jefferson County; From Iowa City, in Johnson County, to Keosauqua, in Van Buren County, by the way of Washington, in Washington County; Trenton, Mount Pleasant, Salem, and Washington, in Henry County; From Dubuques, on the Military Road to Iowa City, via Edenburgh, the county Seat of Jones County.

From Dixon's Ferry, in Illinois, via Albany, to Camanche, Iowa Territory; thence to Iowa City.

From Dixon's Ferry, Illinois, via Fulton City, to Lyons, Clinton County, Iowa; thence through the centre of said county, to the county Seat of Cedar County."

From Davenport, via Joseph Denson's, in Cedar County, and Seely's Mills, and Pamaho, in Jones county, to Marion, in Linn county.

From Bloomington to Moscow, in Muscatine county, to Rochester, Antwerp, and Mason's Grove, in Cedar county, to Marion, in Linn county, via Ivanhoe.

From Davenport to Tipton, in Cedar county; thence to Marion, in Linn county, via Poston's, Red Oak, Pioneer, and Linn Groves.

From Port Byron, Illinois, via Berlin Iowa, to the County Seat of Cedar county.

From Savannah, Illinois, via Charleston and Goodnoe's mills, and Burriston's settlement, to Edinburgh, the county Seat of Jones county.

From Keokuk, in the county of Lee, to the town of Franklin, from thence to the Town of Mount Pleasant, in Henry county.

From Knoxville, Illinois, via Millersburgh, Ill., and Bloomington, Iowa, to Iowa City.

From Keosauqua, on the County Road, leading from that place to the Western Boundary of said county, via Ely's Ford, &c. to B. F. Wilsons, and from Keosauqua to Mount Pleasant, in Henry County.

From Iowa City to Prairie du Chien, via Westport, and Marion in Linn county, and the Seat of Justice of Deleware county, to Camp Atkinson, in Clayton county.

From Marion to Pleasantville, in Linn county.

Resolved, His Excellency the Governor, be respectfully requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

A MEMORIAL

To the Honorable John M. Niles, Post-Master General.

Your Memorialists would respectfully recommend the establishment of the following Post Offices:

One on the Military road, in Jones county, where said road crosses the Makoketa river, to be called the Makoketa Post Office, and that Wm. Clarke be appointed Posmaster.

One on said Military road, at Wm. T. Gilbert's, to be called the Linn Grove Post Office, and that William T. Gilbert be appointed Post Master.

One on said road at Ivanhoe, to be called the Ivanhoe Post Office, and that Anson Cowles be appointed Postmaster.

One at Princeton, in Scott county, and that Haswell H. Pinneo be appointed Postmaster.

One on said Military road, in Big Grove, in Johnson county, to be called the Worthington Post Office, and that Samuel B. Trotter be appointed Postmaster.

One at Washington, Henry county, and Charles Brewington be appointed Postmaster.

One at Sturge's Ferry, in Johnson county, to be called Sturge's Post Office, and that Geo. W. Hawkins be appointed Postmaster.

One at Franklin, and that Samuel Brown be appointed Postmaster.

One at Edinburgh, the county seat of Jones county, and that be appointed Postmaster.

One at Joseph Denson's, in Cedar county, to be called Denson Post Office, and that Joseph Denson be appointed Postmaster.

One at Seely's Mills, in Jones county, to be called the Walnut Fork Post Office, and that Norman Seely be appointed Postmaster.

One at Poston's Grove, to be called the Poston's Grove Post Office, and that William Worthington be appointed Postmaster.

One at Red Oak Grove, in Cedar county, to be called the Red Oak Grove Post Office, and that Washington A. Rigby be appointed Post master.

One at Pioneer Grove, to be called the Pioneer Grove Post Office, and that Daniel Comstock be appointed Postmaster.

One at Keokuk, in Lee county, and that Laben B. Fleak be appointed Postmaster.

One at Nashville, Lee county, and that Dr. James C. Goode be appointed Postmaster.

One at Virginia Grove, in Louisa county, to be called the Virginia Grove Post Office, and that Aaron Chamberlin, Jr., be appointed Postmaster.

One at Johnson Meeks', in Lee county, and that said Meeks be appointed Postmaster.

One at West Port, in Linn county, on the contemplated route from Iowa City to Galena, via Bellview, and that Albert Henry be appointed Postmaster.

One at Pleasantville, in Linn county, and that Charles SD. orsey be appointed Postmaster.

One at John Hale's, in Van Buren county, and that John Hale be appointed Postmaster, to be called Hale's Post Office.

One at John H. Kingston's, in Van Buren county, to be called Kingston's Post Office, and that John H. Kingston be appointed Post master.

One at Webster McDowell's, to be called Centre Post Office, and Webster McDowell be Postmaster.

Resolved, That the Governor be requested to forward two copies of this Memorial, one to the Post-Master General, and one to our Delegate in Congress.

A MEMORIAL,

For an appropriation to improve the Rapids of the Mississippi River.

To the Honorable the Senate and House of Representatives of the United States.

Your Memorialists, the Council and House of Representatives of the Territory of Iowa, beg leave again to call your attention to the importance of improving the navigation of the Mississippi river, by removing the obstructions at the Rapids.

The Desmoines, or Lower Rapids, at the south extreme of this Territory, and the Rock River, or Upper Rapids, about one hundred and fifty miles above, are the only obstructions to the steam boat navigation of the Mississippi, from its mouth to the Falls of St. Anthony.

The removal of these obstructions, in the opinion of your Memorialists, is a work of great national importance, and well deserves your most favorable consideration.

The Mississippi forms the eastern boundary of Iowa, and the western boundary of Wisconsin, and a part of the State of Illinois, for about seven hundred miles above the first of these Rapids, and runs through a fertile, healthy, and beautiful country, rich in mines of lead and copper. The greater part of these lands are still in the hands of the Government, and would be increased in value very much by thus affording an easy access to the enterprising emigrant.

Your Memorialists would further represent, That in low water, none but the smallest class of steam boats, and these without freight, can cross the Rapids, consequently all freights going up or down the river, must either be towed in keel boats, or transported by land a distance of twenty miles. At such times, the price of freight advances so, that from the usual cost (ten dollars per ton) we are sometimes compelled to pay forty dollars per ton.

From the best data we have been able to obtain, we come to the conclusion, that in this way our inhabitants are taxed an amount annually, sufficient to remove these obstructions. Further, that the Government itself is loser to no inconsiderable amount as there are several United States Garrisons above, which receive their supplies by way of the Mississippi, and the Indians of the north-west must be supplied by the same route for the freight on these articles, you will pay in high water, from St. Louis to St. Peters, from fifteen to twenty dollars per ton, while in low water, they vary from forty to one hundred and twenty dollars per ton. It is estimated, that the sum of

four hundred thousand dollars was added to the usual cost of freighting up and down the river, last season, in consequence of the low water of these rapids—the government having paid a considerable portion this loss.

In calling your attention to this subject, we feel confident we ask an improvement of no ordinary national importance; for when we consider the vast amount of public lands yet unsold, and the increased value that would thereby be given to those lands, by increasing the sales, and facilitating their settlement, we are constrained to believe that a very important branch would be added to our national revenue. The Government would also save considerable money annually in the expense of transporting troops, stores, and ammunition to their garrisons on the upper Mississippi; besides, it would be enabled speedily to check any sudden inroads that are liable almost daily to be made upon our frontier settlements by the hordes of Indians living on our northwest border.

The channel of the Mississippi, in low water, is said to be at least four deep at any place from St. Louis to St. Peters, except the two Rapids, where it is scarcely two feet deep. By deepening the channel at these points, two feet, there would be water sufficient to admit boats of from one to two hundred tons burthen, at the lowest stage, and thereby secure an uninterrupted communication between this country and the parts below at all seasons.

We would further state, that these inestimable advantages can only be secured to the country by the interposition and aid of Congress, for the States and Territories most immediately interested have not the means, if, indeed, they have the power, to make these improvements.

And we would further suggest the propriety, as well as economy, of making a large and sufficient appropriation for this object at once, as a small one would go but little further than to prepare the necessary Boats, tools, and equipments, and get ready to commence, and, as in a former instance, just begin to do something, when the money would all be expended, and the proper season for the work just coming on.

For these, and other reasons, which will naturally suggest themselves to your consideration. we would respectfully, but earnestly, urge the necessity of making an immediate appropriation sufficient to complete the improvement above referred to, and render navigable this our only great thoroughfare of trade.

Resolved, That the Governor be requested to forward six copies of this Memorial, one to the President of the Senate, one to the Speaker of the House of Representatives. and one to our Delegate in Congress. Also, one to the Governor of the State of Missouri, one to the Governor of the State of Illinois, and one to the Governor of Wisconsin, with a request that it may be submitted to their several Legislatures, with a recommendation that they join with this Legislature in memorializing Congress on this subject.

A JOINT RESOLUTION

Requesting our Delegate in Congress to use his influence to have the office of Governor made elective by the people.

Resolved, By the Council and House of Representatives of the Territory of Iowa, that the Hon. Augustus C. Dodge, our Delegate in Congress, be and he is hereby requested to use his influence to have the organic law of this Territory so amended as to make the office of Governor elective by the people.

PREAMBLE AND RESOLUTION

Asking our Delegate in Congress to use his influence to obtain an appropriation to erect a Bridge across Big Cedar Creek, in Jefferson county.

Whereas, a Territorial Road has been established by the Legislative Assembly of the Territory of Iowa, commencing at Keosauqua, in Van Buren county, and running to Fairfield, in Jefferson county, where it meets a Territorial Road, running to Iowa City, the Seat of Government for said Territory.

And whereas said road is of great importance, passing through a thickly settled portion of said Territory, and being the nearest road from Jefferson city, the Seat of Government of the State of Missouri to Iowa City, in said Territory.

And whereas the inhabitants of said Territory and travelers are often put to great trouble and inconvenience to cross Big Cedar Creek, for the want of a Bridge across the same. Therefor be it

Resolved by the Council and House of Representatives of the Territory of Iowa that General A. C. Dodge our Delegate in Congress be requested to use his influence in Congress to obtain an appropriation of four thousand dollars to erect a Bridge across Big Cedar Creek, in Jefferson county, at or near where the Territorial Road from Keosauqua to Fairfield crosses said Creek, and that his Excellency Governor Lucas be requested to forward a copy of this Preamble and Resolution to the President of the Senate, Speaker of the House of Representatives, and our Delegate to Congress.

RULES

OF THE

HOUSE OF REPRESENTATIVES.

THE DUTY OF THE SPEAKER.

I. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journal of the preceding day to be read.

II. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

III. He shall rise to put a question, but may state it sitting.

IV. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye:" and after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a decision be called for, the House shall decide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

V. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.

VI. The Speaker shall examine and correct the Journal before it is read. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

VII. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

VIII. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

IX. All acts, addresses, and joint resolutions, shall be signed by

the Speaker, and all writs, warrants and subpœnas issued by order of the House shall be under his hand and seal, attested by the clerk.

X. In cases of any disturbances or disorderly conduct in the lobby, the Speaker or Chairman of the Committee of the Whole House, shall have power to have the same cleared.

ORDER OF THE BUSINESS OF THE DAY.

XI. After the Journal is read, the following order shall govern:

1st—Petitions or Memorials to be offered.

2d—Resolutions.

3d—Reports of Committees.

4th—Bills, messages, and communications on the Speaker's table.

5th—Bills and resolutions ready for a second reading.

6th—Bills on their passage.

7th—Reports in possession of the House, which offer grounds for a bill, are to be taken up in order that the bill may be ordered in.

8th—Bills or other matters before the House, and unfinished the preceding day.

9th—These matters being despatched for expediting business, the general file of bills and other matters are to be taken up, agreeable to their first introduction to the House.

OF DECORUM AND DEBATE.

XII. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

XIII. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he is at liberty to proceed. If otherwise, he shall not be permitted to proceed without leave of the House, and if the case require it, he shall be liable to the censure of the House.

XIV. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

XV. No member shall speak more than twice to the same question without leave of the House, nor more than once until every member choosing to speak shall have spoken.

XVI. Whilst the Speaker is putting any question or addressing the House, none shall walk out of or across the House, or when a member is speaking, shall entertain private discourse, nor whilst a member is speaking shall pass between him and the Chair.

XVII. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case where he was not present when the question was put.

XVIII. Upon a division and count of the House on any question, no member without the bar shall be counted.

XIX. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him.

XX. When a motion is made and seconded, it shall be stated by the Speaker, or being in writing, it shall be handed to the Chair and read aloud by the Clerk before debated.

XXI. Every motion shall be reduced to writing if the Speaker or any member desire it.

XXII. After a motion is stated by the Speaker, or read by the Clerk, is shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

XXIII. When a question is under debate, no motion shall be received but to adjourn; to lie on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain; to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill, shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

XXIV. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House, a Standing Committee; a Select Committee.

XXV. A motion to adjourn shall be always in order: that, and the motion to lie on the table, shall be decided without debate.

XXVI. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment and further debate upon the main question.

XXVII. On a previous question there shall be no debate.

XXVIII. When a question is postponed indefinitely, it shall not be acted upon again during the session.

XXIX. Any member may call for a division of the question, which shall be divided, if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

XXX. Motions and reports may be committed at the pleasure of the House.

XXXI. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

XXXII. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member in the majority to move for the re-consideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions, except a motion to adjourn.

XXXIII. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

XXXIV. Petitions, Memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless where the House shall direct otherwise, but sball lie on the table to be taken up in the order they were read.

XXXV. A proposition requesting information from the Governor, Secretary, or any other Territorial officer, shall lie on the table one day for consideration, unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from Select Committees, and when adopted, the clerk shall cause the same to be delivered.

XXXVI. Any five members, including the Speaker, if there be one, shall be authorized to compel the attendance of absent members.

XXXVII. Upon calls of the House, or in taking the Ayes and Noes on any question, the names of the members shall be called alphabetically.

XXXVIII. No member shall absent himself from the service of the House, unless he is sick and unable to attend.

XXXIX. Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over, and the Sergeant-at-Arms shall be directed by the Speaker to compel their attendance.

XL. No. Committe shall sit during the sitting of the House without special leave.

OF BILLS.

XLI. Every bill shall be introduced by motion for leave, or by an order of the House on the report of a Commitee. One day's notice at least shall be given of the motion to bring in a Bill.

XLII. Every bill shall receive three several readings in the House previous to its passage, and all bills shall be despatched in order as they were introduced unless where the House shall direct otherwise, but no bill shall be twice read on the same day without special order of the House.

XLIII. The first reading of a bill shall be for information; and if

opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

XLIV. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed, then the question shall be whether to a select or standing Committee, or to a Committee of the whole House. If to a Committee of the whole House, the House shall determine on what day; but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time.

XLV. Not more than three bills originating in the House, shall be committed to the same Committee of the whole, and such bills being analogous in their nature, which analogy shall be determined by the Speaker.

XLVI. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

XLVII. All bills ordered to be engrossed shall be executed in a fair round hand.

XLVIII. No amendment except by way of rider shall be received to any bill on its third reading.

XLIX. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

L. In forming Committees of the whole House, the Speaker shall leave his chair, and a chairman to preside in Committee shall be appointed by the Speaker.

LI. Upon bills committed to Committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered, after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it, be taken.

LII. All amendments made to an original motion in Committee shall be incoraported with the motion and so reported.

LIII. All amendments made to a report committed to a Committee of the whole House, shall be noted, and reported as in case of bills.

LIV. All questions whether in Committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks the largest sum and longest time shall be first put.

LV. The rules of the House shall be observed in Committee of the whole House, so far as they are applicable.

LVI. No standing rule, or order of the House shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two thirds of the members present, nor shall the order of business, as established by the rules of the House be postponed or changed, except by a vote of at least two thirds of the members present.

LVII. It shall be in order, for the Committee on enrolled bills to report at any time.

LVIII. All incidental printing shall be done by special order of the House, and that when any member may desire to have any bill, report, memorial, or other document printed, the number of copies to be printed shall be stated in such order.

JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House, ınd dissented to in the other, if either House shall request a confer- ence and appoint a Committee for that purpose, and the other House hall also appoint a Committee to confer; such Committee shall, at con- venient hour, to be agreed on by their chairman, meet and state to ach other, verbally or in writing, as either shall choose, the reasons f their respective Houses, for and against the amendment, and confer reely thereon.

II. When a message shall be sent from the Council to the House f Representatives, it shall be announced at the door of the House by he door-keeper, and shall be respectfully communicated to the Chair, y the person with whom it may be sent.

III. The same ceremony shall be observed when a message shall e sent from the House of Representatives to the Council.

IV. Messages shall be sent by such persons as a sense of proprie- y in each House may determine to be proper.

V. After a bill shall have passed both Houses, it shall be duly en- olled by the Clerk of the House, or of the Council, as the bill may ave originated in the one or the other House, before it shall be pre- nted to the Governor.

VI. When bills are enrolled, they shall be examined by a joint ommittee of two from the Council and two from the House of Re- resentatives appointed as a standing Committe for that purpose, who all carefully compare the enrollment with the engrossed bills as assed in the two Houses and correcting any errors that may be dis- overed in the enrolled bills, make their report forthwith to the House which the bill originated.

VII. After examination and report, each bill shall be signed in the spective Houses; first by the Speaker of the House of Representa- ves, then by the President of the Council.

VIII. After a bill shall have been thus signed in each House, it all be presented by the said Committee to the Governor for his ap- obation, i[illegible]

which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same did originate, and shall be entered on the Journal of each House; the said Committee shall report the day of presentation to the Governor, which shall also be entered on the Journal of each House.

IX. All orders, resolutions and votes, which are to be presented to the Governor for his approbation, shall also, in the same manner, be previously enrolled, examined and signed; and shall be presented in the same manner, and by the same Committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days and leave of two thirds of that House in which it shall be renewed.

XII. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

XIII. After each House shall have adhered to their disagreements, a bill or resolution is lost.

XIV. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necassary for the use of the House making the order.

CENSUS OF IOWA.

COUNTIES.	1840.	1838.	
Lee,	6,096	2,839	Des Moines.
*Van Buren,	6,166	3,174	
Des Moines,	5,546	4,605	
Henry,	3,784	3,058	
Jefferson,	2,780		
Louisa,	1,925	1,180	
Washington,	1,571	283	
Muscatine,	1,942	1,247	

Johnson,	1,504	237	Dubuque.
Cedar,	1,225	557	
Linn,	1,385	205	
Scott,	2,193	1,252	
Clinton,	800	445	
Jackson,	1,452	881	
Jones,	475	241	
Dubuque,	3,056	2,381	
Delaware,	171	274	
Clayton,	1,045		
	43,117	22,859	

*Of the number placed to Van Buren, 136 belong to the country attached to it.

In 1832 settled; 1834 attached to Michigan; 1836 attached to Wisconsin; 1838 created a Territorial Government.

VOTE FOR AND AGAINST A CONVENTION—OFFICIAL.

COUNTIES.	CONVENTION.	NO CONVENTION.
Clinton,	17	24
Jefferson,	47	173
Linn,	81	39
Johnson,	54	117
Muscatine,	93	210
Lee,	108	423
Henry,	164	229
Van Buren,	97	373
Scott,	115	277
Clayton,	3	52
Des Moines,	56	440
Louisa,	59	126
Washington,	29	154
Jackson,	14	260
	937	2907
		937
Majority against a Convention,		1,970

No return has yet been made from Dubuque or Jones counties.

The following is the official vote for Delegate to Congress at the October Election, 1840.

VOTE FOR DELEGATE---OFFICIAL.

COUNTIES.	Dodge.	Rich.	Churchman.
Scott,	264	173	1
Washington,	151	141	
Des Moines,	479	524	
Jones,	32	58	
Henry,	283	347	
Jackson,	203	100	18
Linn,	164	91	
Lee,	563	535	
*Clayton,	47	28	18
Johnson,	167	160	
Louisa,	162	205	
Muscatine,	225	191	
Clinton,	115	65	
Jefferson,	250	208	
Van Buren,	609	497	
Dubuque and Delaware,	295	171	55
	4009	3494	92
	3494		
Majority for Dodge	515		
	52	maj. Cedar county, unofficial.	
	567		
	*18	votes polled at the St. Peters precinct; all for General Dodge.	
Majority for Dodge	585		

The following is the official vote for Delegate to Congress, at the October Election, 1840.

VOTE FOR DELEGATE—OFFICIAL.

COUNTIES.	Dodge.	Rich.	Chamberlain.
Scott,	264	173	1
Washington,	151	141	
Des Moines,	479	594	
Jones,	32	58	
Henry,	283	347	
Jackson,	303	100	18
Linn,	164	91	
Lee,	505	535	
Clayton,	17	28	1
Johnson,	107	160	
Louisa,	162	205	
Muscatine,	295	191	
Clinton,	115	85	
Jefferson,	230	208	
Van Buren,	009	497	
Dubuque and Delaware,	295	171	35
	4009	3494	55
	3494		
Majority for Dodge	515		
	59 maj. Cedar county, unofficial.		
	567		
	*18 votes polled at the St. Peters precinct; all for General Dodge.		
Majority for Dodge	585		

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

FOURTH LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA.

BEGUN AND HELD AT IOWA CITY, ON MONDAY THE SIXTH DAY OF DECEMBER,
ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE.

DUBUQUE:
WILSON & KEESECKER, PRINTERS.

1842.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

IOWA LEGISLATURE.

BEGUN AND HELD AT IOWA CITY, ON MONDAY THE SIXTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD ONE THOUSARD EIGHT HUNDRED AND FORTY-ONE, BY VIRTUE OF AN ACT OF THE LEGISLATIVE ASSEMBLY, APPROVED, JANUARY 13, 1841.

At 12 o'clock, M. the House was called to order by JOSEPH T. FALES, Chief Clerk, when the following named gentlemen appeared, presented their credentials, and took their seats, the requisite oath having been administered by JOHN HAWKINS, Esq.

From the county of Lee—WILLIAM PATTERSON, E. S. MCCULLOCH, HENRY J. CAMPBELL.

From the county of Van Buren—JOHN M. WHITAKER, URIAH BIGGS.

From the county of Des Moines—ISAAC LEFFLER, DAVID E. BLAIR, GEO. HEPNER, JAMES M. MORGAN.

From the county of Henry——PATON WILSON, SIMEON SMEAD, ASBURY B. PORTER.

From the county of Louisa—WILLIAM L. TOOLE.

From the county of Washington—THOMAS BAKER.

From the county of Muscatine—SAMUEL HOLLIDAY.

From the county of Johnson—HENRY FELKNER.

From the counties of Cedar, Jones, and Linn—SAMUEL P. HIGGINSON.

From the counties of Scott and Clinton—JOSEPH M. ROBERTSON JAMES GRANT.

From the counties of Dubuque, Clayton, and Delaware—WARNER LEWIS, C. H. BOOTH.

From the county of Jackson—JAMES K. MOSS.

A quorum consisting of a majority of the whole number of members, being present, it was, on motion of Mr. Wilson,

Ordered, That Isaac Leffler, of Des Moines county, be appointed Speaker *pro tem.*

On motion of Mr. Robertson,

Resolved, That a committee of two be appointed, to wait on the Rev. Mr. Hummer, and request him to open the present session of the House by public prayer.

Messrs. Robertson and Blair were appointed said committee, who, in a short time, introduced Mr. Hummer, when he engaged in public prayer; after which, on motion of Mr. Lewis,

The House adjourned until to-morrow morning at 10 o'clock.

Tuesday Morning, Dec. 7, 1841.

Mr. Patterson presented the credentials of Richard Quinton, member elect from the county of Jefferson, who was, after being sworn, permitted to take his seat.

On motion of Mr Biggs,

Ordered, That the House now proceed to the election of Chief Clerk.

Whereupon, Messrs. Biggs and Hepner, were appointed tellers.

Upon counting the ballots it was found that Joseph T. Fales, had received 22 votes and Blank 1 vote. Mr. Fales having a majority o all the votes was declared duly elected Chief Clerk.

On motion of Mr. Hepner,

Ordered, That the rules of the last session be adopted temporarily, for the government of this House.

On motion of Mr. Porter,

Ordered, That the House proceed to the election of Speaker.

Mr. Hepner nominated Warner Lewis.

Mr. Baker nominated James Grant.

Mr. Quinton nominated Uriah Biggs.

Messrs. Hepner and Baker were appointed tellers.

Upon counting the ballots, it was found that Mr. Lewis had received 13 votes, Mr. Grant 5 votes, Mr. Biggs 2, Scattering 3 votes. Mr. Lewis having received a majority of all the votes given, was declared to be duly elected Speaker, and was conducted to the Chair by Messrs. Patterson and Hepner, when he addressed the House as follows:

Gentlemen:—Permit me to tender you my warmest thanks, for the partiality you have seen fit to extend towards me upon the present occasion.

In presiding over your deliberations, gentlemen, I have no doubt but that I shall have frequent occasions to ask your indulgence and the assistance of your better judgment, in the discharge of the duties incumbent upon the Chair. I can only promise you to discharge those duties strictly impartial and with an honesty of purpose.

It may not be improper for me to impress upon your minds, gentlemen, that in order to facilitate the public business we have been sent here to discharge, and that in order to maintain that dignity, and good order which is so essential in a deliberative body like this, that a strict adherence to the rules that may be adopted by you, will be indispensably necessary. More might be said upon an occasion like the present, but I deem it totally unnecessary; and even were I competent to do so, the embarrassments which surround me forbid.

You will again, gentlemen, receive my thanks.

A motion was made by Mr. Porter, that a Committee be appointed to consist of one member from each electoral district, to apportion the officers of this House agreeable to the representation of the same.

And the question being put, was decided in the negative—Yeas 9, Nays 14.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative were, Messrs. Blair, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole and Wilson—9.

Those who voted in the negative were, Messrs. Baker, Biggs, Booth, Campbell, Felkner, Grant, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Whitaker, and Lewis, Speaker—14.

So the motion was lost.

On motion of Mr. Hepner,

Ordered, That the House proceed to the election of an Assistant Clerk.

Mr. Morgan nominated Lemuel Parkhurst.

Mr. Grant nominated H. S. Finley.

Messrs. Patterson and Booth were appointed tellers. Upon counting the ballots, it was found that Lemuel Parkhurst had received 13 votes, and H. S. Finley 10 votes.

Whereupon, Mr. Parkhurst, having received a majority of all the votes given, was declared duly elected Assistant Clerk.

Mr. Grant offered the following:

Resolved, That this House will dispense with the election of the following officers, to wit: Recording Clerk, Asssistant Door-Keeper, Messenger and Assistant Messenger.

And the question being put, "Will the House adopt the resolution?" was determined in the negative—Yeas 10, Nays 13.

The Yeas and Nays being desired by Mr. Leffler.

Those who voted in the affirmative were, Messrs. Blair, Grant, Leffler, McCulloch, Moss, Porter, Robertson, Smead, Toole, and Wilson—10.

Those who voted in the negative were, Messrs. Baker, Biggs, Booth, Campbell, Felkner, Hepner, Higginson, Holliday, Morgan, Patterson, Quinton, Whitaker, and Lewis, Speaker—13.

On motion of Mr. Felkner.

Ordered, That the House proceed to the election of a Recording Clerk; whereupon Messrs. Moss and Leffler were appointed tellers. Upon counting the ballots it was found that S. B. Gardner had received a majority of all the votes given, and was declared duly elected Recording Clerk.

On motion of Mr. Patterson,

Ordered, That the House proceed to the election of an Engrossing Clerk.

Messrs. Toole and Felkner were appointed tellers. Upon counting the ballots it was found, that William A. Thurston had received a majority of all the votes given, and was therefore declared elected Engrossing Clerk.

On motion of Mr. Baker,

Ordered, That the House proceed to the election of an Enrolling Clerk.

Mr. Baker nominated Benjamin Tucker.

Mr. Toole nominated Jno. Blake.

Mr. Porter nominated John Finley.

Messrs. Grant and Blair were appointed tellers. Upon counting

the ballots it was found that Mr. Tucker had received a majority of all the votes given, and was declared duly elected Enrolling Clerk.

On motion of Mr. Whitaker,

Ordered, That the House proceed to the election of a Sergeant at Arms.

Mr. Biggs nominated Charles Price.

Mr. Porter nominated James McCaulley.

Messrs. Robertson and Morgan acted as tellers. Upon counting the ballots it was found that Charles Price had received a majority of all the votes given, and was declared duly elected Sergeant-at-Arms.

On motion of Mr. Hepner,

Ordered, That the House proceed to the election of Door-Keeper, Messrs. Robertson and Smead acted as tellers.

Mr. Hepner nominated John R. Williams.

Mr. Robertson nominated Daniel Davis.

Upon counting the ballots it was found that Mr. Williams had received a majority of all the votes given, and was declared elected Door-Keeper.

A motion was made by Mr. Morgan, that the House proceed to the election of an Assisstant Door-Keeper; and the question being put, was determined in the affirmative—Yeas 12, Nays 11.

The Yeas and Nays being desired by Mr. Leffler,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Hepner, Holliday, Morgan, Patterson, Quinton, Toole, Whitaker and Lewis, Speaker—12.

Those who voted in the negative were, Messrs. Blair, Felkner, Grant, Higginson, Leffler, McCulloch, Moss, Porter, Robertson, smead and Wilson—11.

So the question was determined in the affirmative.

Mr. Morgan nominated H. L. Jeanin.

Mr. Toole nominated John Bragg.

Messrs. Porter and McCulloch were appointed tellers.

Upon counting the ballots it was found that H. L. Jeanin had received a majority of all the votes given, and was therefore declared elected Assistant Door-Keeper.

A motion was made by Mr. Quinton, that the House go into the election of a Messenger.

And the question being put was decided in the affirmative—Yeas 17, Nays 6.

The Yeas and Nays being desired by Mr. Leffler,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Felkner, Hepner, Higginson, Holliday, McCulloch, Morgan, Patterson, Quinton, Robertson, Toole, Whitaker, Wilson and Lewis Speaker—17.

Those who voted in the negative were, Messrs. Blair, Grant, Leffler, Moss, Porter and Smead—6.

So the motion was agreed to.

Mr. Quinton nominated T. B. Browne,

Mr. Toole nominated A. G. Adams.

Mr. Wilson nominated Jas. McCaulley.

Messrs. Holliday and Leffler were appointed tellers.

Upon counting the ballots it was found that T. B. Browne had received a majority of all the votes given, and was therefore declared duly elected Messenger.

A motion was made by Mr. Patterson, that the House now proceed to the election of an Assistant Messenger.

And the question being put "Will the House go into the election of an Assistant Messenger?" Was determined in the affirmative—Yeas 12, Nays 11.

The Yeas and Nays being desired by Mr. Leffler,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Whitaker and Lewis, Speaker—12.

Those who voted in the negative were, Messrs. Blair, Felkner, Grant, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole and Wilson—11.

Mr Patterson nominated B. W. Gillock.

Mr. Porter nominated James McCaulley.

Messrs. Robertson and Whitaker were appointed tellers.

Upon counting the ballots it was found that B. W. Gillock had received a majority of all the votes given, and was declared duly elected Assistant Messenger.

Mr. Porter offered the following:

Resolved, That the Post Master of this city be authorized to employ some suitable person to carry a mail, weekly, from this city to Keosauqua, via Washington in Washington county, Trenton, Mount Pleasant, and Salem in Henry county; also, the Post Master at Dubuque be authorized to employ some suitable person to carry a mail weekly, from Dubuque to this city on the National Road, and that the Post Master General be memorialized to pay the expenses that may be incurred under this resolution.

Which upon motion of Mr. Biggs, was laid upon the table.

On motion of Mr. Biggs,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

On motion of Mr. Toole,

Resolved, That the Chief Clerk of this House be directed to make arrangements with the Post Master of this city for the payment of all postage on letters and papers sent to and from this House during the present session.

On motion of Mr. Felkner,

Ordered, That the House proceeed to the election of a Fireman.

Messrs. Blair and Biggs were appointed tellers.

Mr. Felkner nominated Wm. Abbe.

Mr. Quinton nominated Mr Lyons.

Mr. Robertson nominated John Wilson.

Mr. Moss nominated John Fury.

Upon counting the ballots it was found that Mr. Abbe had received

a majority of all the votes given and was therefore declared duly elected.

On motion of Mr. Biggs,

The several officers elect came forward and were sworn into their respective offices.

On motion of Mr. Robertson,

Ordered, That a Committee of two members be appointed to wait upon the Council and inform that body that the House is now organized and ready to proceed to business, whereupon the Speaker appointed Messrs. Robertson and organ said Committee.

On motion of Mr. Whitaker,

Ordered, That the Chief Clerk give the officers the necessary instructions to aid them in the performance of their respective duties.

Mr. Quinton offered the following:

Resolved, That the officers receive as a compensation for their services the following sums, to-wit:

The Chief Clerk four dollars per day;

The Assistant Clerk three dollars per day;

Enrolling, Engrossing, and Recording Clerk, Sergeant-at-Arms, Door-Keeper, Assistant Door-Keeper, Messenger, Assistant Messenger, and Fireman two dollars and fifty cents per diem each, which

On motion of Mr. Biggs, was laid on the table.

Mr. Biggs offered the following:

Resolved, That the Chief Clerk be required to contract with the Editors of the "Iowa Capitol Reporter" for the incidental printing of this House.

A motion was made by Mr. Grant to strike out the words "Chief Clerk" and insert the words "Committee of three whose duty it shall be" &c., which was lost.

A motion was made by Mr. Leffler to amend said resolution by striking out the word "contract" and inserting the word "employ" which motion being accepted by Mr. Biggs the resolution was adopted.

Mr. Felkner offered the following:

Resolved, That the Chief Clerk furnish each member of this House with thirty copies, weekly of such newspaper or newspapers published in this city as they may direct.

A motion was made by Mr. Leffler to amend said Resolution by striking out the word "thirty" and inserting the word "twenty" which motion being accepted by Mr. Felkner the resolution was adopted.

On motion of Mr. Robertson,

Resolved, That the following be the standing Committees of this House:

On the Judiciary;
" Common Schools;
" Internal Improvements;
" Claims;
" Military Affairs;
" Enrolled Bills;
" Engrossed Bills;
" Expenditures;

" Territorial Affairs;
" Roads and Highways;
" Corporations;
" Townships and County Boundaries,
" Public Buildings;

A motion was made by Mr. Biggs to take from the table the resolution authorizing the Post Master of this city to establish a weekly line of stages leading from this place to Keosauqua, &c. Pending which

On motion of Mr. Felkner,

The House adjourned until to-morrow morning at 10 o'clock.

Wednesday Morning, December 8, 1841.

On motion of Mr. Robertson,

Thomas Denson, member elect from the counties of Cedar, Linn and Jones, was qualified and permitted to take his seat.

The Speaker announced the following named gentlemen to compose the several standing Committees:

On the Judiciary—Messrs. Grant, Leffler, Morgan, Moss and Weld.

On Common Schools—Messrs. Leffler, Biggs, Smead, Holliday and Toole.

On Internal Improvements—Messrs. Baker, Wilson, Whitaker, Porter and Blair.

On Claims—Messrs. Biggs, Robertson, McCulloch, Felkner and Moss.

On Enrolled Bills—Messrs. Hepner and Toole.

On Engrossed Bills—Messrs. Hebard and Morgan.

On Expenditures—Messrs. Quinton, Higginson, Grant, Denson and Biggs.

On Territorial Affairs—Messrs. Booth, Porter, McCulloch, Blair and Patterson.

On Corporations—Messrs. Felkner, Wilson, Campbell, Baker and Higginson.

On Roads and Highways—Messrs. Patterson, Higginson, Denson, Porter and Biggs.

On Townships and County Boundaries—Messrs. Robertson, Smead, Whitaker, Toole and McCulloch.

On Public Buildings—Messrs. Hepner, Booth, Felkner, Denson and Patterson.

On Military Affairs—Messrs. Morgan, Patterson, Porter, Hepner and Quinton.

Mr. Robertson presented the petition of sundry citizens of Scott and Clinton counties, asking a charter to be granted to Perriander Pollock and others, authorizing them to build a dam across the Wapsipinicon river; which was, on motion, referred to the Committee on Roads and Highways.

Mr. Felkner presented the petition of sundry citizens of the Territory in relation to the practice of selling ardent spirits to the Indians; which was referred to the Committee on the Judiciary.

Mr. Smead presented the petition of sundry citizens of Henry co., asking the passage of a law to incorporate the town of Mount Pleasant; which was referred to the Committee on Corporations.

On motion of Mr. Whitaker,

Ordered, That a Committee of three be appointed to examine the recording of the Journals and make report of the same daily to this House:

Whereupon Messrs. Whitaker, Moss and Smead were appointed said Committee.

On motion of Mr. Wilson,

Ordered, That the Secretary of the Territory be requested to furnish each member of this House with a copy of the Statutes of this Territory.

Messrs. Greene and Wallace, a Committee from the Council, were announced, and informed the House that the Council were now organized and ready for business.

On motion of Mr. Biggs,

Ordered, That a Committee of three be appointed to revise the standing rules which have been temporarily adopted for the government of this House, and that they be required to report on to-morrow:

Whereupon Messrs. Biggs, Hepner and Leffler, were appointed said Committee.

On motion of Mr. Robertson,

Resolved, That a Committee of two members of the House be appointed to act with a corresponding Committee on the part of the Council, to wait upon his Excellency the Governor and inform him that the two Houses are now organized and ready to receive any communication he may have to make them.

Messrs. Robertson and Patterson were appointed said Committee.

A Message from the Council by Mr. Woods, their Secretary:

Mr. Speaker—The Council have appointed Messrs. Springer and Bailey a Committee to act in conjunction with a Committee from the House of Representatives to wait upon the Governor of the Territory for the purpose of informing him that the Legislature is duly organized and ready to receive any communication from him.

And then he withdrew.

On motion of Mr. Grant,

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of amending the criminal code and the act of criminal proceedings, and report the same to this House by bill or otherwise.

A Message from the Ceuncil by Mr. Woods, their Secretary:

Mr. Speaker—The Council have appointed a Committee of three, consisting of Messrs. Browne, Hastings and Bainbridge, to act in conjunction with a Committee of the House of Representatives in framing the necessary Rules for the government of the intercourse of the two Houses.

And then he withdrew.

On motion of Mr. Hepner,

Ordered, That a Committee be appointed to act in compliance with the message just received from the Council.

Messrs. Hepner, Booth and Grant were appointed.

Mr. Felkner offered the following:

Resolved, That the Methodist Episcopal Society have the privilege of occupying this Hall on Sabbaths during this session;

Which, upon motion of Mr. Hepner, was laid on the table.

Mr. Patterson offered the following:

Resolved, That the Governor, Secretary, members of the Council, Judges of the Supreme Court, members of the former Council and House of Representatives, Ministers of the Gospel and all Editors of the different papers of this Territory, be allowed to take seats within the bar of this House.

A motion was made by Mr. Moss, that the same do lie upon the table.

And the question being put, was determined in the negative—Yeas 4, Nays 20.

The Yeas and Nays being desired by Mr. Patterson,

Those who voted in the affirmative were,

Messrs. Baker, Holliday, Moss and Toole.

Those who voted in the negative were,

Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Hepner, Higginson, Leffler, McCulloch, Morgan, Patterson, Porter, Quinton, Robertson, Smead, Whitaker, Wilson and Lewis, Speaker.

So the motion to lay the resolution on the table was lost.

The question then recurring on the adoption of the same, and being put was determined in the affirmative.

A Message from the Governor was received by the hand of the Secretary of the Territory which was read at the Clerks' table as follows, to wit:

Fellow-Citizens, of the Council, and of the House of Representatives:

It is gratifying to me that on meeting you at this time, I am enabled to congratulate you upon the general prevalence of health among the people of the Territory during the past and present seasons, and upon the rapid increase of our population and steadily advancing improvement of our fertile and beautiful country. Abundance has crowned the labor of the husbandman, and already commerce is coming to his aid and affording a market for the surplus production of our agriculture. For these good and gracious gifts of the Beneficient Being, to whom we are indebted for them, it is our duty sincerely to manifest our gratitude and thankfulness.

Coming, as you do, from every organized county of the Territory, bringing with you an intimate knowledge of the wants and wishes of your constituents, I do not deem it necessary to enter into a detailed recommendation of subjects of legislation requiring your attention; and I consider it the less important to do so, because the time is near at hand when, having assumed a permanent form of government and

settle the fundamental principles by which our future legislation will be governed, its enactments will be made to conform to those principles and become less subject to change. I will, however, in conformity to usage, avail myself of this occasion, respectfully, to call your attention to some of the subjects which seem to me worthy of your consideration at this time. Among these, the one which strikes me as of paramount importance, is the legislation necessary to the ascertainment of the wishes of the people of the Territory, touching our admission into the Union of the States, as one of the confederates, in the duties and obligations of the National Government. A recent reference of this subject to the people eventuated in the expression of the unwillingness of a very considerable majority, to take upon themselves, at that time, the duties and responsibilities of a State Government; but the rapid increase of our population, and the recent legislation of Congrress in relation to the future disposition of the proceeds of the sales of the public lands, will present the subject in a new aspect, and may produce a change of public sentiment upon it. I would, therefore, recommend that it be again submitted to the consideration of the people by a legislative provision requiring an expression of their wishes through the ballot-box, that their representatives may be enabled to act upon this important matter at the next session, in conformity to their clearly ascertained will.

Assembling in conformity to the proclamation of my predecessor in office, at the established seat of government, where the erection of a very important part of the public buildings is in progress, you will be enabled to satisfy yourselves by a personal inspection, whether the execution of the work and its advance towards completion, is such as the means put at the disposal of the superintendent, authorized you to expect. You will find from the report of the Territorial Agent, that a considerable debt has been incurred in providing the means for carrying up the Capitol as far as it has progressed, and will be enabled to determine whether further provision will be necessary to meet existing demands, and for completing the building, or whether the provision already made will be adequate to the accomplishment of the object in such reasonable time as will meet public expectation.

It not having been made the duty of any of the officers connected with the erection of the Penitentiary, to report to the executive department, I can only inform you that from a personal inspection of the work, last summer, it appeared, as far as it had progressed, to be well and substantially executed; but the progress is not commensurate to the necessity for its completion. This proceeds from a want of means to carry it on, and I would recommend an earnest appeal to Congress for such an appropriation as will enable us speedily to complete a work so necessary to prevent this Territory from becoming the refuge of a large portion of the most corrupt and vicious population of the States. Our very limited sources of revenue and the relation in which we stand to the General Government entitle us to demand at its hands, the means of protecting ourselves from so great an evil.

Some disappointment has been felt from the failure of a recent attempt by Commissioners appointed by the President, to obtain

from the Sac and Fox Indians a cession of the lands they claim in this Territory. I, however, confidently hope, that when the causes which produced that failure are understood by the President, measures will be promptly adopted to remove them, and that there will be less delay in opening the most desirable portion of their country to emigration, than would have resulted from their acceptance of the terms proposed to them in the recent negociation. But it is probable that for a long time we shall remain subject to the evils and inconveniences of having an Indian population on our borders—evils and inconveniences resulting principally from their excessive and growing fondness for intoxicating drink, with which they are supplied by a vicious portion of our citizens, who, defying alike the laws of morality and of their country, furnish them the means of degradation and destruction, with a full knowledge and perfect disregard of its murderous effects upon them. To this infamous practice these unfortunate people without exception of age or sex, are rapidly falling victims. Humanity shudders and Religion weeps, over the cruel and unrelenting destruction of a race of people so interesting, by means so dastardly and brutal, that the use of the rifle and the sword, even in a time of profound peace with them, would be comparatively merciful. Their indolent habits and aversion to labor, render them peculiarly fond of artificial excitement; and when absent from the chase, they will seek it in the form of intoxication, at the expense of every comfort and every necessary they possess, their horses, their guns, and their blankets are unrelentingly taken from them, in exchange for the intoxicating draught, and on terms as revolting to a sense of fair dealing, as the effects of it are to humanity and christian benevolence. The provision made by our statue on this subject seems to be ineffectual. I cannot learn that any convictions have been had under it; the pecuniary infliction provided by it, is disregarded, and the offence continues to be perpetrated with impunity, and is increasing, the proffits of it always affording a sure indemnity against the risk of conviction. I would, therefore, recommend such an amendment of the existing law on the subject, as will add imprisonment to the existing penalty, and will strictly prohibit all white persons from purchasing any article of property from an Indian, without the written permission of the Agent appointed by the Government to take care of them, making the possession of property derived from an Indian, prima facie evidence of its having been obtained in violation of the law; and it seems to me it would be well to require persons found in possession of spirituous liquors, near the border and under circumstances conducing to prove their object to be to sell to the Indians, to enter into recognizance with sufficient security, to be of good behavior, and making an infraction of the laws on the subject, a cause of forfeiture of the penalty. It is believed the moral law abiding portion of our citizens derive no pecuniary advantage from a trading intercourse with the Indians, which they would not most willingly forego, to save them from the injuries inflicted by the vicious.

There is a very industrious and valuable class of our population, who conscientiously scruple to bear arms, in whose favor there is no exemption provided by our Militia Law; I would recommend that pro-

vision be made for such cases; leaving them subject in time of war to pay an equivalent for personal service.

The plan of Public Instruction provided by the laws of the Territory has been but very partially brought into operation, whether from a debt in the system or from inattention on the part of the persons to whom the duties of organizing the Township Schools has been assigned, or both, you will probably be able to judge from the report of the Superintendent. I most earnestly recommend the subject to your consideration. If the system is defective it ought to be promptly altered or amended; and if those to whom the duty of carrying it into effect has been committed, cannot be induced to act under the existing provisions of the law, others should be adopted of sufficient force to ensure the performance of every duty necessary to bring it into successful operation. The subject is one upon which no delay or neglect in any department of the government, or on the part of any persons concerned in the administration of the laws for its regulations, ought to be tolerated.

The experience of the past season, has continued to demonstrate to the States and Territories interested in the commerce and navigation of the Mississippi, and particularly to that portion of them lying above and between the Des Moines and the Rock Island Rapids, the vast importance of a removal of these impediments to safe navigation. To the rapidly increasing agriculture of this Territory, to the exportation of its valuable mineral productions, as well as to imports, the injury occcasioned by these obstructions is of great magnitude, subjecting us, (in a navigation of between two and three hundred miles) to an increase of from one to three hundred per cent upon the amount usually paid between New Orleans and St. Louis, and other towns below the lower rapids. But the evil is not confined to the very heavy tax imposed upon our exports and imports; an immense amount of property is annually wrecked and totally lost on these rapids—an amount which it is believed if added to the increased price of freights, occasioned by them, would, within the present and past years, have been almost sufficient to make a perfect canal through the whole extent of both of them. It is difficult to conceive a reason for the application of the national treasures to the protection and security of the foreign commerce and coasting trade of the country, in the Harbours, Bays, and Rivers on our Atlantic borders and on the Lakes, (for which millions have been expended,) which will not apply with equal force in favor of an expenditure of a few hundred thousand dollars, for permanently removing, comparatively slight obstructions in the navigation of one of the noblest rivers in the world. Believing that as citizens of the United States, contributing our just proportion of its revenues, we have a claim upon the government for relief from the evil thus briefly brought to your notice. I recommend a respectful but earnest appeal to Congress in behalf of your constituents, for such an appropriation for the removal of the obstructions alluded to, as will effectually protect the commerce of the Upper Mississippi against the losses and impositions to which it is now subjected from causes so easily removed by a proper application of the national means.

I have recently received a letter from the Governor of Missouri, on the subject of the boundary between that State and this Territory, in which he proposes the submission of the matter in controversy to the decision of the Supreme Court of the United States, upon a statement of facts, in the nature of an agreed case, which letter with a copy of my answer to it, is herewith submitted for your consideration.

The excess of expenditure in former years over and above the appropriations made by Congress for the support of the Territorial Government, has given rise to a debt of between eight and ten thousand dollars, which, justice to the individuals to whom it is due, requires should in some way be provided for, and which with the reduced amount of the appropriation for the present year admonishes us of the necessity of strict economy in the administration of the fund put at our disposal by the Geueral Government.

I am, Very Respectfully,

Your Ob't. Serv't.

JOHN CHAMBERS.

APPENDIX.

(1.)

EXECUTIVE DEPARTMENT,
City of Jefferson, November 10, 1841.

To His Excellency,

The Governor of Iowa Territory:

SIR—The General Assembly of Missouri, for the purpose of having the question of boundary between the Territory of Iowa and this State finally adjudicated in the Supreme Court of the United States, passed an act, at the last session, directing me to cause suit to be instituted in behalf of Uriah S. Gregory, the late Collector of Clark county, Missouri, against the persons that arrested and imprisoned him while in the discharge of his duties.

I have ascertained that the Sheriff of Van Buren county, who, with others, arrested him, resides in the Territory of Iowa; consequently any suit commenced against him will have to be commenced in that Territory. The object of this communication is to ascertain whether, if suit is thus commenced, the authorities of Iowa will cause to be made such an agreed case, on the record, as will ensure a decision of the Supreme Court of the United States on the qustion of boundary. I imagine the only controverted fact is that of boundary. This being the case I see no reason, as it is desirable that the question should be speedily and finally decided by a competent tribunal, why all the necessary facts might not be agreed. If your Excellency concur with me in this view, the Counsel on the part of this State will be instructed to *agree* the case in such form as will present the question of the boundary.

I desire to hear from you as early as will suit your convenience.

I have the honor to be, sir,

Your obedient servant,

(SIGNED) TH. REYNOLDS.
Governor of Missouri.

(2.)

EXECUTIVE OFFICE,
Burlington, Iowa Territory, Nov. 20, 1841.

SIR:—I have had the honor to receive your Excellency's letter of the 10th instant, advising me of the existence of an Act of the General Assembly of your State, directing you "to cause suit to be instituted in behalf of Uriah S. Gregory, late Collector of Clark county Mo., against the persons that arrested him in the discharge of his duties for the purpose of having the question of boundary between this Territory and Missouri finally adjudicated in the Supreme Court of the United States, and as the persons proposed to be sued, reside in this Territory, you propose to ascertain whether "the authorities of Iowa will cause to be made such an agreed case on record, as will ensure a decision of the Supreme Court of the United States on the question of boundary." That question it seems to me, is one over which the Territorial authorities of Iowa have no control, the boundary of the Territory as described by law, gives limits to the exercise of jurisdiction on the part of the Territorial Government, and prescribes the local extent of its obligations to protect those who claim to be citizens of this Territory, but by an express reservation in the law organizing the Territory of Iowa, the boundary remains subject to the future control of Congress, and at the discretion of that body any portion of the country within the limits of the Territory, may be constituted a separate and distinct Government, or be attached "to any other State or Territory of the United States." If I am correct in this view of the subject, it follows that no agreement or statement of facts which the Territorial authorities could enter into, would authorize the Supreme Court to take cognizance of the question of boundary, which it is the object of the act of your legislature to have settled by an adjudication of that Court, or render its decision, if it should do so, obligatory upon the Government of the United States, or control its legislation in prescribing a boundary for any future State or Territory, which it might think expedient to form within the present limits of Iowa. I doubt too, whether, under the Constitution of the United States, the Supreme Court could, even upon a case agreed and by consent of the parties, take jurisdiction of an alleged controversy between one of the States and a *Territory*, remaing subject to the legislation of Congress. With these views, it only remains for me to submit your Excellency's communication to the Legislative Assembly of the Territory at its next session, and if the views of that body should differ from those I entertain on the subject, its decision shall be immediately made known to you.

I have the honor to be,
Your most ob't. serv't.
JOHN CHAMBERS,
Governor of Iowa.

His Excellency,
THOMAS REYNOLDS,
Jefferson City, Mo.,

On motion of Mr. Moss,
Ordered, That the Message of the Governor, with the accompany-

ing documents, be laid upon the table and one thousand copies of the same be printed for the use of the members of this House.

A motion was made by Mr. Felkner, to reconsider the vote of yesterday, taken on the resolution relative to the incidental printing.

Pending which, on motion of Mr. Porter,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Hepner presented the credentials of Alfred Hebard member elect from the county of Desmoines, who came forward, was qualified and permitted to take his seat.

The House resumed the consideration of the motion made by Mr. Felkner during the forenoon's session, to re-consider the vote of yesterday, taken on the resolution relative to the incidental printing, authorizing the Chief Clerk to employ the editors of the "Iowa Capitol Reporter," to do the same, &c.

And previous to the question's being put,

A motion was made by Mr. Hepner, that said motion do lie upon the table.

And the question being put, was determined in the affirmative—Yeas 13, Nays 12.

The Yeas and Nays being desired by Mr. Porter,

Those who voted in the affirmative were.

Messrs. Biggs, Booth, Campbell, Denson, Grant, Hepner, Leffler, McCulloch, Morgan, Patterson, Quinton, Whitaker and Lewis Speaker—13.

Those who voted in the negative were.

Messrs. Baker, Blair, Felkner, Hebard, Higginson, Holliday, Moss, Porter, Robertson, Smead, Toole and Wilson—12.

So the motion was laid upon the table.

On motion of Mr. Quinton,

Ordered, That the Ex-Governor and Ex-Secretary, be invited to take seats within the bar of this House.

Mr. Grant gave notice that he would, on Saturday next, or some subsequent day, ask leave to introduce a Bill for the purpose of taking preparatory measures for the organization of this Territory, into a a free and independent State.

Mr. Grant introduced No. 1, H. R. file, "A joint resolution to provide for the sale of the surplus copies of the statutes of this Territory."

Which was read a first time.

On motion of Mr. Wilson,

Ordered, That a select Committee of one member from each electoral district, be appointed to draft a memorial to Congress on the subject of mail routes in this Territory.

Whereupon, the Speaker appointed Messrs. Wilson, Campbell, Morgan, Robertson, Moss, Biggs, Quinton, Baker, Holliday and Denson, said Committee.

Mr. Quinton gave notice, that he would on Monday next, introduce

a Bill to locate a Territorial road from Fairfield, in Jefferson county, to Keokuck, in Lee county.

On motion of Mr. Porter,

The resolution in relation to the carrying of the mail during the session from Iowa City to Keosauqua. &c.,

Was taken from the table and on leave, was withdrawn from the House.

Mr. Porter introduced No. 2. H. R. file, "A joint resolution relative to the carrying of the mail during this session, from Iowa City to Keosauqua, &c.

Which was read a first time and ordered to be printed.

On motion of Mr. Biggs,

Resolved, That the name of one of the standing Committees of this House, be changed from that of "common schools" to that of "public instruction."

On motion of Mr. Grant,

Ordered, That there be a standing Committee appointed on "agriculture."

Whereupon, The Speaker appointed Messrs. Grant, Hebard, Denson, Leffler and Wilson, said Committee.

Mr. Patterson gave notice that he would, on some future day, introduce a Memorial to Congress to procure a donation for a seminary of learning, at West Point, in Lee county.

Mr. Moss gave notice that he would, on some future day, introduce a "Bill to district the county of Jackson into County Commissioners' Districts."

On motion of Mr. Patterson,

The House adjourned until 10 o'clock to-morrow morning.

Thursday Morning, Dec. 9, 1841.

Mr. Grant presented the petition of sundry citizens of Scott county, praying a law to be passed authorizing John Wilson to remove his steam ferry boat from the ferry across the Mississippi river at the town of Davenport, until the same should be found useful and necessary at said ferry, which was read and laid upon the table.

On motion of Mr. Robertson,

Ordered, That a Committee of one member from each electoral district be appointed to draft a memorial to Congress, upon the subject of an appropriation to remove the obstructions at the Rapids in the Mississippi river.

Whereupon, The Speaker appointed Messrs. Robertson, McCulloch, Blair, Smead, Quinton, Baker, Denson, Booth and Moss, said Committee.

On motion of Mr. Toole,

Resolved, That the select Committee appointed to introduce a memorial to Congress on the subject of mail routes, be requested to inquire into the expediency of asking in said memorial for the location of a mail route from Iowa City to Burlington, via Columbus City.

On motion of Mr. Grant,

Ordered, That the Committee on the judiciary be instructed to inquire into the expediency of amending the Act fixing the time of holding the district courts in the several counties in the third judicial district, and that said Committee report to this House by Bill or otherwise.

Mr. Biggs, from the select Committee to which was referred a resolution directing a revision of the standing rules, reported that they had had the same under consideration, made sundry amendments thereto, and asked the concurrence of the House.

The amendments were then severally read, and being under consideration, a motion was made by Mr. Leffler to amend the 4th amendment, Rule 59, which Reads "all bills, memorials, &c. shall be printed, unless otherwise ordered by the House," by inserting the words, "of a general nature" after the words "memorials, &c."

And the question being put, was determined in the negative—Yeas 10, Nays 14.

The yeas and nays being desired by Mr. Hebard, those who voted in the affirmative were Messrs. Blair, Denson, Felkner, Grant, Hebard, Leffler, Patterson, Porter, Robertson and Toole—10.

Those who voted in negative were Messrs. Biggs, Booth, Campbell, Hepner, Higginson, Holliday, McCulloch, Morgan, Moss, Quinton, Smead, Whitaker, Wilson and Lewis Speaker—14.

So the motion was lost.

A motion was made by Mr. Grant to amend said amendment by striking out the words "daily journal shall be printed in pamphlet form."

And the question being put, was determined in the negative—Yeas 8, Nays 16.

The yeas and nays being desired by Mr. Higgingson, those who voted in the affirmative were Messrs. Felkner, Grant, Hebard, Holliday, Porter, Robertson, Toole and Wilson.

Those who voted in the negative were Messrs. Biggs, Blair, Booth, Campbell, Denson, Hepner, Higginson, Leffler, McCulloch, Morgan, Moss, Patterson, Quinton, Smead, Whitaker and Lewis, Speaker.

So the motion was lost.

The question was then put on concurring in the report of the Committee and determined in the affirmative.

No. 1, H. R. File, "A Joint Resolution to provide for the Sale of the surplus copies of the Statutes of this Territory," was read a second time, and,

On motion Mr. Hepner,

Referred to the Committee on Territorial Affairs.

A Message from the Council, by Mr. Woods their Secretary.

Mr. Speaker:—The Council have passed a Joint Resolution authorizing the Secretary of the Territory to effect a loan of money to pay the members of both branches of the Legislature their mileage in travelling to the seat of government, and ask the concurrence of the House therein. And then he withdrew.

Mr. Hepner from the Committee appointed to act with a similar Committee on the part of the Council, to prepare joint rules regula-

ting the intercourse between the two Houses, reported the rules of the last session, which were adopted.

Mr. Whitaker from the Committee appointed to examine the recording of the Journals, reported that they had found the Journal recorded in a fair round hand, with a slight mistake, which was corrected by the Committee.

Mr. Robertson gave notice that he would on some subsequent day hereafter, ask leave to introduce a memorial to Congress, asking an appropriation to construct a military road from Davenport, in Scott county via Tipton, in Cedar county, Iowa City in Johnson county, to the Western boundary of the Territory.

No. 2, H. R. File, "A Joint Resolution relative to the carrying of the mail from Iowa City to Keosauqua, &c.," was read a second time.

On motion of Mr. Whitaker,

The House resolved itself into a Committee of the whole House, for the consideration of said resolution.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Biggs reported, that the Committee had, according to order, had the same under consideration, and instructed him to report the same with amendments. To which the House agreed.

On motion of Mr. Porter,

Ordered, That the 44th rule be suspended, and the resolution be read a third time now.

The resolution was then read a third time, and previous to the question's being put on the passage of the same,

A motion was made by Mr. Hepner, That the resolution be committed to the Committee on Territorial affairs.

And the question being put was decided in the negative—Yeas 8, Nays 16.

The Yeas and Nays being desired by Mr. Hepner,

Those who voted in the affirmative were, Messrs. Grant, Hebard, Hepner, McCulloch, Morgan, Patterson, Robertson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Higginson, Holliday, Leffler, Moss, Porter, Quinton, Smead, Toole, Whitaker, and Wilson.

So the motion to commit was lost.

The question was then taken on the passage of the resolution, and determined in the affirmative—Yeas 21, Nays 3.

The Yeas and Nays being desired by Mr. Hepner,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Higginson, Holliday, Leffler, McCulloch, Morgan, Moss, Porter, Quinton, Robertson, Smead, Toole, Whitaker, Wison, and Lewis Speaker.

Those who voted in the negative were, Messrs. Hebard, Hepner, and Patterson. So the resolution passed.

Ordered, That the Clerk request the concurrence of the Council therein.

On motion of Mr. Toole,

Ordered, That 60 copies of the standing and joint rules be printed for the use of this House.

On motion of Mr. Leffler,

The House adjourned.

Friday Morning, December 10, 1841.

Mr. Wilson presented the petition of sundry citizens of the town of Salem, in Henry county, asking the Legislature to Memorialize Congress to fix the northern boundary of the future State of Iowa at the latitude of 43½ degrees, and extending from the Mississippi to the Missouri river.

Ordered, That said petition be referred to the Committee on Territorial Affairs.

Mr. Whitaker, from the Committee appointed to examine the recording of the Journals, reported the same to be correct as far as the work had progressed.

"A Joint Resolution authorizing the Secretary of the Territory to effect a loan of money to pay the members of both branches of the Legislative Assembly their mileage in travelling to the Seat of Government," as reported from the Council, was taken up and read a first time.

On motion of Mr. Toole,

Ordered, That the 44th rule be suspended, and the Resolution be read a second time now.

The resolution was then read a second time; and,

On motion of Mr. Toole.

The words "and from" were inserted after the word "to," so as to read "in travelling to and from the seat of government."

On motion of Mr. Porter,

Ordered, That the 44th rule be again suspended, and the resolution be read a third time now.

The Resolution was then read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

A message was received from the Governor by the Secretary, which was read at the Clerk's table, and is as follows:

Executive Office, I. T. Dec. 9, 1841.

To the Council and House of Representatives:

Gentlemen:—An application to execute deeds of conveyance to some of the purchasers of lots in Iowa City, has drawn my attention to the several legislative acts which relate to that subject; and upon a comparison of their provisions, I find that by the 3d section of the act of the 17th of January, 1840, entitled "An act to provide for the execution of title deeds to lots in the City of Iowa," it is provided, that "whenever the purchase money shall be paid up in full, for the purchase of any lot or lots in the City of Iowa, and as soon as the title to

said lots is bona fide obtained from the General Government, the acting Commissioner shall make out the requisite title deeds to the purchaser or purchasers for the same, in conformity with the certificate of purchase to be signed by the Governor and the seal of the Territory affixed thereto, and countersigned and acknowledged by the said acting Commissioner, (see page 111, acts 1840;) And by the 6th section of the act of 24th July, 1840, entitled "An act directing the valuation and sale of lots in Iowa City, and to provide for executing deeds for the same," it is enacted "that whenever full payment shall have been made for any lot or lots in Iowa City, the acting Commissioner of public buildings shall give to the person or persons entitled thereto, a certificate of final payment for the same;" and by the 7th section of the same act, it is provided "that whenever any certificate of final payment for lots in Iowa City shall be presented to the Secretary of the Territory, he shall file the same in his office and make out a deed of conveyance in accordance with such certificate, which deed of conveyance shall be sealed with the seal of the Terrritory, signed by the Governor, and countersigned by the Secretary of the Territory, and when thus executed, shall convey to the grantee a title in fee simple to the lots therein described;" and by the 8th section of that act, it is made the duty "of the Secretary of the Territory to keep a record in his office of all deeds of conveyance *made out by him* under the provisions of this act." It repeals "all acts and parts of acts that are in contravention" of its provisions, (see page 6, acts of July session 1840.)

By the 17th section of the act of January 10th 1841, entitled "an act providing for the appointment of a superintendent of public buildings at Iowa City, and the appointment of a Territorial Agent and for other purposes," it is provided "that the duties required by the third section of "an act entitled an act to provide for the execution of title deeds to lots in Iowa City, and for other purposes," shall hereafter be performed by the Territorial agent," &c. (See page 61, acts of 1840–41.)

The effect of this last act is to revive the third section of the act of the 17th January 1840, requiring the superintendent (or now in his stead the Territorial agent) upon the receipt of full payment for any lot, to make out and countersign a deed of conveyance for it, to the purchaser, to be signed by the Governor, and the revival of that section in effect defeats the provision of the act of July 1840, requiring the certificates of payment to be filed in the office of the Secretary of the Territory, and the deeds *to be made out by him*" to be recorded in his office. It seems probable that the revival of the third section of the act of January 1840, was made without adverting to the provisions of the act of July of that year, and as it removes that salutary check upon the agent which requires his certificates of payment to be filed with another officer of the Government, and leaves the holders of deeds for lots in the city without any provision for recording them, I would respectfully submit to your consideration the propriety of such a modification of these laws, as will restore the provisions of the act of July 1840, or require the filing of the certificates of payment in some one of

the public offices, other than that from which they emanate and direct the title deeds to be recorded.

Respectfully,

Your ob't. serv't.

JOHN CHAMBERS.

On motion of Mr. Leffler,

Ordered that said message be referred to the Committee on the Judiciary.

On motion of Mr. Toole,

The annual message of the Governor was taken from the table and referred to a Commit'ee of the whole House for the consideration of the same.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Leffler reported that the Committee had, according to order, had the said message under consideration, and directed him to report the same back to the House.

Said message then being under consideration,

A motion was made by Mr. Hepner,

That the first paragraph relative to the formation of a State Government, be referred to the Committee on Territorial Affairs; To which the House agreed.

On motion of Mr. Leffler,

Ordered, That that part of the Governor's messsage relative to the Capitol and the Penitentiary, be referred to the Committee on Public buildings.

On motion of Mr. Porter,

Ordered, That that portion of the Governor's message which relates to the recent failure to make a purchase of the Sac and Fox Indians, be referred to the Committee on Territorial Affairs, with instructions to report a Memorial to Congress asking for every necessary step to be taken for the extinguishment of the title of the above named Indians to any portion of their lands that they are willing to part with.

On motion of Mr. Moss,

Ordered, That that part of the Governor's message which relates to the trade and intercourse between the whites and Indians, be referred to the Committee on the Judiciary.

On motion of Mr. Quinton,

Ordered, That that part of the Governor's message which relates to the militia law, be referred to the Committee on Military Affairs.

On motion of Mr. Leffler,

Ordered, That that part of the Governor's message which relates to common schools, be referred to the Committee on Public Instruction.

On motion of Mr. Robertson,

Ordered, That that part of the Governor's message, which relates to the improvement of the Rapids in the Mississippi river, be referred to the select Committee heretofore appointed to draft a Memorial to Congress in relation to the same.

On motion of Mr. Biggs,

Ordered, That so much of the Governor's message as relates to the boundary line between Missouri and Iowa, with the accompanying documents, be referred to the Committee on the Judiciary.

On motion of Mr. Hepner,

Ordered, That so much of the Governor's message as relates to Expenditures, be referred to the Committee on Expenditures.

Mr. Whitaker gave notice that he would on some future day ask leave to introduce a Bill to reduce and regulate the fees of county officers.

Also, a Bill defining a lawful fence.

A motion was made by Mr. Felkner to take from the table, his motion made a few days since, to reconsider the vote authorizing the chief clerk to employ the Editors of the Iowa Capitol Reporter to do the incidental printing of the House;

Previous to which a call of the House was had—and the roll being called, those members who failed to answer to their names, were Messrs. Baker and Grant.

The Sergeant-at-Arms was then directed to require the attendance of the absentees. After a short time, the absentees appearing.

A motion was made by Mr. Biggs that the Sergeant-at-Arms be sent for Mr. Weld, member elect from Van Buren county, Pending which,

A motion was made by Mr. Patterson, That the House do now adjourn.

And the question being put, Was determined in the negative—Yeas 11, Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Booth, Campbell, Denson, Hepner, McCulloch, Morgan, Patterson, Quinton, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the motion to adjourn was lost.

The question then recurring on the motion made by Mr. Biggs, that the Sergeant-at-Arms be sent after Mr. Weld.

And being put. Was decided in the negative.

On motion of Mr. Felkner,

The further call of the House was suspended.

A motion was made by Biggs, That the House do now adjourn.

And the question being put, was determined in the negative—Yeas 11, Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Booth, Campbell, Denson, Hepner, McCulloch, Morgan, Patterson, Quinton, Whitaker, and Lewis Speaker.

Those who voted in the negative were, Messrs. Baker, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Leffler, Moss, Porter, Robertson, Smead, Toole and Wilson.

The question then recurred on the motion made by Mr. Felkner, to take from the table his motion to re-consider the vote authorizing the

Chief Clerk to employ the editors of the "Iowa Capitol Reporter" to do the incidental printing, &c.

And being put, was determined in the affirmative.

A motion was made by Mr. Hepner, That the House do now adjourn.

And the question being put, was determined in the negative.

The question was then put on re-considering the vote given on the resolution relative to the Printing,

And decided in the affirmative.

Mr. Felkner then offered the following as a substitute for said Resolution.

Resolved, That N. Jackson, editor of the Iowa City Argus, be employed to do the incidental printing of this House.

A motion was made by Mr. Biggs, To amend the substitute, by striking out the words "N. Jackson, editor of the Iowa City Argus," and inserting the words "Editor of the Iowa City Standard."

And the question being put, was determined in the affirmative.—Yeas 15, Nays 10.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Campbell, Denson, Hepner, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Whitaker, and Wilson.

Those who voted in the negative were, Messrs. Baker, Booth, Felkner, Grant, Hebard, Higginson, Holliday, Quinton, Toole, and Lewis, Speaker.

So the amendment was agreed to.

On motion of Mr. Toole,

The House adjourned.

Saturday Morning, Dec. 11, 1841.

Mr. Quinton presented the credentials of Oliver Weld, member elect from the county of Van Buren, who came forward, was sworn and permitted to take his seat.

Mr. McCulloch presented the petition of sundry citizens of Lee county, praying the establishment of a Territorial road, leading from the landing on the Des Moines river, opposite St. Francisville, Missouri; by Franklin to West Point, in Lee county:

A Message from the Council by Mr. Woods, their Secretary:

Mr. Speaker:—The Council have passed with amendments, No. 2, H. R. File, entitled "A Joint Resolution relative to the carrying of the mail from Iowa City to Keosauqua, &c.

In which the concurrence of the House is requested.

And then he withdrew.

Mr. Quinton offered the following:

Resolved, That the Committee on public instruction be instructed to inquire into the expediency of Memorializing Congress upon the

subject of the sale of the sixteenth section of land reserved for common school purposes.

And the question being put on the adoption of the same,

It was determined in the negative.

Mr. Booth from the Committee on Territorial affairs, to which was referred the resolution authorizing the Secretary of the Territory to sell surplus copies of the acts of the several sessions of the Territorial Legislature, reported that the Committee had had the same under consideration, and instructed him to report the same with sundry amendments.

Mr. Robertson gave notice that he would on Monday next, or some day hereafter, ask leave to introduce a Bill directing and regulating the valuation of real estate, when under execution.

The House resumed the consideration of the resolution relative to the incidental printing.

Mr. Robertson moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names were Messrs. Baker and Grant.

After a short time the absentees appearing, a further call of the House was,

On motion of Mr. Felkner,

Suspended.

The question then recurring on the adoption of the substitute as amended, and being put, was determined in the negative—Yeas 10, Nays 16.

The Yeas and Nays being desired by two members.

Those who voted affirmative were, Messrs. Blair, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Grant, Hepner, Holliday, McCulloch. Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis Speaker.

So the substitute was lost.

The question then being on the adoption of the original resolution which reads as follows:

Resolved, That the Chief Clerk be required to employ the editors of the Iowa Capitol Reporter, to do the incidental printing of this House. Pending which,

A motion was made by Mr. Felkner, To strike out the words "Iowa Capitol Reporter," and insert "Iowa City Argus."

Mr. Biggs called for a division of the question.

The question then being put on striking out the words "Iowa Capitol Reporter,"

Was decided in the negative—Yeas 13, Nays 13.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were,

Messrs. Baker, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Moss, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative were,

Messrs. Biggs, Booth, Campbell, Denson, Hepner, Leffler, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis Speaker.

So the motion to strike out was lost.

A motion was made by Mr. Felkner, that said resolution do lie upon the table until Monday next.

And the question being put,

Was determined in the affirmative—Yeas 19, Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were,

Messrs. Baker, Biggs, Blair, Booth, Campbell, Felkner, Hebard, Hepner, Holliday, McCulloch, Morgan, Patterson, Porter, Quinton, Smead, Weld, Whitaker, Wilson and Lewis, Speaker.

Those who voted in the negative were,

Messrs. Denson, Grant, Higginson, Leffler, Moss, Robertson, and Toole.

So the resolution was laid upon the table until Monday next.

No. 2, H. R. File, "A Joint Resolution relative to carrying the mail from Iowa City, &c., being returned from the Council with amendments, was taken up, and

On motion of Mr. Porter,

The amendments were severally concurred in.

Mr. Biggs gave notice that on Monday, or some subsequent day, he would ask leave to introduce a Bill creating the office of County Auditor, and providing for the repeal of the laws now in force, authorizing the appointment of Clerks of the Board of County Commissioners Also,

A Bill to amend the laws now in force, providing for the assessment and collection of the revenue, so as to make the assessments by townships or districts and the collection by the County Treasurers.

Mr. Patterson gave notice that he would, on some future day, introduce a Bill to authorize Jason Wilson to build a dam across Skunk river, in Lee county.

Mr. Quinton gave notice that he would, on some day hereafter, introduce a memorial to Congress, asking the establishment of two additional Land Offices in Iowa, one at the town of Fairfield, in Jefferson county, and the other at Iowa City, in Johnson county. Also.

A Memorial to Congress asking the postponement of the sales of the public lands, until A. D. 1844.

On motion of Mr, Quinton,

Resolved, That John B. Newhall, be requested to furnish each member of this House with one copy of his Map and Sketches of Iowa, and the Secretary of the Territory be authorized to pay for the same.

Mr. Quinton gave notice that he would, on some day hereafter, introduce a Bill to amend the Stray Law.

On motion of Mr. Grant.

Ordered, That the delegation from Van Buren county, be added to the Committee on the judiciary, for the purpose of taking under consideration that part of the Governor's message which relates to the boundary between Missouri and Iowa.

On motion of Mr. Biggs,

The House adjourned.

Monday Morning, December 13, 1841.

Mr. Hepner from the Committee on Enrollments, reported that they had examined and found correctly enrolled, and presented to the Governor for his signature on Saturday the 11th inst., "A Joint Resolution relative to carrying the mail from Iowa City to Keosauqua, &c.

Mr. Patterson, from the Committee on roads and highways, introduced No. 3, H. R. File, "A Bill to authorize Perriander Polloch and others, to erect a dam across the Wapesipenicon river."

Which was read a first time.

On motion of Mr. Patterson,

Ordered, That the printing of said Bill be dispensed with.

Mr. Robertson, in accordance with previous notice, introduced No. 4, H. R. File, "A Bill to amend an act subjecting real and personal estate to execution." Which was read a first time.

Mr. Patterson, agreeable to previous notice, introduced No. 5, H. R. File, "A Bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county." Which was read a first time.

Mr. Quinton in accordance with previous notice, introduced No. 6, H. R. File, "A Bill to locate a Territorial road from Keokuck, in Lee county, to Fairfield, in Jefferson county."

Which was read a first time.

Ordered, That the printing of said Bill be dispensed with.

The resolution relative to the incidental printing being the order of the day, was taken up and being under consideration,

Mr. Felkner moved a call of the House,

Which was had, and the roll being called, all the members answered to their names except Mr. Baker.

The Sergeant-at-Arms was then directed to require the attendance of the absentee.

A message in writing, was received from the Governor by the hand of the Secretary, which was received at the Speaker's table.

On motion of Mr. Felkner,

The absentee appearing, it was ordered that the further call of the House be dispensed with.

The question then recurring on the adoption of the resolution and being put,

Was determined in the negative—Yeas 13, Nays 13.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs. Biggs, Booth, Campbell, Denson, Hepner, Leffler, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis Speaker.

Those who voted in negative were Messrs. Baker, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Moss, Porter, Robertson, Smead, Toole and Wilson.

So the resolution was lost.

Mr. Felkner moved the following:

Resolved, That the editor of the Iowa City Argus be employed to do the incidental printing of this House.

And the question being put, will the House adopt the resolution?

Was determined in the negative—Yeas 13, Nays 13.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were.

Messrs. Baker, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Moss, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative were,

Messrs. Biggs, Booth, Campbell, Denson, Hepner, Leffler, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

So the resolution was lost.

Mr. Morgan offered the following:

Resolved, That the Chief Clerk of this House be authorized to employ some competent person or persons, to do the incidental printing of this House during the present session—the payment of the same being reserved to the discretion of this House.

And the question being put, Will the House adopt the Resolution?

Was determined in the affirmative—Yeas 19, Nays 7.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Leffler, McCulloch, Morgan, Moss, Patterson, Quinton, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Higginson, Holliday, Porter, Robertson, Smead, and Toole.

So the resolution was agreed to.

The message heretofore received from the Governor, was then taken up, and read at the Clerk's table, as follows:

EXECUTIVE OFFICE, IOWA CITY, 13th Dec., 1841.

To the Council and House of Representatives:

I return to the House of Representatives, in which it originated, the joint resolution "relative to carrying the mail from Iowa City to Keosauqua," &c., with my objections to it.

Without entering into the question, whether the power "to establish post offices and post roads" conferred by the Constitution of the United States upon Congress, precludes the exercise of like powers by the the States and Territories? and without questioning the power of the Legislative Assembly of this Territory to employ special messengers for any necessary purpose, I am entirely satisfied, that the exercise of such a power as is proposed by this resolution, cannot be effected through the instrumentality or agency of the postmasters appointed by, and acting under the authority of the General Government, without a departure, on their part, from their duties and obligations to the Post Office Department; and not being willing to request an officer of the Government to do an act which I should consider a violation of his duty, I am constrained to withhold my signature and approval from this joint resolution.

Very respectfully, your obedient servant,

JOHN CHAMBERS.

The communication having been read,

On motion of Mr. Porter,

The resolution was taken up, and the question being put, on the passage of the same by the constitutional majority,

Was determined in the negative—Yeas 8, Nays 18.

Those who voted in the affirmative were Messrs. Biggs, Blair, Booth, Campbell, Denson, Grant, Felkner, and Whitaker.

Those whs voted in the negative. were Messrs. Baker, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Quinton, Robertson, Smead, Toole, Weld, Wilson, and Lewis, Speaker.

Two thirds not voting therefor, the resolution was lost.

Mr. Porter offered the following:

Resolved, That the duties of the Messenger of this House, are to convey letters and papers, public documents, &c., of the members of this House, once a week during the session, to the following places, to wit: To Washington, in Washington county; Trenton, Mount Pleasant, and Salem, in Henry county, and to Keosauqua, in Van Buren county, and deposit the same; and that the expense or extra trouble he may be put to, over and above his ordinary duties as Messenger of this House, be allowed him in his per diem as an officer of this House.

Which, after debate, was,

On motion of Mr. Porter,

Referred to the Committee on Expenditures.

No. 1, H. R. File, "A Joint Resolution, to provide for the sale of the surplus copies of the Statutes of this Territory,"

Was read a second time.

On motion of Mr. Patterson,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

On motion of Mr. Patterson,

Ordered, That the petition from sundry citizens of Lee county, asking the establishment of a Territorial Road from the mouth of the Des Moines river, opposite St. Francisville, Mo., to West Point, in Lee county, and presented on the 11th instant, be taken up and referred to the Committee on Roads and Highways.

On motion of Mr. Patterson,

The House adjourned.

Thursday Morning, Dec. 14, 1841.

A message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER:—The Council have passed—

No. 1, C. F., "A Memorial for an appropriation to improve the Territorial Road from Burlington to the mouth of the Des Moines River."

No. 2, C. F., "A Memorial for an appropriation to complete the Penitentiary."

No. 2, C. F., "A Resolution requesting our Delegate to procure survey, &c., of certain Islands in the Mississippi River."

No. 3, C. F., Preamble and Resolution, requesting our Delegate in Congress to use his influence to procure a donation of land for School purposes, in Half-Breed Sac and Fox reservation.

No. 4, C. F., "A Bill authorizing the Commissioners of Linn county to re-locate all that portion of the Territorial Road established from Iowa City to Prairie du Chien that passes through the town of Marion, in said county."

In which the concurrence of the House is requested.

I herewith present, for your signature,

A Joint Resolution, authorizing the Secretary of the Territory to effect a loan of money to pay the members of both branches of the Legislature their mileage.

And then he withdrew.

The Speaker then signed said resolution.

On motion of Mr. Toole,

Ordered, That the Committee on Roads and Highways be requested to enquire into the expediency of so amending the present Road Law that it may bear less unequally in its provisions, and also to enquire into the expediency of levying a tax on real and personal property, for road purposes.

Mr. Denson gave notice, that he would, on some future day, ask leave to introduce a Memorial to Congress, for an appropriation to improve Wapsepinicon and Mequoqueta Rivers; also, for an appropriation for building a bridge across the south fork of the Mequoqueta River, on the Military Road.

On motion of Mr. Wilson,

Ordered, That the Committee on Military Affairs enquire into the expediency of reporting a Bill to this House, exempting all persons from military duty in time of peace, excepting the commissioned officers.

Mr. Quinton, from the Committee on Expenditures, to which was referred the resolution defining the duties of Messenger, reported that they had had the same under consideration, and regret to say, that the difficulties in carrying out the objects of the resolution, seem to the Committee of an insurmountable character, they therefore recommend the rejection of said resolution.

The report was concurred in.

Mr. Patterson, from the Committee on Roads and Highways, introduced No. 7, H. R. File, "A Bill to locate a Territorial Road from West Point, in Lee county, to the landing on the Des Moines River, opposite St. Francisville, Mo., which was read a first time.

On motion of Mr. Moss,

Ordered, That the printing of said bill be dispensed with.

No. 3, H. R. File, "A Bill to authorize Perriander Pollock, and others, to erect a dam across the Wapesipinicon river," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the whole House for the consideration of said bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Toole reported that the Committee had, according to order, had the same under consideration, and having made some progress, and instructed him to report the same, and ask leave to sit again.

Leave was granted.

No. 4, H. R. File, "A Bill to amend an act subjecting real and personal estate to execution," was read a second time.

On motion of Mr. Grant,

Ordered, That said Bill be referred to the Committee on the Judiciary.

No. 3, H. R. File, "A Bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county," was read a second time.

On motion of Mr. Patterson,

The House resolved itself into a Committee of the whole House for the consideration of said bill.

After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hepner reported, that the Committee had, according to order, had said bill under consideration, had made some progress, and instructed him to report the same, and ask leave to sit again.

The House granted leave.

No. 6, H. R. File, "A Bill to locate a Territorial Road from Keokuk, in Lee county, to Fairfield, in Jefferson county, was read a second time, and,

On motion of Mr. Quinton,

Ordered to be engrossed and read a third time to-morrow.

No. 1, H. R. File, "A Joint Resolution authorizing the Secretary of the Territory to sell the surplus copies of the Statutes of this Territory," was read a third time.

On motion of Mr. Moss,

Ordered, That said resolution be referred to the committee on the Judiciary.

Mr. Patterson presented the claim of sundry individuals for fees accruing in the contested election between James K. Moss and Thomas Cox, in Jackson county; which, on motion, was referred to the Committee on Claims.

Bills, &c., from the Council of the following titles, to wit:

No. 1—Memorial for an appropriation to improve the Territorial Road from Burlington to the mouth of the Des Moines River.

No. 2—Memorial for an appropriation to complete the Penitentiary.

No. 2—Resolution, requesting our Delegate in Congress to procure the survey of certain islands in the Mississippi River.

No. 3—Preamble and resolution requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes, in the half-breed Sac and Fox reservation.

No. 4—A Bill authorizing the Commissioners of Linn county to re-locate all that portion of the Territorial Road established from Iowa

City to Prairie du Chien, that passes through the town of Marion, in said county.

Were severally read a first time.

On motion of Mr. Biggs,

The House adjourned.

Wednesday Morning, Dec. 15, 1841.

A Message from the Council by Mr. Woods, their Secretary:

MR. SPEAKER:—The Council have passed,

No. 3, C. F., A Memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial Road from Iowa City to Prairie Du Chien.

No 4, C. F., Preamble and Joint Resolution requesting our Delegate in Congress to use his influenc to procure the establishment of a mail route from Iowa City to Mt. Pleasant.

No. 8. C. F., A Bill amendatory to an act entitled "An act to authorize John R. Sparks and his associates to erect a dam across the Desmoines river."

No. 9, C. F., Preamble and Resolution in relation to the southern boundary line of this Territory.

No. 10, C. F., A bill for an act to divorce John Haynes from Celia Haynes.

No. 12, C. F., A Joint Resolution instructing J. T. Fales and James W. Woods to employ special messengers to convey letters, &c., from Iowa City to Dubuque via Marion; also to Keosauqua.

No. 15, C. F. Resolution in relation to purchase of Indian country.

In which they ask the concurrence of the House.

And then he withdrew.

Mr. Leffler presented the petition of sundry citizens of Desmoines county, praying the relocation, by disinterested commissioners, of a certain portion of the Territorial road leading from Burlington to the mouth of the Desmoines river.

On motion of Mr. Leffler,

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Moss presented the petition of William and Vincent G. Smith, and others in relation to a certain ferry across the Mississippi river in Jackson county.

On motion of Mr. Moss,

Ordered, That said petition be referred to the Committee on corporations.

Mr. Denson gave notice that he would on some day hereafter ask leave to introduce a bill to locate a Territorial road from the mouth of the Tete Des Mort, in Jackson county, to Marion in Linn county, via Cascade, in Dubuque county.

On motion of Mr. Biggs,

Ordered, That a committee of one member from each electoral district be appointed to revise or amend the laws providing for the assessment and collection of the revenue; Whereupon,

Messrs. Biggs, Patterson, Leffler, Smead, Quinton, Felkner, Denson, Grant, Booth, and Moss were appointed said Committee.

Mr. Toole offered the following:

Resolved, That the Chief Clerk be authorized to furnish each member of this House during the session, with additional numbers of any newspaper published in this city that they may order or direct.

A motion was made by Mr. Hepner that the blank be filled up with the word "twenty;"

And the question being put, was determined in the negative.

A motion was made by Mr. Hepner to fill the blank with the word "eighteen;"

And the question being put, was determined in the affirmative.

On motion of Mr. Hepner,

The resolution was further amended by inserting the words "or newspapers" after the word "newspaper."

The resolution then read, "Resolved that the Chief Clerk be authorized to furnish each member of this House, during the session, with eighteen additional numbers of any newspaper or newspapers published in this city, that they may order or direct."

The question being put on the adoption of the same;

Was determined in the affirmative.—Yeas 16, Nays 8.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell, Denson, Felkner, Hepner, Higginson, McCulloch, Morgan, Moss, Porter, Quinton, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Blair, Grant, Hebard, Holliday, Leffler, Patterson, Robertson, and Weld.

So the resolution was adopted.

Mr. Hepner, from the Committee on Enrollments, reported that they had presented to the Governor for his signature, on the 14th inst.,

A Joint Resolution authorizing the Secretary of the Territory to effect a loan of money to pay the members of both branches of the Legislature their mileage, &c.

On motion of Mr. Hepner,

Leave of absence was granted to John R. Williams, door-keeper of this House, for ten days.

Mr. Moss, from the Committee on the Judiciary to which was referred No. 1, H. R. File, "A Joint Resolution to provide for the sale of the surplus copies of the Statutes of this Territory," reported a substitute for the same, which was read a first time.

Mr. Hepner, from the Committee on Engrossed Bills, reported No. 6, H. R. File, as correctly engrossed.

Mr. Grant, from the Committee on the Judiciary, reported No. 8, H. R. File, "A Bill to amend an act, entitled, "An act to prevent the selling of spirituous liquors to the Indians;"

Which was read a first time.

The Speaker laid before the House, the Report of the Territorial Agent; also, the Report of the Superintendent of Public Buildings.

On motion of Mr. Morgan,

Ordered, That five hundred copies of each of the said reports be printed for the use of this House.

Said Reports read as follows:

OFFICE OF THE TERRITORIAL AGENT,
IOWA CITY, DECEMBER 12, 1841.

TO THE HONORABLE LEGISLATIVE ASSEMBLY:

Gentlemen:—In compliance with the requirements of law, I herewith submit my Annual Report:

On entering upon the duties entrusted to my charge, I made a demand upon the former Acting Commissioner of Public Buildings for the delivery to me of all public moneys, papers, records and property in his possession, as contemplated by the provisions of the 16th section of "An Act providing for the appointment of a Superintendent of Public Buildings at Iowa City and the appointment of a Territorial Agent, and for other purposes"

On this requisition I received from him notes payable to the acting Commissioner, or his successor in office, and given in payment for lots in Iowa City, amounting to $20,627 36

With credits endorsed on the same amounting to 2,344 61

Leaving $18,282 75

The receipts since the 15th of January, 1841, up to the 1st inst., are as follows, to wit:

On notes given in payment for lots sold by former Acting Commissioner on Public Buildings,	$8,687 42½	
Interests collected on same,	142 51	
Total amount of receipts from notes,		$8,829 93½
Receipts from sales of lots sold by Territorial Agent since the 10the of May, (being the date of the public sale of lots,)	$4,206 16½	
Proceeds of loans negociated with the Miners' Bank of Dubuque, under the provisions of "An Act authorizing a loan of money to be expended upon the Capitol;" negociated on the 28th June last,	5,000 00	
Proceeds of further loan negotiated with said Bank on the 30th of September last,	500 00	
Amount deducted from pay rolls on account of Blacksmithing,	34 49	
Total amount of receipts for the year ending 1st inst.,		$18,570 59

EXPENDITURES.

The expenditures on the Capitol for the year ending the 1st of the

present month were as follows, to wit:

For the month of January,	$ 52	00
February,	151	50
March,	1,260	60
April,	2,807	30½
May,	4,135	35½
June.	4,869	86
July,	3,445	40½
August,	3,219	86
September,	1,909	64
October,	438	68
November,	665	98½
Total amount of expenditures for the year ending 1st inst.,	$22,956	19½
Showing an excess of expenditures for the year, over and above the amount received by me of,	$4,285	60

The item in the above exhibit designated an excess of expenditures over and above the receipts by me, has been discharged by the issue of certificates of indebtedness to the laborers and other creditors of the Territory on account of the Capitol, payable to bearer, and receivable in payment of any debts due the office.

Upon commencing the work on the Capitol the past spring, the only means in my hands for its prosecution were the notes on hand given in payment for lots in Iowa City, amounting to $18,282 75.—I found that it would be impossible to render these notes available by the collection of money to an extent that would enable the Superintendent of the Capitol to continue the work.

In order to obviate these difficulties as far as practicable, and to render the means in my hands available to as useful an extent as possible, to enable the superintendent to proceed with the work efficiently, I adopted the plan of issuing certificates of indebtedness to the laborers and others on account of the Capitol, which certificates specified that the same would be receivable in payment of any debts due the office.

The plan adopted, I was gratified to find, under the circumstances, answered a valuable purpose, both to the public service, and the numerous individuals indebted to the Territory for City lots. A large proportion of the property holders of Iowa City and vicinity being indebted to the Territory for lots previously purchased, these certificates are readily received in paymant in all ordinary business transactions in the City, and gradually find their way back into the office, either in payment of notes previously given or in payment of new purchases of City lots. Thus nearly the entire receipts into the office, both in payment of notes previously given, as well as in payment of lots sold by me, have been received in the certificates above referred to.

On the 28th of June last I negotiated a loan of five thousand dollars —and on the 30th of September an additional loan of 500 dollars —with the Miners' Bank of Dubuque, on the faith of the unsold lots

in Iowa City, and in accordance with the provisions of "An Act authorizing a loan of money to be expended upon the Capitol," approved, Jan. 15, 1841. The first amount ($5000) I agreed to pay at the Bank of America, in the city of New York, eighteen months after date, the interest payable quarterly at the State Bank of Missouri, in the city of St. Louis. The latter amount of $500 I agreed to pay at the State Bank of Missouri, in the city of St. Louis, nine months after date. These loans were negotiated at seven per centum per annum.

There were outstanding, on the 1st instant, certificates of indebtedness, as above referred to, amounting to $278 00 of which is payable in cash, the balance to be received in payment of debts due the office.	$5,214 91	
The excess of expenditures over the receipts by me, as shown above, amounts to	$4,385 60	
Leaving in my hands, at the date above stated, unaccounted for,		$829 31

My own salary as Agent is not included in the above exhibit, and I have in my possesion a number of receipts on unsettled accounts which are not included.

Total amount of notes on hand at the date above referred to	$14,324 36
The unsold lots at present valuation, as fixed by law, amount to	108,369 00
Total amount of notes and unsold lots on hand,	$122,693 36

The amount of arrearages incurred on the Capitol, as shown above, are as follows, to wit:

Outstanding certificates,	$5,214 91	
Amount of loans,	5,500 00	
Total,		$10,714 91

I would respectfully recommend a further reduction of the minimum price of the lots, convinced as I am that unless the price be reduced below the present rates, the sales of the next year will be very considerably less than those of the last. I feel justified in saying that the sales of the past season would not have exceeded one half the amount they have, had it not been for the fact that certificates, such as I have referred to, have been received in payment of purchases.

I would further suggest, that unless further provisions be made, at the present session of the Legislative Assembly, for making available the means under my control for the prosecution of the work on the Capitol, but little can be done towards its completion during the next year. The amount of arrearages incurred the past season will necessarily have to be provided for before means for its continuance can be had. The issuing of certificates, as heretofore, will in a great measure be prohibited from the fact that more than one half the arrearages referred to are payable in cash.

Within the past year I have compiled, with as *much accuracy as the*

means within my power would admit, a permanent record, exhibiting in detail to whom the several lots were sold, the date and number of sale, number of block and lot as designated on the plat of the city, the minimum price of each lot, the amount sold for, how paid for, date of notes, date when notes become due, and date when the same were paid; also, total amount received on each lot, and to whom deeded, date of deed, &c.,—thus showing at a single glance the exact condition of each lot sold.

From this record I have compiled the accompanying abstracts marked A and B. The first shows the present condition of the lots sold by the Acting Commissioner, the amount which he received on each lot, as well as the amount received on the same by myself.

Abstract B is a list of the lots sold by me since the 10th of May last, —that being the date of the public sale—showing to whom sold, &c. It will be seen by this statement that the sales since the date referred to amount to $9,031 00.

All of which is respectfully submitted.

JESSE WILLIAMS,
Territorial Agent.

(A)

AN ABSTRACT

Of sales of Lots in Iowa City, made by the former Acting Commissioner on Public Buildings; showing to whom sold, the amount received on each lot by the Acting Commissioner, and the amount of principal and interest received on the same by the Territorial Agent, together with the amounts yet due on each lot: also, showing the date at which the last payment on the lots become due.

Date of Sale.	No. of Sale.	To whom sold.	No. of block.	No. of Lot.	Amount sold for.	Amo't received by Ac. Com'r.	Am't rec'd by Terit'al Agent.	Am't of interest recv'd	Amn't yet due	Date when last payment become due.
Jan. 1, 1841.	220	Robert Lucas,	20	1	$100	$25 00	$25 00		$50 00	July 1, '42.
	221	do. do.		2	75	18 75	18 75		37 50	
	222	do. do.		3	75	18 75	18 75		37 50	
	223	do. do.		4	100	25 00	25 00		50 00	
	224	do. do.		5	25	6 25	6 25		12 50	
	225	do. do.		6	20	5 00	5 00		10 00	
	226	do. do.		7	20	5 00	5 00		10 00	
	227	do. do.		8	25	6 25	6 25		12 50	
	228	do. do.		5	25	6 25	6 25		12 50	
	229	do. do.	24	6	20	5 00	5 00		10 00	
	230	do. do.		7	20	5 00	5 00		10 00	

	231	do do		8	25	6 25	6 50		12 50			
Oct. 11, 1839.	121	W. G. Finch,	39	6	41	20 50	20 20	57				
10,	107	Christopher Miller,		1	42	42 00						
11,	122	John Shays,	44	1	50	25 00	25 00					
Aug 21,	34	Mathew Teniche,		2	90	67 50	22 50	21				
Oct. 12,	133	F. M. Irish,		3	20	10 00	10 00	17				
Aug. 20,	35	A. Osburn,		4	110	82 50			37 50	Feb. 21, '41		
Oct. 12,	134	Willson & Mullholand,	45	5	55	27 50	13 75	77	13 75	Apl. 12, '41		
Aug. 21,	36	Wm. Bostick,		6	105	105 00						
Oct. 10,	108	Jacob S. Gobbin,		7	76	19 00			57 00	10,		
Aug. 21,	37	Wm. Bostick,	48	1	70	70 00						
	38	G. A. Martin,		3	31	23 25	7 75					
Oct. 12,	135	E. M. Bissell,		5	76	19 00			57 00	Apr. 12, '41		
	136	" "	49	1	41	10 25			30 75			
Aug. 21,	39	Casper Nich,		2	34	17 00	17 00	56				
Oct. 9,	91	Luke Dougless,		4	61	45 75	15 25					
10,	109	Christopher Miller,		6	50	50 00						
12,	137	E. M. Bissell,	50	1	45	11 25			33 75			
Aug. 21,	138	A. G. Martin,		2	34	17 00	17 00					
	123	Wm. Bostick,		4	60	60 00						
Oct. 11,	40	A. G. Gano,	51	1	60	60 00						
Aug. 21,	41	Gor. Van Hagan,		2	51	25 50			25 50	Feb. 21, '41		
Oct. 11,	124	John Shays,		3	34	17 00	17 00	17				
Aug. 20,	4	Ward & Hartz,		4	67	58 62	8 37½					
21,	52	Asaph Allen,	52	5	25	6 25			18 75			
	43	" "	"	6	25	6 25			18 75			
	44	Willson & Mulholland,		7	25	18 75	6 25	9				
	45	" "		8	25	18 75	6 25	20				

Date of Sale.	No. of Sale.	To whom sold.	No. of block.	No. of Lot.	Amount sold for.	Amo't received by Ac. Com'r.	Am't rec'd by Terit'al Agent.	Am't of interest rec'ved.	Amo't yet due.	Date when last payment become due.
Oct. 12,	139	F. M. Irish,	53	5	52	31 25	20 75	31		Feb. 21, '41
	140	" "		6	41	10 25			30 75	Apr. 12, '41
9,	92	J. E. Wooton,		7	41	20 50			20 50	9,
12,	141	E. M. Bissell,		8	51	25 50	25 50	64		
Aug. 21,	46	Wm. Bostick,	54	1	105	105 00				
	142	Philip Clark,		3	50	25 00	25 00	1 20		
Oct. 12,	143	E. M. Bissell,		4	41	20 50	20 50	1 02		
Oct. 12,	144	Samuel H. McCrory,		7	31	31 00				
11,	125	S. & J. Ogdon,	55	1	42	42 00				
Aug. 21,	145	Wm. C. Massey,		4	88	44 00			44 00	Feb. 21, '41
20,	5	Charles Jack,		6	43	10 75			32 25	20,
Dec. 29,	194	Chauncey Swan,		7	41	30 75	10 25			
Aug. 21,	47	Geo. Wein,	56	3	51	25 50			25 50	21,
Oct. 11,	126	Wm. G. Finch,		4	53	26 50	26 50	74		
Aug. 21,	146	Samuel H. McCrory,		5	89	44 50	44 50	97		
Oct. 10,	110	Chas. Sweetland,		6	68	34 00			34 00	April 10, '41
12,	147	E. M. Bissell,	57	2	51	12 75			38 25	12,
Aug. 21,	148	Wm. Bostick,		4	75½	75 25				
	48	Casper Nich,		6	47	23 50	23 50	87		
Oct. 12,	149	David Cox,		7	53	13 25	26 50	88	13 25	
Jan. 27, 1840	199	Francis Thompson,	58	3	32	16 00	16 00			
Oct. 12, 1839	84	Wm. C. Massey,		5	132	70 25			61 75	Feb. 21, '41

	49	Samuel H. McCrory,		6	57	57 00				39 00		20,
Aug. 20,	6	Charles Jack,		7	52	13 00						
Oct. 12,	150	Samuel H. McCrory,	59	4	76	76 00						
Aug. 21,	50	Mathew Teniche,		6	72	54 00	18 00		56			
Oct. 12,	151	S. H. McCrory,		7	34	34 00						
Aug. 11,	51	Wm. Bostick,		8	105	105 00						
	52	" "	60	2	71	71 00						
				4	206	51 50				150 50	Apr	10,'41
Oct. 10,	111	Benj. Kincade,										
Aug. 20,	53	J. G. Morrow,	61	1	100	50 00	50 00		2 10			
21,	54	Wm. Bostick,		3	219	219 00						
Oct. 11,	127	J. G. Nichols,		4	242	60 50				181 50		11,
10,	112	James Herron,		6	120	60 00	60 00		2 20			
12,	152	F. M. Irish,		8	150	107 50	42 50		35			
Aug. 30,	87	Hannah Cole,	62	1	50	25 00	25 00		1 08			
Oct. 11,	128	John Shays,		3	91	45 50	45 50		45			
9,	93	Vanfleet & Cross,		4	155	59 51	31 31		1 25	64 18		9,
10,	113	R. McIntosh,		5	97	48 50				48 50		10,
9,	94	James Laughlin,		6	71	35 50	35 50		70			
	95	" "		7	85	42 50	42 50		58			
8,	96	Wm. Drury,	63	2	78	51 44	7 06		39	19 50		8,
Aug. 21,	55	Wm. Bostick,		4	186	186 00						
Oct. 10,	114	James Herron,		6	60	30 00	30 00		60			
Aug. 20,	7	L. E. Hartz,		7	70	70 00						
Oct. 12,	153	Mathias Lamar,	64	1	93	46 50	46 50		1 53			
9,	97	Vanfleet & Cross,		2	55	21 11	26 56		94	7 33		9,
Aug. 21,	56	Henry C. Buck,		4	254	190 50	63 50					
20,	57	Turner & Black,		7	69	34 50	34 50					
21,	58	C. S. Cowan,	65	1	189	189 00						

Date of Sale.	No. of Sale.	To whom sold.	No. of block.	No. of Lot.	Amount sold for.	Amo't received by Ac. Com'r.	Am't rec'd by Terit'al Agent.	Am't of interest recv'd	Amn't yet due	Date when last payment become due.
Oct. 11, 1839,	129	Wm. Devall,		3	150	75 00	75 00	1 50		Apl. 9, '41.
12	154	Henry Heart,		4	304	152 00	96 00	3 78	56 00	
9	98	James Laughlin,		5	126	54 50	71 50	1 73		
Aug.21	59	Abraham Owen,		6	105	26 25			77 75	Feb. 21,
	60	Wm. Bostick,	66	4	449	384 25	64 75	1 13		
20	8	John B. Adams,	67	4	450	225 00			225 00	20,
Oct. 11	130	Abner Walcott,	68	2	35	82 44	2 56			
Aug.21	61	Felkner & Myers,		4	303	227 25	75 75	1 64		
Oct. 12	155	McCrory & Cropper,		5	175	87 50	43 75	1 27	43 75	Apl. 12,
	156	Sam'l J. Frost,		6	150	37 50	112 50	5 87		
Aug.20	9	Charles Jack,		7	180	36 75			143 25	Feb. 20,
Jan. 27, 1840.	200	Philip T. Wells,	69	2	31	9 25			21 75	July 27,
		Joseph Adams,		4	76	26 00	50 00	25		
Aug.21, 1839.	62	Wm. Bostick,		5	162½	121 88	40 62	72		
Jan. 25, 1840.	198	Elisha Duel,		6	77	57 75			19 25	25,
Aug.20, 1839,	10	Myron Ward,		7	101	25 25			75 75	Feb. 20,
Oct. 12	157	Charles S. Foster,	77	2	100	50 00	50 00	84		
Aug.20	11	B. S. Olds,		5	306	229 50	76 50			
Oct. 12	158	Ed. Foster,		6	127	63 50	63 50	1 18		
Aug.20	12	Chas. Jack,		7	200	50 00			150 00	Feb. 20,
Oct. 12	159	Geo. T. Andrews,		8	201	100 50	20 81		79 69	Apl. 12,
	160	J. Shaw,	78	1	265	66 25	132 50		66 25	

Aug21,		63	Bowen & Sanders,		2	222	80 50	32 70	3 10	108 80	Feb. 21, '41
Oct. 9,		99	Wm. Drury,		4	201	172 50	28 25	83	25	Apl. 9, '41
Aug.20,		13	J. C. Hutchison,		5	605	453 75	151 25	3 75		
Oct. 12,		115	James Herron,		7	190	142 50	47 50	20		
Aug.21,		64	J. V. Campton,	79	3	749	187 25	219 61	15 83	342 14	Feb. 21, '41
		65	Wm. Bostick,		6	750	562 50	187 50	3 26		
Oct. 3,	1840	219	Edward Foster,		7	700		291 54		408 46	Oct. 3, '41
Aug.21,	1839	66	Wm. Bostick,		8	725	543 75	181 25	3 15		
20,		14	Mathew Teniche,	80	1	300	200 00	100 00	1 55		
Oct. 8,		89	Jesse Bowen,		2	307	76 75	230 25	6 02		
Sep. 27,	1840.	216	M. H. Cropper,		¾ of 3	600	150 00	800 00		150 00	Mar. 27, '42
		216	Woodworth & Reagan,		¼ of 3	400		133 34	2 72	266 66	
					4	400	125 00			275 00	Apr. 12, '41
Oct. 12,	1839	161	M. H. Cropper,		5	300	150 00			150 00	Feb. 21, '41
Aug.21,		67	Walter Butler,		6	800	200 00			600 00	Mar. 1, '42
Sept. 1,	1840.	202	" "		7	256	192 00	64 00	1 11		
Aug.21,	1839	68	Wm. Bostick,		s ½ 8	175	43 75	131 25	3 05		
Oct. 12,			John Shaw,		s ½ 8	130	32 50	97 50	5 64		
			Lyman Dillon,								
Aug.20,		15	Elijah Wood,	81	1	271	135 50	135 50	6 17		
Nov. 4.		184	Chauncey Swan,		2	149	37 25			111 75	July 8, '41
Aug. 25.		16	R. B. Davis,		3	266	199 50	66 50			
Oct. 12,		163	Philip Clark,		6	100	50 00	50 00	1 00		
		164	Robert McKee,		7	100	50 00	8 41		41 59	Apr. 12, '41
		165	Lyman Dillon,	82	1	150	50 00	100 00			
Nov. 12.		166	do do		2	96	24 00	72 00			
Aug. 21.		69	Henry Bolling,		4	217	135 75			18 25	Feb. 21, '41
Jan. 8,	1840	185	Walter Butler,		5	118	13 00			105 00	July 8, '41
Aug. 21,	1839	70	Wm. Bostick,		7	130	97 50	32 50	55		

Date of Sale.	No. of Sale.	To whom sold.	No. of block.	No. of Lot.	Amount sold for.	Amo't received by Ac. Com'r.	Am't rec'd by Terit'al Agent.	Am't of interest recv'd	Amn't yet due	Date when last payment become due.
Oct. 11, 1839,	131	John Shays,	83	1	169	84 50	84 50	84		
12	116	James Heron,		2	105	26 25	22 62		56 13	Apl. 12, '41.
Aug.20	17	Sturgis & Buck,		3	156	39 00			117 00	Feb. 20, '41
Oct. 9	100	Arnold Denton,		5	90	45 00			45 00	Apl. 9, '41
Aug.28	85	Abraham Cline,		7	100	50 00			50 00	Feb. 28, '41
Oct. 12	167	" "		8	101	25 25			75 75	resold Ap 12
Aug.21	71	James Wells,	84	1	519	339 50	179 50	4 42		
Oct. 9	101	Daniel Garst,		2	306	153 00	153 00	3 25		
Aug.21	72	Wesley Jones,		3	300	225 00	75 00	92		
20	18	Turner & Black,		4	481	240 50	240 13		37	Feb. 20, '41
Oct. 8	102	Frederick Miller,		6	125	31 25			93 75	Apl. 8, '41
12	168	Jesse Berry,		7	183	65 75	90 00	1 55	27 25	12,
	169	Wm. M. Harris,		8	181	45 25	135 75	4 31		
8	103	Caleb Lewis,	85	2	110	55 00			55	8,
Aug.28	86	Green Weaver,		3	205	205 00				
Oct. 10	117	Alpheus Russell,		4	251	62 75			188 25	10,
12	170	J. Harris,		5	606	303 50			302 50	12,
8	90	Wm. Drury,	85	6	367	242 06	38 00	1 38	86 94	8,
Sept. 5, 1840.	219	Ferdinand Haverstraw,		7	800	200 00	250 00	1 33	50 00	Mar 5, '42
Aug.21, 1839.	73	Mary Ann Chord,		8	300	150 00	150 00	4 89		
Oct. 9	104	James C. Scott,	86	1	142	71 00			71 00	Apl. 9, '41
Aug.20	19	L. E. Hartz,		2	86	86 00				

Oct. 9,	105	Wm. Drury,		4	150	75 00	37 50	92	37 50		
Aug. 20,	106	E. Woods,		5	151	113 25	37 75	1 77			
Oct. 9,	20	James C. Scott,		7	146	73 00			73 00		
Aug. 19,	1	L. D. Phillips,		8	330	82 50			247 00	Feb. 19, '41	
	2	G. W. Statton,	89	1	125	62 50	62 50	1 87			
Dec. 25,	171	Lyman Dillon,		2	31	7 75	23 25				
		" "		3	41	10 25	30 75				
		" "		4	111	25 25	85 75				
Oct. 12,	74	Wm. C. Massey,		5	101	25 25			75 75	Apr. 12, '41	
Aug. 21,	75	Wm. Bostick,		8	81	60 75	20 25	30			
	76	Chas. Drury,	90	1	100	75 00	25 00	42			
Nov. 12,	118	" "		2	51	38 25			12 75	May 12, '41	
Oct. 11,	132	A. Gano,		3	51	51 00					
Aug. 21,	77	F. Byerly,		4	81	40 50	40 50				
Oct. 12,	174	Geo. Sheigley,		5	300	150 00	150 00	59			
Aug. 20,	21	E. Woods,		6	185	106 00	79 00	2 23			
25,	83½	Jas. Churchman,	91	3	160	40 00			120 00	Feb. 25, '41	
Oct. 12,	175	E. M. Bissell,		4	299	74 75			224 25	Apr. 12, '41	
Aug. 20,	22	E. Woods,		5	101	50 50	50 50	3 09			
Oct. 12,	176	E. M. Bissell,		6	51	25 50	25 50	47			
Aug. 20,	23	Pleasant Harris,		8	200	100 00	47 69		52 31	Feb. 20, '41	
	24	John Miller,	92	2	51	25 50	25 50	91			
Dec. 29,	195	Lorenzo D. Swan,		3	41	20 50	20 50	22			
Oct. 12,	186	H. G. Jones,	92	4	76	57 00	19 00	07			
Aug. 21,	78	Wm. Bostick,		5	75	56 25	18 75	33			
Oct. 12,	177	Thos. Holdren,		6	32	16 00			16 00	Apr. 12, '41	
Aug. 21,	79	J. V. Campton,		7	41	10 25	30 75	1 59			
Oct. 10,	119	John W. Earhart,	95	1	51	12 75	27 88	39½	10 36½		

Date of Sale.	No. of Sale.	To whom sold.	No. of block.	No. of Lot.	Amount sold for	Amo't received by Ac. Com'r.	Am't rec'd by Terit'al Agent.	Am't of interest rec'ved.	Amo't yet due.	Date when last payment become due.
Aug. 21, 1839	88	E. C. Doughterty,		2	55	55 05				
Dec. 29,	196	Silas S. Swan,		3	41	10 25	30 75	40		
		Chauncey Swan,		6	31	11 25	19 75			
Aug. 21,	178	Samuel H. McCrory,		8	63	31 50	31 50	69		
Oct. 10,	120	R. McIntosh,	96	2	64	32 00			32 00	Apr. 10, '41
Aug. 20,	25	Turner & Black,		4	100	50 00	50 00			
Nov. 4,	181	Chauncey Swan,		5	55	5 00	50 00	25		
Aug. 20,	26	Joshua Holland,		6	74	18 50	55 50	2 41½		
21,	81	Joseph Alger,		8	121	71 00	50 00	2 17		
Nov. 4,	188	Chauncey Swan,	97	1	301	139 00	162 00	81		
Aug. 19,	3	Ewing & Chatham,		3	265	66 25			198 75	Feb. 13, '41
June 18,	179	J. P. Hamilton,		6	41	41 00				
Dec. 12,	192	Chas. J. Swan,		7	41	11 75	29 25	56		
Aug. 20,	27	E. Woods,		8	176	88 00	88 00	2 78		
Dec. 12,		Dolly Swan,	98	2	105	105 00				
Aug. 21,	82	Wm. Bostick,		4	272	204 00	68 00	1 18		
20,	28	E. Woods,		5	141	70 50	69 32		1 18	Feb. 20, '41
	29	" "		7	76	38 00			38 00	20,
Nov. 4,	189	Chauncey Swan,		8	76	26 00	50 00			Apr. 12, '41
Oct. 12,	30	J. Harris,	99	1	77	19 25			57 75	
Aug. 20,	31	P. Buck,		3	136	59 00			77 00	Feb. 20, '41
21,	83	Wm. Bostick,		5	117	87 75	29 25	51		

Dec. 29,	190	Chauncey Swan,	99	6	31	11 25	19 75			15 50	Apr. 10, '41	
Oct. 10,	180	Wm. C. Massey,		7	31	15 50				42 75	Feb. 20, '41	
Aug. 20,	32	Wm. Sturgis,		8	57	14 25				20 75	20,	
	33	E. Woods,	100	1	85	64 25				40 60	21,	
21,	181	John Frout,		3	90	45 00	4 40					
Oct. 11,	181	Arthur Rowan,		2	67	33 50	33 50	1	22	33 00	21,	
Jan. 25, 1840	191	John Frout,		4	44	11 00				50 25	Mar. 8, '42	
Sept. 8,	211	Chauncey Swan,	101	1	201	50 25	100 50		58	108 50	8,	
	212	" "		2	217	54 25	54 25			31 25	4,	
4,	203	Wesley Jones & Co.		3	125	31 25	62 50		04	75 00	8,	
8,	213	Lorenzo D. Swan,		6	100	25 00				31 50	4,	
4,	204	Wesley Jones & Co.,		7	126	31 50	63 00			87 18	8,	
8,	205	Wm. C. Reagan,		8	150	37 50	25 22			75 00	4,	
	206	L. De Forest,	102	2	150	37 50	37 50			111 00	9,	
9,	215	James Andrews,		3	200	50 00	39 00			75 00	1,	
1,	201	L. W. Hastings,		4	300	75 00	150 00			162 38	7,	
7,	201	Banbury & Combe,		5	250		87 62			49 13	4,	
4,	207	Lanning & Layman,		6	150	37 50	63 37			52 50	4,	
4,	208	James Ferguson,		8	200	42 50	105 00			163 54	Oct. 1, '41	
Oct. 1,	218	P. D. Harman,	103	4	250	42 18	44 28			150 00	Mar. 29,	
Sept. 29,	217	James Herron,		7	200	50 00				125 00	8,	
8,	214	James N. Ball,		8	250	62 50	62 50			125 25	Apr. 7, '41	
Oct. 7, 1839	88	Jacob Minter,	o'tlot	25	167	41 75				31 25		
12,	182	Lyman Dillon,	"	30	125	93 75				87 50	Mar. 12, '41	
	183	" "	"	31	350	262 50						
					35,051 75	16,864 61	8,687 40½	142	51	9,499 72½		

(B)

LIST OF LOTS

SOLD IN IOWA CITY BY THE TERRITORIAL AGENT.

Shewing the minimum price, and the price for which each lot was sold; the date and number of lots; the amount received, and the amount yet due on the respective lots; also, the date at which the several notes become due.

Date of Sale.	No. of Sale.	To whom sold.	No. of block.	No. of Lot.	Minimum price.	Prices sold for.	Am't rec'd on each Lot.	Amo't yet due.	Date when 1st note becomes due.	Date when 2d note becomes due.
May 11, 1841	232	Shoemaker & Miller,	81	8	$475 00	$475 00	$282 50	$192 50	Fb. 11, '42	
	233	A. I. Willis,		5	650 00	651 00	397 00	254 00	Nv. 10, '41	May 11, '42
	234	Wesley Jones & Co.		4	800 00	800 00	533 33⅓	266 66		11,
12	235	Thomas Lugar,	82	6	200 00	200 00	133 33⅓	66 66		12,
	236	" "		8	300 00	300 00	200 00	100 00		"
13	237	Silas Foster,	87	5	200 00	200 00	133 33⅓	66 66		13,
13	238	Hosea Johns, jr.	o'tlot	2	350 00	350 00	116 66	233 33⅓	Nv. 13, '41	"
	239	Diodate Holt,	"	29	300 00	300 00	100 00	200 00	" "	"
June 3	240	Theodore Sanxay,	78	3	350 00	350 00	233 33⅓	116 66		June 3, '42
	241	Thomas Parker,	91	1	500 00	500 00	166 66	333 33⅓	" "	"
7	242	Erasmus Tulley,	101	4	250 00	250 00	125 00	125 00		7,

9,	243	Tulley & Harman,	79	5	600 00	600 00	300 00	300 00			9,
10,	244	John M. Coleman,	o'tlot	21	200 00	200 00	66 66	133 33⅓	Dec.10,'41		10,
14,	245	Beaumont S. Holmes,	79	4	550 00	550 00	183 33⅓	366 66		14,	14,
16,	246	Augustus E. McArther,	23	3	150 00	150 00	50 00	100 00		16,	16,
	247	" "	"	4	200 00	200 00	66 66	133 33⅓		16,	16,
18,	248	Jos. Woodworth,	97	5	250 00	250 00	83 33	166 66		18,	18,
July 12,	249	Jacob Haser,	68	6	300 00	300 00	100 00	200 00		Jan. 13,'42	July 12,
20,	250	McArther & Co.	96	7	150 00	150 00	50 00	100 00		20,	20,
23,	251	J. B. Hollingsworth,	102	7	220 00	250 00	85 33⅓	166 66		Dec.23,'42	23,
	252	" "	101	5	255 00	225 00	75 00	150 00		23,	23,
24,	253	John H. Marlan,	82	3	325 00	325 00	108 33	216 66		24,	23,
Aug. 14,	254	Samuel M. Ballard,	o'tlot	3	400 00	400 00	266 66	133 33⅓		Feb.14,'42	Aug.14,'42
Sept. 18,	255	Wm. Corcoran,	68	1	225 00	225 00	75 00	150 00		Mar.18,'42	Sep.18,'42
30,	256	John M. Coleman,	o'tlot	22	150 00	150 00	50 00	100 00		30,	20,
	257	John Hurley,	"	23	130 00	130 00	43 33⅓	86 66		30,	20,
	258	Driscoll & Jolley,	"	20	200 00	200 00	66 66	133 33⅓		30,	20,
Oct. 16,	259	W. W. Woods.	"	1	350 00	350 00	116 66	233 33⅓		Apl. 16,'42	Oct. 16,'42
					9,030 00	9,031 00	4,206 16	4.824 83⅓			

To the Honorable the Council
and House of Representatives:

Gentlemen:—In compliance with law, I have the honor to submit my annual Report as Superintendent of Public Buildings at Iowa City.

The whole amount of fine cut stone laid in the walls of the Capitol this season, is four thousand six hundred and seventy-three feet.

The number of cubic feet of dressed rock, is twenty-one thousand one hundred and forty-six feet, making a total of twenty-five thousand eight hundred and nineteen feet of masonry, since the date of my Report, dated Nov. 1st 1840, as Acting Commissioner.

The total amount of expenses for work (as exhibited by pay rolls) this season is as follows, to-wit: $17,509,85 cents.

For work on Capitol,	10,615,75	"
do in Quarry,	6,262,93	"
do on the Roof,	631,35	"
Total,	$17,509,85	cents.

Sixty thousand brick have been laid in the walls—the second tier of joists (being the contract of Heron and Hanby, made last season) is finished. Twenty thousand feet of oak flooring of the best quality, has been delivered by John Ronalds, Esq., at the Capitol, and he has received his pay for the same agreeable to contract, viz: $429 paid by me, and the balance by Jesse Williams, Agent, ($171,) making six hundred dollars, or thirty dollars per 1000 feet, being the terms of said contract.

The walls of the Capitol on the east front, are raised to the bottom of the cornice; being thirty-five feet from the ground. The Walls of the west front and ends of the building, are thirty feet from the ground, and the expense of raising them as high as the east front, being to the square of the building, will not be far from $1000. The east portico has also been raised this season.

I have caused the walls of the buildings to be covered with a roof; the second floor being nearly covered with plank to protect the inside walls and joists from the effects of the weather.

By referring to a report of the Committee appointed last session, to examine the public buildings, &c., the following passage will be found:

"The Committee have suggested to the Acting Commissioner, the propriety of dressing the pilasters in the same manner as the water-table, door jambs &c."

Notwithstanding I was aware of the difficulty of procuring rock suitable for cutting, I felt it my duty to act on the suggestion of said Committee, as being instructions, from your honorable body. The walls were removed in the spring, that had been laid in places where it became necessary to set cut rock. Instead of raising the walls of rough masonry, they are made with range work and make such a contrast with the cut pilasters, that the whole has a fine appearance, far superior to rough cast or hard finish.

The extra expense in erecting the Capitol, as above stated, over my last estimate, made Nov. 1, 1840, and before I received said instructions, including extra work in quarry has been $8,500. $1,500 would have been sufficient to have quarried all the rough rock for the Capitol this season. But in furnishing rock suitable for cutting, it became necessary to expend over that sum to enlarge the quarry and in digging from twelve to twenty feet deeper; and then, but a small portion of the rock thus procured, would answer for dimension rock for pilasters.

I examined other sections of the country, in order to find a quarry that could be worked with less expense, but fould none, when taking into consideration the difference in transportation.

In justice to the above named Committee, as well as to myself, I must say that the alteration in the manner of building (notwithstanding all the difficulties attending it) has been a good one and has met with the approbation of all who have visited the Capitol this season.

I engaged in the summer, Wm. B. Snyder, Esq., as Superintendant of the roof, with the intention of placing it on the building this season; but having become satisfied when the work was some more than half done, that it could not be finished this season for want of funds, I directed him to suspend the work on the same. At his suggestion, I employed a few hands to finish that part of the framing which had been commenced. The roof is under a shed and protected from the effects of the weather, and also the flooring plank delivered by Mr. Ronalds.

The tools used on the quarry, as also those used on the building, and in the blacksmith shop, together with 900 pounds of iron and 200 pounds of steel are in the vault of the Capitol under lock and key.

We have on hand the window frames and sash, delivered by Thos. Snyder. Five hundred bushels of lime and four thousand bushels of sand.

The timber for the roof, partly framed, and forty thousand feet of lumber including the sheeting for the roof, is nearly all of the oak lumber that will be necesary to inclose the building and lay the floors —this also is on hand.

For a more detailed account of the expenses on the Capitol and in the quarry, I refer your honorable body to the report of the Territorial Agent.

All of which is respectfully submitted.

I have the honor to remain,

With sentiments of esteem, gentlemen,

Your obedient servant,

C. SWAN.

Sup't. Public Buildings, Iowa City.

Superintendant's Office, Dec. 13, A. D., 1841.

On motion of Mr. Hepner,

Ordered, That a Standing Committee on Memorials be appointed, to consist of one member from each electoral district,

Whereupon the Speaker appointed,

Messrs. Hepner, Campbell, Porter, Quinton, Toole, Holliday, Higginson, Robertson, Booth and Moss said committee.

No. 1, C. F.—Memorial for an appropriation to improve the Territorial road from Burlington to the mouth of the Des Moines river, was read a second time, and

On motion,

Referred to the Committee on Memorials.

No. 2, C. F.—Memorial for an appropriation to complete the Penitentiary, was read a second time, and

On motion,

Referred to the Committee on Memorials,

No. 2, C. F.—Resolution requesting our Delegate in Congress to procure the survey of certain Islands in the Mississippi river, was read a second time, and

On motion,

Referred to the Committee on Memorials.

No. 3, C. F.—Preamble and Resolution requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes in the half-breed Sac and Fox reservation, was read a second time, and referred to the Committee on Memorials.

No. 4, C. F.—A Bill authorizing the Commissioners of Linn county to re-locate all that portion of the Territorial Road established from Iowa City to Prairie du Chien, that passes through the town of Marion, in said county, was read a second time.

On motion of Mr. Grant,

Ordered, That said bill be referred to the Committee on Roads and Highways.

No. 7, H. R. File—A bill to locate a Territorial Road from West Point, in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Mo., was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 6, H. R. File—A bill to locate a Territorial Road from Keokuk, in Lee county, to Fairfield, in Jefferson county, was read a third time.

On motion of Mr. Biggs,

Ordered, That said bill be committed to the Committee on Roads and Highways.

Bills, &c., from the Council of the following titles, to wit:

No. 3. Memorial to Congress for an appropriation of ten thousand dollars, to improve the Territorial Road from Iowa City to Prairie du Chien.

No. 4. Preamble and joint resolution requesting our Delegate in Congress to use his influence to procure the establishment of a mail route from Iowa City to Mount Pleasant;

No. 8. A bill amendatory to an act entitled "An act to authorize John R. Sparks and his associates, to erect a dam across the Des Moines river;"

No. 9. "Preamble and Resolution in relation to the southern boundary line of this Territory;"

No. 10. "A bill for an act to divorce John Haynes from Celia Haynes;"

Were severally read a first time.

No. 12, C. F., "Joint Resolution, instructing J. T. Fales and James W. Woods, to employ special messengers to carry letters, &c., from Iowa City to Keosauqua, and also, from Iowa City to Dubuque, via Marion," was read a first time.

On motion of Mr. Biggs,

Ordered, That the 44th rule be suspended, and the resolution be read a second time now.

The resolution was then read a second time, and,

On motion of Mr. Biggs,

The House resolved itself into Committee of the whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said resolution under consideration, and instructed him to report the same with sundry amendments.

On motion of Mr. Porter,

Ordered, That said resolution be referred to the Delegations from Henry and Dubuque counties.

On motion of Mr. Biggs,

Mr. Weld, was added to said Committee.

A message from the Council, by Mr. Woods, their Secretary:

Mr. Speaker—The Council have passed,

No. 11, C. F., "A Memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line."

In which the concurrence of the House is requested.

And then he withdrew.

No. 15, C. F., "Resolution in relation to the purchase of Indian country," and

No. 11, C. F. "A Memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line;"

Were severally read a first time.

A motion was made by Mr. Toole, that the House do now adjourn until 2 o'clock, P. M.

The motion was lost.

Mr. Hebard gave notice, that he would on some future day, introduce a Memorial to Congress, for an appropriation to continue the construction of the agency road westward.

On motion of Mr. Biggs,

The House adjourned.

Thursday Morning, December 16, 1841.

Mr. Grant presented the petition of sundry citizens of Le Claire

and vicinity, in Scott county, asking a charter to be granted to Martin W. Smith, to keep a ferry across the Mississippi river, at said place.

On motion of Mr. Grant,

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Grant asked leave of absence for Mr. Robertson, for the space of ten days.

Leave was granted.

Mr. Hebard, from the Committee on Engrossed Bills, reported No. 7, H. R. File, as correctly engrossed.

Mr. Felkner, from the Committee on Corporations, reported No. 9, H. R. File, "A Bill to incorporate the town of Mount Pleasant," which was read a first time.

On motion of Mr. Hebard,

Ordered, That the printing of said bill be dispensed with.

Mr. Porter, from the Select Committee, to which was referred No. 12, C. F., "A Joint Resolution, authorizing J. T. Fales and James W. Woods to employ Messengers to carry letters, &c." reported a substitute for the same, which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways, to which was referred No. 6, H. R. File, "A Bill to locate a Territorial road from Keokuk, in Lee county, to Fairfield, in Jefferson county," reported the same back to the House with sundry amendments.

Mr. Patterson, from the Committee on Roads and Highways, to which was referred No. 4, C. F., "A Bill authorizing the Commissioners of Linn county to re-locate all that portion of the Territorial road established from Iowa City to Prairie du Chien, that passes through the town of Marion, in said county," reported the same back to the House without amendment.

No. 3, C. F., "Memorial to Congress for an appropriation of ten thousand dollars to improve the Territorial road from Iowa City to Prairie du Chien, was read a second time.

Ordered, That said Memorial be referred to the Committee on Memorials.

No. 4, C. F., "Preamble and Joint Resolution, requesting our Delegate in Congress to use his influence to procure the establishment of a mail route from Iowa City to Mount Pleasant, was read a second time.

Ordered, That said preamble and resolution be referred to the Committee on mail routes.

No. 8, C. F., "A bill amendatory to an act entitled "An act to authorize John R. Sparks and his associates to erect a dam across the Des Moines river," was read a second time.

On motion of Mr. Hepner,

Ordered, That said bill do lie upon the table.

No. 9, C. F. "Preamble and Resolution in relation to the Southern Boundary Line of this Territory, was read a second time.

Ordered, That said preamble and resolution be referred to the Committee on the Judiciaay.

No. 10, C. F. "A bill to divorce John Haynes from Celia Haynes, was read a second time.

On motion of Mr. Patterson,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Biggs reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

A motion was made by Mr. Patterson, that said bill be read a third time on to-morrow—pending which,

Mr. Patterson moved a call of the House, which was had; and the roll being called, those members who failed to answer to their names, were Messrs. Baker and Campbell.

The Sergeant-at-arms was then directed to require the attendance of the absentees.

After a short time, Mr. Campbell appearing, a further call of the House was, on motion, suspended.

The question then being put, Shall the bill be read a third time on to-morrow?

Was determined in the affirmative.—Yeas 15, Nays 9.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell, Denson, Felkner, Hepner, Higginson, Holliday, McCulloch, Patterson, Porter, Quinton, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Biggs, Blair, Grant, Hebard, Leffler, Morgan. Moss, Weld, and Wilson.

So the bill was ordered to be read a third time on to-morrow.

No. 11, C. F., "A Memorial to Congress for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line," was read a second time.

Ordered, That said Memorial be read a third time on to-morrow.

No. 15, C. F. "Resolution in relation to purchase of Indian country," was read a second time.

On motion of Mr. Whitaker,

Ordered, That said resolution be read a third time on to-morrow.

No. 1, H. R. File, "A Joint Resolution, to provide for the sale of the surplus copies of the statutes of this Territory, was read a second time.

On motion of Mr. Leffler,

Ordered, That said resolution be engrossed for a third reading on to-morrow.

No. 8, H. R. File, "A bill to amend an act entitled "An act to prevent the selling of spirituous liquors to the Indians, was read a second time.

On motion of Mr. Leffler,

The House resolved itself into Committee of the whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment, and ask leave to sit again.

Leave was granted.

On motion of Mr. Whitaker,

The House adjourned until 2 o'clock.

2 O'CLOCK, P. M.

No. 7, H. R. File, "A bill to locate a Territorial Road from West Point, in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Mo., was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Hepner,

Ordered, That No. 8, H. R. File, A bill to amend an act entitled "An act to prevent the selling of spirituous liquors to the Indians," be committed to the Committee on the Judiciary, and that the Committee of the whole House be discharged from the further consideration of the same.

On motion of Mr. Felkner,

Leave of absence was granted to Mr. Higginson until Monday next.

A motion was made by Mr. Toole, to re-consider the vote of yesterday ordering the printing of five hundred copies of the Reports of the Superintendent of Public Buildings and Territorial Agent.

And the question being put—was determined in the affirmative.

On motion of Mr. Leffler,

Ordered, That said Reports do lie on the table.

A motion was made by Mr. Whitaker, to take from the table No. 8, C. F. A bill amendatory to an act entitled "An act to authorize John R. Sparks and his associates to erect a dam across the Des Moines river.

And the question being put—was determined in the affirmative.

A motion was then made by Mr. Whitaker, that said bill be read a third time on to-morrow.

And the question being put—was determined in the negative.

Yeas 11—Nays 12.

The yeas and nays being desired by two members—

Those who voted in the affirmative were, Messrs. Biggs, Booth, Campbell, Grant, McCulloch, Patterson, Quinton, Toole, Whitaker, Wilson. and Lewis, Speaker.

Those who voted in the negative, were Messrs. Blair, Denson, Felkner, Hebard, Hepner, Holliday, Leffler, Morgan, Moss, Porter, Smead, and Weld.

So the motion was lost.

On motion of Mr. Biggs,

Ordered, That said bill do lie upon the table until Monday next.

On motion of Mr. Leffler,

The House adjourned.

Friday Morning, December 17, 1841.

Mr. Leffler presented the petition of George C. Collins, praying to be divorced from his wife, Ann; which,

On motion, was referred to a Select Committee, consisting of the Delegation of Des Moines county.

On motion of Mr. Wilson,

Mr. Smead, from Henry county, was added to said Committee.

Mr. Moss presented the petition of sundry citizens of Iowa City, asking the Legislature to memorialize Congress on the subject of establishing a mail route from Galena, Illinois, via Bellview, Jackson county, to Iowa City: And, also, to memorialize the Post Master General, in relation to the establishment of certain Post Offices.

Ordered, That said petition be referred to the Committee on Mail Routes.

Mr. Hebard offered the following:

Resolved, (the Council concurring herein,) That this House adjourn on Wednesday, 22d inst., until Monday, the 3d of January, 1842.

And the question being put, Will the House adopt the Resolution? Was determined in the affirmative—Yeas 16, Nays 7.

The yeas and nays being desired by two member,

Those who voted in the affirmative were, Messrs. Blair, Booth, Denson, Felkner, Grant, Hebard, Hepner, Holliday, Leffler, Morgan, Porter, Quinton, Smead Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Campbell, McCulloch, Moss, Patterson, Weld, and Whitaker.

So the Resolution was adopted.

Mr. Grant, from the Committee on the Judiciary, to which was recommitted No. 8, H. R. File, "A Bill to amend an act entitled 'An Act to prohibit the selling of spirituous liquors to the Indians.'" reported the same back to the House with amendments.

A motion was made by Mr- Leffler, that said bill be engrossed and read a third time on to-morrow.

And the question being put—was determined in the affirmative:

Yeas 14, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative were—Messrs. Blair, Booth, Felkner, Grant, Hebard, Hepner, Leffler, McCulloch, Morgan, Moss, Porter, Smead, Wilson, and Lewis, Speaker.

Those who voted in the negative were—Messrs. Biggs, Campbell, Denson, Holliday, Patterson, Quinton, Toole, Weld, and Whitaker.

So the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Morgan, from the Committee on Engrossed Bills, reported No. 1, H. R. File, as correctly engrossed.

Mr. Biggs, from the Committee on Claims, made the following report:

The Committee on Claims, to which was referred the claim of James K. Moss, for costs and expenses incurred in a suit commenced by him, contesting the right of Thomas Cox, to a seat in this House; ask leave to report, that, after as full an investigation of the subject as circumstances will permit, and justice seems to require; they have come to the conclusion, that sufficient provision is made for the case in the act providing for, and regulating general elections. They would, therefore, ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Felkner, from the Committee on Corporations, reported No. 10, H. R. File, "A bill to authorize William and Vincent G. Smith, to keep a Ferry across the Mississippi river, in Jackson county," which was read a first time.

Ordered, That the printing of said bill be dispensed with.

No. 6, H. R. File, "A bill to locate a Territorial road from Keokuk, in Lee county, to Fairfield, in Jefferson county, was read a second time.

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 9, H. R. File, "A bill to incorporate the town of Mount Pleasant," was read a second time.

A motion was made by Mr. Porter, that the bill be committed to the Committee of the whole House:

The motion was lost.

On motion of Mr. Leffler,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 4, C. F. "A bill authorizing the Commissioners of Linn county to re-locate all that portion of the Territorial Road established from Iowa City to Prairie du Chien that passes through the town of Marion, in said county; was read a second time.

Ordered, That said bill be read a third time on to-morrow.

No. 12, C. F. "A Joint Resolution instructing J. T. Fales and James W. Woods to employ special messengers to carry letters, &c., from Iowa City to Dubuque, by way of Marion," was read a second time.

Several amendments being made to said resolution, it was,

On motion of Mr. Porter,

Indefinitely postponed.

No. 10, C. F. "A bill to divorce John Haynes from Celia Haynes, was read a third time.

The question being put, Shall the bill pass!

Pending which,

Mr. Hepner moved a call of the House, which was had, and, upon calling the roll, Mr. Porter was found to be absent.

The Sergeant-at-arms was then directed to require the attendance of the absentee.

After some time, the absentee appearing, the further call of the House was, on motion, suspended.

The question was then put, Shall the bill pass? and determined in the affirmative—Yeas 13, nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell, Denson, Felkner, Hepner, McCulloch, Patterson, Porter, Quinton, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Grant, Hebard, Holliday, Leffler, Morgan, Moss, Weld, and Wilson.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 11, C. F. "A Memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line;"

No. 15, C. F., "Resolution in relation to the purchase of Indian country."

No. 1, H. R. File, "A Joint Resolution to provide for the sale of the surplus copies of the Statutes of this Territory, were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

Mr. Weld gave notice, that on Monday, or some subsequent day, he would ask leave to introduce a bill to amend an act entitled "An Act supplementary to an act to authorize evidence by the oath of parties;" also, "An act to amend an act to provide for the support of illegitimate children.

On motion of Mr. Hebard,

Ordered, That a Select Committee of three be appointed to revise the act for the organization of townships, and that said Committee report by bill or otherwise.

Whereupon, Messrs. Hebard, Booth, and Smead, were appointed said Committee.

Mr. Felkner gave notice that he would, on some future day, introduce a bill to incorporate the first Presbyterian Church in Iowa City.

On motion of Mr. Leffler,

The House adjourned.

Saturday Morning, December 18, 1841.

A message from the Council, by Mr. Woods, their Secretary—

M. Speaker—The Council have passed

No. 3, C. F. A bill entitled "An act supplementary to an act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes."

No. 18, C. F. "A Memorial to Congress for an appropriation of fifty thousand dollars, to improve the Iowa and Cedar rivers."

No. 21, C. F. "Joint resolution requesting our Delegate in Congress to procure an appropriation to defray the expenses of a Convention for the formation of a State Constitution."

No. 23, C. F. "A bill to establish and locate a Territorial Road from Marion, in Linn county, to Bellview via Edinburgh, in Jackson county."

In which they ask the concurrence of the House of Representatives.

The Council have concurred in the resolution of the House of Representatives, to adjourn on Wednesday the 22d instant, until Monday the 3d of January, 1842.

And then he withdrew.

Mr. Porter presented the petition of sundry citizens of Henry, Jefferson, and Washington counties, asking the establishment of a Territorial Road, from York's Ferry, in Jefferson county, via Brighton, &c., to Western City, in Washington county; thence the nearest and best route to the Western boundary line of the Territory.

Ordered, That said petition be referred to the delegations from Henry, Jefferson, and Washington counties.

On motion of Mr. Leffler,

Resolved, That the Superintendent of Public Instruction, be permitted to take a seat within the bar of this House at pleasure.

Mr. Porter, from the Select Committee, to which a certain petition was referred, reported No. 11, H. R. File, "A bill to locate a Territorial road from Deeds' mill, on Skunk river, to the boundary line.

Which was read a first time.

On motion of Mr. Porter,

Ordered, That the 44th rule be suspended and the bill be read a second time now.

Said bill was then read a second time, and ordered to be engrossed for a third reading on Monday next

Mr. Hebard, from the Committee on Engrossed Bills, reported

Nos. 6, 8, and 9, H. R. File, as correctly engrossed.

Mr. Moss, in accordance with previous notice, introduced

No. 12, H. R. File, "A bill to district the county of Jackson into County Commissioners' Districts;"

Which was read a first time.

Ordered, That the printing of said bill be dispensed with.

No. 10, H. R. File, "A bill to authorize William and Vincent G. Smith, to keep a Ferry across the Mississippi river, in Jackson county;"

Was read a second time.

On motion of Mr. Moss.

The House resolved itself into a Committee of the whole House, for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

On motion of Mr. Biggs,

Ordered, That said bill do lie upon the table until Tuesday next.

No. 4, C. F. "A bill authorizing the Commissioner's of Linn coun-

ty, to re-locate all that portion of the Territorial Road, established from Iowa City to Prairie du Chien, that passes through the town of Marion, in said county."

No. 6, H. R. File, "A bill to locate a Territorial Road from Keokuk, in Lee county, to Fairfield, in Jefferson county."

No. 9, H. R. File, "A bill to incorporate the town of Mount Pleasant."

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 8, H. R. File, "A bill to amend an act entitled An act, to prevent the selling of spirituous liquors to the Indians;"

Was read a third time.

And the question being put, Shall the bill pass?

It was determined in the affirmative—Yeas 16, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Blair, Booth, Felkner, Grant, Hebard, Hepner, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Smead, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Campbell, Denson, Quinton, Toole, Weld, and Whitaker.

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

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. McCulloch,

Resolved, That Messrs. Patterson, Porter, Holliday, and Biggs be added to the Select Committee, to revise the law organizing townships.

Bills, &c., from the Council, of the following titles, to wit:

No. 3, A bill, entitled "An Act supplementary to an act, providing for the appointment of a Superintendent of Public Buildings at Iowa City; and the appointment of a Territorial Agent; and for other purposes."

No. 18, "Memorial to Congress for an appropriation of fifty thousand dollars, to improve the navigation of the Iowa and Cedar Rivers."

No. 21, "Joint Resolution, requesting our Delegate in Congress, to procure an appropriation to defray the expenses of a Convention for the formation of a State Constitution."

No. 23, "A bill to establish and locate a Territorial Road from Marion, in Linn county, to Bellview, via Edinburgh," ,

Were severally read a first time.

A motion was made by Mr. Patterson, to re-consider the vote of yesterday, given on the passage of No. 11, C. F. "A Memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the boundary line:"

And the question being put, was determined in the affirmative.

Ordered, That said Memorial be referred to the Committee on the Judiciary.

Mr. Felkner, in accordance with previous notice, introduced No. 13, H. R. File: "A Bill to incorporate the first Presbyterian Church of Iowa City;" which was read a first time.

A motion was made by Mr. Felkner, to suspend the 44th rule, and the bill be read a second time now.

The motion was lost.

Mr. Booth, on leave, introduce No. 14, H. R. File, "A bill to incorporate the Mechanics' Institute, of Dubuque;" which was read a first time.

Ordered, That the printing of said bill, be dispensed with.

A motion was made by Mr. Biggs, to re-consider the vote of yesterday, in concurring in the report of the Committee on Claims, on the subject of costs incurred in the contested election of Thomas Cox, by James K. Moss:

The motion was lost.

On motion of Mr. Leffler,

The House adjourned.

Monday Morning, December 20, 1841.

On motion of Mr. Booth,

Resolved, That Avery Thomas, publisher of the "Miners' Express," in the city of Dubuque, be, and he is hereby authorized to print the usual number of copies of the Journal of this House in pamphlet form, and have the same ready for distribution within six months after the close of the present session; and that he be allowed such compensation for the work as shall be fixed hereafter by this House,

On motion of Mr. Grant,

Ordered, That the Committee on the judiciary, be instructed to enquire by what law the District courts of this Territory, entertain jurisdiction in civil cases; and if, in their opinion, no law is now in force; that the said Committee report to this House, a bill limiting and establishing the jurisdiction of said courts.

A Message from the Council, by Mr. Woods, their secretary:

Mr. Speaker:—The Council have passed No. 7, H. R. File, "An act to locate a Territorial road from West Point in Lee county, to the landing on the Des Moines river, opposite St. Francisville, Mo.

Also; No. 16. C. F., "A Bill for an act to attach the Indian country, lying West and North, to the several organized counties of this Territory, which it adjoins, for judicial purposes.

No. 20, C. F., "A Bill to incorporate the Iowa City Mechanics' Mutual Aid Asscciation."

No. 26, C. F. "A Bill to legalise the election of George L. Coe, as Judge of Probate in Louisa county; in which they ask the concurrence of the House of Representatives."

They have also, passed the following resolution:

Resolved, the House concurring herein, That the Council adjourn on the 22nd inst., until the 3rd day of January 1842.

And then he withdrew.

Mr. Grant gave notice that he would, on to-morrow, or some day thereafter, introduce a Bill to appoint an Agent to receive, from the United States, the proportion of money which will be due to the Ter-

ritory of Iowa, under the act of Congress, of 4th of September, 1841.

Mr. Morgan, from the Committee on engrossed bills; reported No. 11, H. R. File, as correctly engrossed.

Mr. Grant, from the Committee on the judiciary, to which was referred No. 11, C. F., "A Memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the Southern boundary line:" reported the same back to the House with amendments, which was read a first time.

Mr. Grant, from the Committee on the judiciary, reported No. 15, H. R. File, "A Bill for an act to amend an act, entitled an act regulating proceedings in criminal cases;"

Which was read a first time.

Mr. Grant, in accordance with previous notice, introduced No. 16, H. R. File, "A Bill for an act to enable the people of the Territory of Iowa, to form a Constitution and State Government;" which was read a first time.

A motion was made by Mr. Biggs, that the printing of said Bill be dispensed with: The motion was lost.

No. 12, H. R. File, 'A Bill to district the county of Jackson, into County Commissioner's districts;' was read a second time.

On motion of Mr. Moss,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 13, H. R. File, 'A Bill to incorporate the first Presbyterian Church of Iowa City;' was read a second time.

Ordered, That said bill be referred to the Committee on corporations.

No. 14, H. R. File, 'A Bill to incorporate the Mechanics' Institute of Dubuque;' was read a second time.

On motion of Mr. Porter,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Biggs reported that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same without amendment.

Ordered, That said Bill be engrossed for a third reading on to-morrow.

A Message from the Council, by Mr. Woods their Secretary:

Mr. Speaker:—The Council have passed No. 19, C. F., 'A resolution authorizing payment to be made to Messrs. Russell & Hughes, and William W. Corriell, for printing the Journals of the Council and House of Representatives;' and

No. 24, C. F., 'A Bill to incorporate the first Universalist Society of Iowa City;' in which the concurrence of the House of Representatives, is requested:

And then he withdrew.

No. 3, C. F., 'A Bill to be entitled an act supplementary to an act, providing for the appointment of a Superintendant of Public Buildings

at Iowa City; and the appointment of a Territorial Agent, and for other purposes;' was read a second time.

On motion of Mr. Hepner,

Ordered, That said Bill be referred to the Committee on Territorial affairs.

No. 18, C. F., 'Memorial to Congress for an appropriation of fifty thousand dollars, to improve the navigation of the Iowa and Cedar Rivers;' was read a second time, and,

On motion of Mr. Porter

Was referred to the Committee on memorials.

No. 21, C. F., 'A Joint Resolution, requesting our Delegate in Congress, to procure an appropriation to defray the expenses of a Convention for the formation of a State Constitution;' was read a second time.

On motion of Mr. Biggs,

Ordered, That said resolution be referred to the Committee on Territorial affairs.

No. 23, C. F., 'A Bill to establish and locate a Territorial road from Marion, in Linn county, to Bellview, in Jackson county, via, Edinburgh;' was read a second time.

On motion of of Mr. Moss,

Ordered, That said Bill do lie upon the table until the 3rd day of January, next.

No. 8, C. F., 'A Bill amendatory to an act, entitled an act to authorize John R. Sparks, and his associates, to erect a dam across the Des Moines river;' being the order of the day, was taken up, and the question being put, 'Shall the Bill be read a third time? It was determined in the affirmative.

Said Bill was then read a third time.

The question then being; Shall the Bill pass? Pending, which,

On motion of Mr. Biggs,

The House adjourned until 2 o'clock P. M.

Two O'Clock, P. M.

Mr. Patterson asked leave of absence for Mr. Quinton.

Leave was granted.

Mr. Porter asked leave of absence for Messrs. Smead and Leffler.

The House granted leave.

The question pending at the adjournment of the forenoon's session being on the passage of No. 8, C. F., A bill amendatory to an act entitled "An act to authorize John R. Sparks and his associates to build a dam across the Des Moines river," and previous to the same being put,

On motion of Mr. Biggs,

Ordered, That said bill do lie upon the table until the 4th day of January next.

No. 11, H. R. File, A Bill to locate a Territorial road from Deed's mill, on Skunk river, to the boundary line: was read a third time, passed, and title agreed, to.

Ordered, That the clerk acquaint the Council therewith.

The Resolution from the Council to adjourn on the 22d inst. until the 3d day of January, was taken up and concurred in.

Bills, &c. from the Council of the following titles, to wit:

No. 16—A bill for an act to attach the Indian country west and north to the several organized counties of this Territory which it adjoins, for judicial purposes.

No. 19—A Resolution authorizing payment to Messrs. Russell & Hughes, and William W. Coriell, for printing the Journals of the Council and House of Representatives.

No. 20—A bill to incorporate the Iowa City Mechanics' Mutual Aid Association.

No. 24—A bill to incorporate the first Universalist Society of Iowa City.

No. 26—A bill to legalize the election of George L. Coe as Judge of Probate in Louisa county;

Were severally read a first time.

On motion of Mr. Moss,

The House adjourned.

Tuesday Morning, December 21, 1841.

Mr. Denson, in accordance with previous notice, introduced

No. 17, H. R. File, "Joint Resolution, requesting our Delegate in Congress to procure an appropriation to improve the navigation of the Wapesipenicon and Maquoqueta rivers;" also,

No. 18, H. R. File, "Joint Resolution requesting our Delegate in Congress to procure an appropriation to improve the National Bridge across the Wapesipenicon river, and also to build one across the Maquoqueta river;" which was read a first time.

Ordered, That the printing of said resolutions be dispensed with.

Mr. Felkner, from the Committee on Corporations, to which a certain petition on the subject was referred, reported

No. 19, H. R. File, "A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county."

Which was read a first time.

On motion of Mr. Hepner,

Ordered, That the printing of said bill be dispensed with.

Mr. Booth, from the Committee on Territorial Affairs, to which was referred "No. 21, C. F. "A Joint Resolution, requesting our Delegate in Congress to procure an appropriation to defray the expenses of a Convention for the formation of a State Constitution;"

Reported the same back to the House without amendment.

Mr. Morgan, from the Committee on Engrossed Bills, reported Nos. 12 and 14, H. R. File, as correctly engrossed.

Mr. Hepner, from the Committee on Enrolled Bills, reported, "An act to locate a Territorial Road from West Point, in Lee county, to

the landing on the Des Moines river, opposite St. Francisville, Mo." as correctly enrolled.

The Speaker then signed said act.

No. 11, C. F. "A Memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line," was read a second time.

On motion of Mr. Hepner,

Ordered, That said Memorial be read a third time on to-morrow.

No. 16, C. F. "A bill for an act to attach the Indian country, lying west and north, to the several organized counties of this Territory which it adjoins, for judicial purposes;" was read a second time.

Ordered, That said bill be referred to the Committee on the Judiciary.

No. 19, C. F., "A resolution authorizing payment to be made to Messrs. Russell & Hughes and Wm. W. Coriell, for printing the Journals of the Council and House of Representatives;"

Was read a second time.

A motion was made by Mr. Booth, that said resolution be referred to the Committee of the whole House.

The motion was lost.

On motion of Mr. Porter,

Ordered, That said resolution be referred to the Committee on Claims.

No. 20, C. F. "A bill to incorporate the Iowa City Mechanic's Mutual Aid Association;" was read a second time.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the whole House, for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

On motion of Mr. Felkner,

Ordered, That the 44th rule be suspended and the bill be read a third time now.

Said bill was then read a third time.

And the question being put, Shall the bill pass? It was determined in the affirmative—Yeas 19, nays 1.

The yeas and nays being desired by two members,

Those who voted in the affirmative were—Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Higginson, Holliday, McCulloch, Morgan, Moss, Porter, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

Mr. Hepner voting in the negative.

So the bill passed.

A motion was made by Mr. Hepner, to amend the title so as to read "An Act to incorporate the Iowa City Mechanic's Mutual Aid Association, and for other purposes."

The motion was lost.

The title was then agreed to, and the Clerk ordered to acquaint the Council of the passage of said bill.

A message from the Council, by Mr. Woods, their Secretary—

M. SPEAKER—The Council have passed, with an amendment,

No. 1, H. R. File, "A Joint Resolution, to provide for the sale of the surplus copies of the Statutes of this Territory;" and have also passed,

No. 27, C. F. "Memorial to Congress for the establishment of a Land Office at Marion, in Linn county,"

In which they ask the concurrence of the House.

I herewith present for your signature,

An act authorizing the Commissioners of Linn county to re-locate all that portion of the Territorial Road established from Iowa City to Prairie du Chien, that passes through the town of Marion, in said county.

An act to divorce John Haynes from Celia Haynes.

And a resolution in relation to purchase of Indian country.

And then he withdrew.

The Speaker then signed the above named acts and resolution.

No. 24, C. F. "A bill to incorporate the first Universalist Society in Iowa City," was read a second time.

A motion was made by Mr. Felkner, that the 44th rule be suspended and the bill be read a third time now.

And the question being put,

Was determined in the affirmative—Yeas 14, Nays 6.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Felkner, Higginson, Holliday, McCulloch, Moss, Toole, Whitaker, and Wilson.

Those who voted in the negative were, Messrs. Grant, Hepner, Morgan, Porter, Weld, and Lewis, Speaker.

So the rule was suspended, and the bill read a third time.

A motion was made by Mr. Hepner, that the bill be committed to the Committee on Corporations, with instructions to report a general law in relation to incorporating religious societies.

To which the House agreed.

No. 26, C. F. "A bill to legalize the election of George L. Coe, as Judge of Probate, in Louisa county," was read a second time.

Ordered, That said bill be read a third time on to-morrow.

No. 16, H. R. File, "A bill for an act to enable the people of Iowa to form a Constitution and State Government;', was read a second time.

On motion of Mr. Hepner,

Ordered, That said bill be referred to the Committee on Territorial Affairs.

No. 10, H. R. File, "A bill to authorize William and Vincent G. Smith to keep a Ferry across the Mississippi river, in Jackson county;"

Was read a second time.

On motion of Mr. Moss,

Ordered, That said bill be engrossed for a third reading on to-morrow.

No. 12, H. R. File, "A bill to district the country of Jackson into three County Commissioner's Districts;"

Was read a third time, passed, and title agreed to.

No. 14, H. R. File, "A bill to incorporate the Mechanic's Institute of Dubuque;"

Was read a third time, passed, and title agreed to.

Ordered, That the Clerk request the concurrence of the Council.

No. 1, H. R. File, "A Joint Resolution, to provide for the sale of the surplus copies of the statutes of this Territory;" being returned from the Council with an amendment, was taken up, and, on motion, the amendment was concurred in.

No. 27, C. F. "Memorial to Congress for the establishment of a Land Office at Marion, in Linn county;" was read a first time.

On motion,

The House adjourned.

Wednesday Morning, December 22, 1841.

Mr. Booth presented the petition of sundry citizens of Jones, Delaware and Linn counties, asking the establishment of a Territoral Road from the Tetes De Mort, to the falls of the Maquoqueta, thence to Marion in Linn county.

Mr. Booth presented the petition of sundry citizens, praying the establishment of a Territorial Road from the seat of Justice of Delaware county, thence by way of Dillon's Mill, to the Falls on the Maquoqueta river, at the town of West Cascade.

Ordered, That said petitions be referred to the Committee on Roads and Highways.

Mr. Morgan, from the Committee on Engrossed Bills, reported No. 10, H. R. File, as correctly engrossed.

Mr. Toole, from the Committee on Enrolled Bills, reported A Joint Resolution to provide for the sale of the surplus copies of the Statutes of this Territory, as correctly enrolled.

The Speaker then signed said resolution.

No. 15, H. R. File, "A bill for an act to amend an act, entitled, 'An act regulating criminal proceedings,' passed January 4, 1839, was read a second time.

On motion of Mr. Weld,

Ordered, That said bill do lie upon the table until the 4th of January next.

No. 17, H. R. File, "A Joint Resolution, requesting our Delegate in Congress, to procure an appropriation to improve the navigation of the Wapesipenicon and Maquoqueta rivers;' was read a second time.

Ordered, That said bill do lie upon the table until the 4th of January next.

No. 18, H. R. File, "Joint Resolution, requesting our Delegate in Congress to procure an appropriation to improve the National Bridge

across the Wapesipenicon river;" and also, to build one across the Maquoketa river; was read a second time, and,

On motion of Mr. Felkner,

Referred to the Committee on Memorials.

No. 19, H. R. "A bill to authorize Martin W. Smith to keep a Ferry across the Mississippi river, in Scott county;"

Was read a second time, and.

On motion of Mr. Moss,

Ordered, To be engrossed and read a third time on the 4th day of January next.

No. 21, C. F. "Joint Resolution, requesting our Delegate in Congress, to procure an appropriation to defray the expenses of a Convention for the formation of a State Constitution;"

Was read a second time.

On motion of Mr. Toole,

Ordered, That the 44th rule be suspended, and the resolution be read a third time now.

Said resolution was then read a third time, passed, and title agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 27, C. F. 'Memorial to Congress for the establishment of a Land Office at Marion, in Linn county;' was read a second time.

On motion of Mr. Higginson,

Ordered, That said Memorial, be referred to the Committee on Memorials.

No. 11, C. F. "A Memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the United States, within the Territory of Iowa and the State of Missouri, in relation to the southern boundary line;"

Was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 26. C. F. "A bill to legalize the election of George L. Coe, as Judge of Probate, in Louisa county;" and,

No. 10, H. R. File, "A bill to authorize William and Vincent G. Smith, to keep a Ferry across the Mississippi river, in Jackson county;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk notify the Council accordingly.

On motion of Mr. Weld,

The House adjourned until the 3rd day of January, 1842, agreeable to the resolution previously passed.

Monday Morning, January 3, 1842.

Mr. Grant presented the petition of sundry citizens of Scott county, praying the incorporation of a company to construct a Canal from the mouth of Duck creek, on the Rapids of the Mississippi river, for the creation of water power, to some suitable point on said river, at or near Davenport.

Ordered, That said petition be referred to the Committee on corporations.

Mr. Booth presented the petition of sundry citizens of the city of Dubuque, praying the incorporation of an insurance company at said place.

On motion of Mr. Booth,

Ordered, That said petition be referred to a select Committee;

Whereupon, Messrs. Booth, Smead and Grant were appointed said Committee.

Mr. Robertson presented the petition of sundry citizens of Scott county, asking the Legislature to grant a divorce to H. E. W. East and his wife Sarah East.

On motion of Mr. Robertson.

Ordered, That said petition be referred to a select Committee.

The Speaker appointed Messrs. Robertson, Hepner and Moss said Committee.

The Speaker laid before the House the remonstrance of sundry citizens of the county of Delaware, remonstrating against the formation of any new county out of certain portions of Dubuque, Jackson, Jones, and Delaware counties.

Ordered, That said remonstrance do lie upon the table.

On motion of Mr. Hepner,

Resolved, That the Director and Superintendent of the Penitentiary be and they are hereby instructed to report, jointly, to this House, as soon as possible, the probable cost of completing said Penitentiary, and that it be the duty of the Chief Clerk, to forward a copy of this resolution to the Director and Superintendent.

On motion of Mr. Hepner,

Resolved, That the Territorial Agent be and he is hereby instructed to report to this House the balance due the Territory on forfeited lots, in conformity with the conditions of the several sales.

And resolved further, That said Agent report a copy of any instrument of writing he may have given in procuring the loan of money spoken in the annual report of said Agent, and that the Chief Clerk furnish the Agent with a copy of this resolution.

On motion of Mr. Hepner,

Resolved, That the Superintendent of the Public Buildings at Iowa City be and he is hereby instructed to report to this House an estimate of the probable cost of completing said building, together with an estimate of the probable cost of finishing the room intended for the Sec-

retary's office and that for the holding of the Supreme Court, with two Committee rooms for the reception of the Legislature next winter, the dimensions of said rooms, &c. &c., and that the Chief Clerk furnish the Superintendent with a copy of this resolution.

Mr. Whitaker, from the Committee appointed to examine the records, reported the Journals to be correctly recorded up to December 21, 1841.

Mr. Weld, in accordance with previous notice, introduced No. 20, H. R. File, "A Bill for an act supplementary to an act entitled an act to authorize evidence by the oath of parties."

Mr. Weld, in accordance with previous notice, introduced No. 21, H. R. File, "A Bill to amend an act to provide for the support of illigitimate children."

Said bills were severally read a first time.

No. 23, C. F. "A Bill to establish and locate a Territorial road from Marion in Linn county to Bellview via Edinburg;" was read a second time.

On motion of Mr. Moss,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Booth reported that the Committee had, according to order, had said bill under consideration and instructed him to report the same with an amendment; to which the House agreed.

On motion of Mr. Hepner,

Ordered, That said bill be read a third time on to-morrow.

No. 19, H. R. File, "A Bill to authorize Martin W. Smith to keep a ferry across the Mississippi river in Scott county;"

Was read a third time, passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Weld gave notice that on Tuesday or some future day he would introduce a bill to amend an act entitled an act to provide for the organization of townships, approved January 10, 1840.

Mr. Whitaker, in accordance with previous notice, introduced No. 22, H. R. File, "A Bill defining a lawful fence and providing against trespassing animals;" which was read a first time.

On motion of Mr. Grant,

Ordered, That the Committee on roads and highways be instructed to inquire into the expediency of passing a law to give the several county Commissioners in each county in this Territory the same powers and control over Territorial roads running through their respective counties, which they now have over county roads; and that they report to this House by bill or otherwise.

Mr. Robertson gave notice that he would on to-morrow or some future day introduce a Memorial to Congress for the establishment of a mail route from Dixon, Illinois, to cross the Mississippi at Rockingham, Scott couty, Iowa, thence via Tipton and Washington ferry, in Cedar county, to Iowa City.

On motion of Mr. Biggs,

The House adjourned.

Tuesday Morning, January 4, 1842.

Mr. Grant, in accordance with previous notice, introduced,

No. 23, H. R.File, "A bill for an act to provide for receiving the money to which the Territory of Iowa will be entitled under the distribution bill, and for other purposes;"

Which was read a first time.

Mr. Hepner, from the Committee on Memorials, reported back to the House, No. 2,. C. F. "Memorial to Congress for an appropriation to complete the Penitentiary," with amendments.

Mr. Robertson, from the majority of the Select Committee, to which the subject was referred, reported,

No. 24, H. R. File, "A bill to divorce Sarah East, from her husband Hardman E. W. East;"

Which was read a first time.

On motion of Mr. Whitaker,

Ordered, That said bill do lie upon the table until Monday next, and the printing of the same be dispensed with.

Mr Patterson, from the Committee on Roads and Highways, reported

No. 25, H. R. File, "A bill to provide for levying a tax on real and personal property for road purposes;"

Which was read a first time.

Mr. Hepner, from the Committee on Memorials, reported,

No. 3, C. F. "Preamble and Resolution, requesting our Delegate in Congress, to use his influence to procure a donation of lands for School purposes, in the Half Breed Sac and Fox reservation," back to the House without amendment.

Mr. Patterson, from the Committee on Roads and Highways, to which the resolution of yesterday was referred, instructing them to inquire into the expediency of passing a law, giving the several Boards of County Commissioners in each county in this Territory, the same powers and control over Territorial Roads running through their respective counties, &c., reported, That the Committee had had the same under consideration, and deem it inexpedient to pass a law of that description, and would, in consequence, ask to be discharged from a further consideration of the subject.

The report was concurred in.

Mr. Robertson, in accordance with previous notice, introduced

No. 26, H. R. File, "Memorial to Congress for a mail route from Dixon, Ill., to Iowa City;"

Which was read a first time.

On motion of Mr. Moss,

Ordered, That the printing of said memorial be dispensed with.

Mr. Hepner, from the Joint Committee on Enrollments, reported, that they presented to his Excellency, the Governor, for his approval on the 3d instant,

"An Act, to locate a Territorial road from West Point, in Lee coun-

ty, to the landing on the Des Moines river, opposite St. Francisville, Mo. Also,

"A Joint Resolution, to provide for the sale of the surplus copies of the Statutes of this Territory.

The Speaker laid before the House a communication from J. Williams, Territorial Agent, in answer to the resolution passed on yesterday, which was read, and,

On motion of Mr. Hepner,

Laid upon the table.

A message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—The Council have concurred in the amendment made by the House of Representatives to No. 20, C. F. "An act to incorporate the Iowa City Mechanics' Mutual Aid Association."

The Council have disagreed to the first amendment made by the House to C. F. No. 11, ""A Memorial to Congress, for an appropriation to defray the expenses growing out of the dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line," and have agreed to the second and third amendments.

The Council have passed No. 6, H. R. File, "A bill to locate a Territorial Road from Keokuk, in Lee county, to Fairfield, in Jefferson county.

No. 31, C. F. "Preamble and Joint Resolution, requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

No. 21, C. F., "Memorial to Congress for an appropriation to complete the National Road from Dubuque to the Southern boundary of the Territory, via Iowa City, &c.

No. 34, C. F. "A bill to amend an act to district the Territory of Iowa into electoral districts, &c., approved July 30th, 1840.

In which they ask the concurrence of the House.

I herewith present for your signature, an act to incorporate the Iowa City Mechanics' Mutual Aid Association.

An act to legalize the election of George L. Coe, as Judge of Probate, in Louisa county, and,

A Joint Resolution, requesting our Delegate in Congress to procure an appropriation to defray the expenses of a Convention for the formation of a State Constitution.

And then he withdrew.

The Speaker then signed the above acts and resolution.

No. 15, H. R. File, "A bill for an act to amend an act entitled 'An act, regulating criminal proceedings, passed Jan. 4, 1839;"

Was read a second time.

On motion of Mr. Grant,

The House resolved itself into Committee of the whole House for the consideration of said bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said bill under consideration, had made some progress, and instructed him to report the same, and ask leave to sit again on to-morrow.

Leave was granted.

On motion of Mr. Patterson,

The House adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

No. 17, H. R. File, "A Joint Resolution requesting our Delegate in Congress to procure an appropriation to improve the navigation of the Wapesipenicon and Maquoqueta rivers;"

Was read a second time.

On motion of Mr. Biggs,

Ordered, That said resolution do lie upon the table until Monday next.

No. 8, C. F. "A bill amendatory to an act, "entitled An Act to authorize John R. Sparks, and his associates, to build a dam across the Des Moines river, was taken up, and the question being,

Shall the bill pass?

Previous to the same being put,

Mr. Hepner moved a call of the House, which was had, and the roll being called, those members who failed to answer to their names were Messrs. Denson, Grant, Hebard, Leffler, and Morgan.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time,

On motion of Mr. Patterson,

A further call of the House was suspended.

And the question being put—was determined in the affirmative.

Yeas 16—Nays 5.

The yeas and nays being desired by two members—

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Higginson, Holliday, McCulloch, Patterson, Porter, Quinton, Robertson, Smead, Toole, Whitaker, Wilson. and Lewis, Speaker.

Those who voted in the negative, were Messrs. Blair, Felkner, Hepner, Moss, and Weld.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 20, H. R. "A bill for an act supplementary to an act, entitled, "An act to authorize evidence by the oath of parties;"

Was read a second time.

A motion was made by Mr. Hepner, that said bill be referred to the Committee on the Judiciary.

The motion was lost.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Grant reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

To which the House agreed.

On motion of Mr. Biggs,

Ordered, That said bill be engrossed and read a third time to-morrow.

No. 21, H. R. File, "A bill for an act to amend an act, entitled, "An Act to provide for the support of illegitimate children;"

Was read a second time, and,

On motion of Mr. Patterson,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hepner reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

To which the House agreed.

A motion was made by Mr. Grant to refer said bill to the Committee on Claims.

The motion was lost.

A motion was made by Mr. Hepner, to strike out all after the word "satisfaction," in the 15th line, to the word "and," in the 17th line.

The motion was lost.

On motion of Mr. Weld,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 22, H. R. File, A bill for an act defining a lawful fence, and to provide against trespassing animals, was read a second time.

On motion of Mr. Whitaker,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Moss reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

To which the House agreed.

On motion of Mr. Whitaker,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

Mr. Weld, in accordance with previous notice, introduced

No. 27, H. R. File, "A bill to amend an act, to provide for the organization of townships;" which was read a first time.

On motion of Mr Weld,

Ordered, That the printing of said bill be dispensed with.

Mr. Grant gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to provide for holding a special term of the Supreme Court.

Mr. Whitaker gave notice, that he would, on to-morrow, or some future day, introduce a bill to repeal an act, authorizing a loan of money to be expended on the Capitol.

Mr. Smead gave notice, that he would, on subsequent day, introduce a bill to incorporate a Literary Institution at Mount Pleasant, in Henry county.

On motion of Mr. Patterson,
The House adjourned.

Wednesday Morning, January 5th, 1842.

Mr. Denson presented the petition of sundry citizens of the counties of Dubuque, Jackson and Jones, asking the formation of a new county to be called "Warren," out of certain portions of the above counties.

On motion of Mr. Higgingson,

Ordered, That said petition be referred to the Committee on Townships and County Boundaries.

The Speaker laid before the House the petitions of sundry citizens of Jackson county, asking a review and relocation, by commissioners, of certain portions of the Territorial road running from Davenport to Dubuque.

Ordered, That said petitions be referred to the Committee on roads and highways.

The Speaker laid before the House the remonstrance of sundry citizens of Jackson county, remonstrating against any action of the Legislature in relation to the county seat of said county, also, against passing a law districting the county into County Commissioners' districts.

Ordered, That said remonstrance do lie upon the table.

Mr. Quinton presented the petition of Naomi Williams praying to be divorced from her husband Edward Y. Williams.

On motion of Mr. Quinton,

Ordered, That said petition be referred to a select Committee.

Whereupon, Messrs. Quinton, Wilson and Felkner were appointed said Committee.

Mr. Baker presented the petition of Rachael Holcomb, widow of Milo Holcomb, deceased, asking a law to be passed authorizing her to sell certain real estate, as administratrix of the property of said Holcomb.

Ordered, That said petition be referred to a select Committee.

Whereupon, The Speaker appointed Messrs. Baker, Porter and Whitaker said Committee.

On motion of Mr. Grant.

Ordered, That the Committee on Agriculture be instructed to inquire into the expediency of passing a law to appropriate the sum of one thousand dollars, or such other sum as Congress may grant for that purpose to the several counties of this Territory, for the promotion of Agriculture, and that they report to this House by Bill or otherwise.

Mr. Grant gave notice that, on some day hereafter, he would introduce a bill for an act to legalize the acts of the County Commissioners of Clinton county, in relation to the sale of lots in the county seat thereof.

On motion of Mr. Wilson,

Ordered, That the Select Committee which was appointed for the revision of the Revenue law, inquire into the expediency of so altering said law as to require any person who may wish to retail ardent spirits in any township, town, or city in this Territory to first obtain the consent of a majority of the legal voters of said township, &c., and that they report by bill or otherwise.

Mr. Morgan, from the Committee on Engrossed Bills, reported Nos. 20, 21, and 22, H. R. File, as correctly engrossed.

Mr. Biggs, from the Select Committee appointed to revise the Revenue laws, reported

No. 28, H. R. File, "A bill to amend the act organizing a Board of County Commissioners in each county in the Territory;"

Which was read a first time.

Mr. Hepner, from the Joint Committee on Enrollments, reported, that they had presented to the Governor, on the 4th instant, for his approval—

"An act to incorporate the Iowa City Mechanic's Mutual Aid Association.

"An act to legalize the election of George L. Coe, as Judge of Probate, in Louisa county;" and,

"A Joint Resolution, requesting our Delegate in Congress to procure an appropriation to defray the expenses of a Convention for the formation of a State Constitution."

Mr. Patterson, from the Committee on Roads and Highways, reported

No. 29, H. R. File, "A bill to establish and locate a Territorial Road from the county seat of Delaware county, to the town of West Cascade, in Jones county.

Mr Patterson, from the Committee on Roads and Highways, reported

No. 30, H. R. File—A bill to locate and establish a Territorial Road from Marion, in Linn county, to the mouth of the Téte dé Morte in Jackson county.

Said bills were severally read a first time, and the printing of the same dispensed with.

Mr. Booth from the Committee of Territorial Affairs, to which was referred C. F. No. 3—A bill to be entitled, An Act supplementary to an act providing for the appointment of a Territorial Agent, and for other purposes, reported the same back to the House with sundry amendments, and asked to be discharged from the further consideration of the subject.

The report was concurred in.

The Speaker laid before the House a communication from Chauncey Swan, Superintendent of Public Buildings, which was read, and

On motion of Mr. Hepner,

Ordered, That said communication, together with that of the Territorial Agent received on yesterday, be entered upon the Journal. Said reports read as follows, to wit:

SUPERINTENDENT'S OFFICE, JANUARY 5th, 1842.

To the Hon. Warner Lewis, Speaker of the House of Representatives:

SIR:—I have had the honor to receive the following resolution by

the hands of the Chief Clerk of the House of Representatives.

Resolved, That the Superintendent of the Public Buildings at Iowa City be and he is hereby instructed to report to this House an estimate of the probable cost of completing said Buildings, together with an estimate of the probable cost of finishing the room intended for the Secretaries' office and that for the holding of the Supreme Courts, with two Committee rooms for the reception of the Legislature next winter, the dimensions of said rooms, &c. &c. And the Chief Clerk furnish the Superintendent with a copy of this resolution.

In compliance with the above resolution I have the honor to transmit the following estimate made with as much care and accuracy, as was in my power to do, in so short a time, as I have had to do the same.

I have thought proper to be specific, and give the different items and cost of each.

Quarrying the rock to finish the Building up to the square,	$300,00
Quarrying the rock for the Pilaster Caps, and for the Architrave and for the hauling of the same,	3575,00
To complete the framing of the roof and placing the same on the Building including cost of shingles and the balance of the entablature (or cornice.)	4550,00
For cutting and setting the above rock for the reception of the roof including inside brick walls and backing for the cornice,	2475,00
Glass and nails to complete Building,	2850,00
Doors including frames,	400,00
Plastering the Building,	2500,00
Laying all the floors (the lumber being on hand)	1080,00
8 cast iron columns,	800,00
Placing the same on the foundation and filling in with brick,	200,00
The Architrave for the above columns including the balance of the entablature to correspond with the cornice of the main building on each portico, and the flaging rock steps and iron railing each $2875,00	5,750,00
The galleries of the Council Chamber and House of Representatives,	2000,00
Stairs from the basement of the dome, including lumber for the same,	2250,00
The dome and finish of the same to consist of eight Corinthian columns, a metalic covering for the roof, and glass windows, with the work necessary to support the same from the second story,	2850,00
Add to the above estimate, cost of lumber not on hand, which will be necessary to complete the same	1750,00
Total,	$33,330,00

Agreeable to the above estimate, $15600,00 will complete two rooms for the use of the Legislative Assembly 43 by 22 1-2 feet each, and four other rooms on the same floor 21 by 22 1-2 feet each; the

expense of finishing the four last mentioned rooms, will be a small sum more than finishing of two as mentioned in the resolution, in as much as the first and second floors will have to be laid the whole extent of the building.

It will be perceived from the above estimate, that to complete rooms as suggested, is nearly half the expense of finishing the Capitol; the largest amount of the expenses to be incurred after the above rooms are finished, will be in consequence of the porticos and dome, which may be dispensed with at present and added to the building at any future time. I would respectfully suggest the propriety of authorizing the giving of pre-emptions on town-lots, to those who actually improve them and are desirous of paying for the same in work on, or materials for the public buidings at Iowa City—as I am firmly of the opinion that such a course would make lots more available for the purpose for which they are intended, than they can be made under existing laws. All of which is respectfully submitted.

I am, respectfully,

Your ob't. serv't.

C. SWAN,

Supt. Pub. Buildings, Iowa City.

N. B. The estimate as made above, is for a wooden cornice above the Architrave.

OFFICE OF TERRITORIAL AGENT,
Iowa City, January 4, 1842.

To the Honorable House of Representatives
Of the Legislative Assembly:

GENTLEMEN:—I have the honor to acknowledge the receipt of two Resolutions, which passed the House on yesterday, instructing me to report, first, "the balance due the Territory on forfeiting lots in conformity with the conditions of the several sales;" second, "to report a copy of any instrument of writing he (I) may have given in procuring the loan of money spoken of in the annual report of said Agent."

An answer to the first Resolution, I will state, that the amount yet due on lots which have become forfeited to the Territory agreeably to the conditions of sales, and where *all* the payments have become due, under the conditions of the several sales under which the same were sold, amounts to $7,670 54.

For further particulars relative to the lots alluded to, I would respectfully refer you to Abstract marked "A," which accompanied my Annual Report to the Legislative Assembly, dated the 12th ult. This statement was compiled wth great care, and was intended to exhibit as near as practicable the condition of all the lots which were sold in the city prior to 1841.

I would here state that doubts are entertained whether the lots sold by the Acting Commissioner, at the first and second sales held in this city in 1839, can be regarded and sold as forfeited lots, owing to the form of the certificates made use of. A number of the purchasers of

lots at these sales, I regret to find, are disposed to avail themselves of any advantages which they may possess under the certificates they hold, in order to delay payments. I would respectfully solicit the attention of the Legislature to the condition of these lots, and suggest whether or no it would not be the better way to authorize the Agent to have suit commenced on the notes given in payment for the lots alluded to at as early a day as practicable, and, in case of a failure to pay, to have the lots for which said notes were given sold to satify the claims of the Territory against them.

In compliance with the requirements of the second resolution above alluded to, I herewith transmit to the House a copy of a bond executed by me to the Miners' Bank of Dubuque, on the 28th of June last, for the payment of the notes therein specified.

For the item designated, in my Annual Report of the 12th ult., a "further loan negotiated with said bank, on the 30th of September last," of five hundred dollars, I executed a similar bond to the one herewith transmitted, specifying that the notes were to be paid at maturity in the State Bank of Missouri, in the city of St. Louis.

Very respectfully,

Your obedient serv't,

JESSE WILLIAMS,

Territorial Agent.

(COPY.)

Know all men by these presents, That whereas, by an act of the Council and House of Representatives of the Territory of Iowa, approved January 15, 1841, the Territorial Agent is authorized to borrow a sum of money not exceeding twenty thousand nor less than five thousand dollars, to be expended upon the Capitol at Iowa City, provided the money could be obtained on the faith of the unsold lots of Iowa City.

Now know ye, that I, Jesse Williams, Territorial Agent of the Territory of Iowa, in conformity with the above mentioned act, have this day borrowed, from the President and Directors and Company of the Miners' Bank of Dubuque, the sum of five thousand dollars, for the space of eighteen months, and at the rate of seven per cent. per annum, for which loan I have this day executed to the said bank my notes as follow, to wit: One note for five thousand dollars, dated June 28, 1841, payable eighteen months after date, at the Bank of America, in the city of New York, and six several notes for eighty-seven dollars and fifty cents each, bearing date as above, and payable in three, six, twelve, fifteen and eighteen months after date, at the Bank of the State of Missouri, in the city of St. Louis—the six last mentioned notes being for the interest on the loan.

And further know ye, That I, Jesse Williams, in accordance with the before mentioned act, do hereby pledge to the said President and Directors and Company of the said Miners' Bank of Dubuque, or their

successors in office, or assignees, the whole of the remaining unsold lots, and the good faith of the Territory of Iowa, in security for the payment of the above mentioned notes at their maturity, respectively.

In testimony whereof, I have hereunto set my hand and seal this twenty-eighth day of June, in the year of Lord one thousand eight hundred and forty-one.

(Signed) JESSE WILLIAMS,
Territorial Agent.

Mr. Baker gave notice, that he would, on to-morrow, or some future day, introduce a bill to authorize the Seceder Church to solemnize marriage according to the rules and regulations of said Church, without obtaining a license for that purpose.

No. 2, C. F. "Memorial for an appropriation to complete the Penitentiary;" was read a second time.

On motion of Mr. Patterson,

Ordered, That said Memorial be read a third time on to-morrow.

No. 3, C. F. "Preamble and Resolution, requesting our Delegate in Congress, to use his influence to procure a donation of lands for School purposes, in the Half Breed Sac and Fox reservation;"

Was read a second time.

Ordered, That said preamble and resolution be read a third time on to-morrow.

No. 23, H. R. File, "A bill, for an act to provide for receiving the proportion of money to which Iowa will be entitled, under the distribution law," and for other purposes, was read a second time.

On motion of Mr. Robertson,

The House resolved itself into Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Patterson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment;

To which the House agreed.

On motion of Mr. Grant,

Ordered, That said bill be referred to the Committee on Public Instruction.

No. 25, H. R. File, "A bill to provide for levying a tax on real and personal property for road purposes;"

Was read a second time.

On motion of Mr. Patterson,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments.

A motion was made by Mr. Hepner, to strike out the word 'two' and insert the word 'one,' in the 2nd line of the 5th section.

And the question being put--was determined in the negative.

Yeas 7—Nays 16.

The yeas and nays being desired by two members—
Those who voted in the affirmative were, Messrs. Campbell, Denson, Hepner, Higginson, Holliday, Weld, and Whitaker.
Those who voted in the negative, were Messrs.Baker, Biggs, Blair, Booth, Felkner, Grant, Leffler, McCulloch, Moss Patterson, Quinton, Robertson, Smead, Toole, Wilson. and Lewis, Speaker.
So the motion was lost.
A motion was made by Mr. Robertson, to amend said bill by striking out, in the 5th line of the 1st section, the word 'fifty,' and inserting the words 'twenty-five.'
And the question being put—was determined in the affirmative.
Yeas 13, Nays 11.
The yeas and nays being desired by two members,
Those who voted in the affirmative were, Messrs. Baker, Blair, Campbell, Denson, Felkner, Higginson, Holliday, Leffler, Moss, Robertson, Whitaker, Wilson, and Lewis, Speaker.
Those who voted in the negative were, Messrs. Biggs, Booth, Grant, Hepner, McCulloch, Morgan, Patterson, Quinton, Smead, Toole, and Weld.
So the motion was determined in the affirmative.
A motion was made by Mr. Moss, to strike out, in the 3rd line of the 1st section of said bill, the words 'and personal.'
Pending which,
On motion of Mr. Whitaker,
The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 25, H. R. File, "A bill to provide for levying a tax on real and personal property, for road purposes,' being under consideration; and the question pending at the adjournment, being to strike out the words "and personal,' in the 3d line of the first section:
And being put—was determined in the negative.
A message from the Council, by Mr. Woods, their Secretary—
Mr. Speaker—The Council have passed
No. 3, C. F. "A bill for an act to provide for the appointment of a Clerk of the Supreme Court, and to change the time of holding the annual session of the same;' and,
No. 36, C. F. "A Memorial for the establishment of a land office at Fairfield, in Jefferson county.
In which they ask the concurrence of the House of Representatives.
The Council have also passed
No. 14, H. R. File, "A bill to incorporate the Mechanics' Institute of Dubuque; and,
No. 19, H. R. "A bill to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.
And then he withdrew.
The House resumed the consideration of No. 25, H. R. File.

A motion was made by Mr. Moss, to amend said bill by striking out the 5th section and inserting the following as a substitute:

That it shall be the duty of each supervisor to have the money expended upon the road or roads, in his district, raised for that purpose, as provided in the first section of this act; and if found to be insufficient to put the road or roads in good order, and keep them in such condition, it shall be the duty of such supervisor, to order out every person in his district, subject to labor on roads, as many days as, in his opinion, shall be necessary to put such road or roads in good repair. And if any person shall fail or refuse, without good cause, to obey the summons of said supervisor, and work, as aforesaid, he shall forfeit and pay the sum of one dollar and fifty cents, for each and every refusal or neglect; to be recovered by action before any Justice of the Peace, in the same manner as other debts are recoverable; and in case of any such refusal or neglect of any person to attend, as aforesaid, without good cause, to make complaint to any Justice of the Peace, in the name of such road district, and further attend to the collection of such forfeit, which said sum shall be expended on the roads in his district.

That such supervisor shall be accountable in damages, to all and every person who shall receive special damage by traveling on any of the said roads in his district, by his neglect: Provided, however, That no supervisor shall be accountable for any damage sustained by any temporary obstruction that may be thrown in the way, and of which said supervisor has not had at least three weeks' notice.

And the question being put, Will the House adopt the substitute?

Was determined in the negative.

On motion of Mr Patterson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr. Grant,

No. 3, C. F. "A bill for an act to provide for the appointment of a Clerk of the Supreme Court, and to change the time of holding the annual session of the same," was taken up and read a first time.

On motion of Mr. Grant,

Ordered, That the 44th rule be suspended, and the bill be read a second time now.

Said bill was then read a second time.

On motion of Mr. Grant,

The House resolved itself into a Committee of the whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

On motion of Mr. Leffler,

Ordered, That the 44th rule be again suspended, and the bill be read a third time now.

Said bill was then read a third time, and passed.

On motion of Mr. Grant,

The title was amended so as to read, "A bill for an act to provide

for a Special Term of the Supreme Court, and to change the time of holding the annual session of the same."

Ordered, That the Clerk acquaint the Council therewith.

No. 26, H. R. File, "Memorial to Congress for a mail route from Dixon, Ill., to Iowa City," was read a second time.

On motion of Mr. Hepner,

Ordered, That said Memorial be referred to the Select Committee on mail routes.

No. 27, H. R. File, "A bill to amend an act to provide for the organization of townships,

On motion of Mr. Weld,

Was read a second time.

Ordered, That said bill be referred to the Select Committee appointed to revise the law relative to Townships.

On motion of Mr. Grant,

The House resumed the consideration of "No. 15, H. R. File, "A bill for an act, entitled, "An act regulating criminal proceedings," in Committee of the whole House.

After some considerable time spent therein, Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said bill under consideration, and directed him to report with sundry amendments, and ask leave to sit again on to-morrow.

Leave was granted.

Mr. Toole gave notice, that he would, on some day hereafter, introduce 'A bill to legalize the location of certain Territorial roads.'

Mr. Whitaker, on leave, introduced No. 30, H. R. File, "A bill to repeal an act authorizing a loan of money to be expended upon the Capitol."

On motion of Mr. Hepner,

The House adjourned.

Thursday Morning, January 6, 1842.

Mr. Patterson presented the petitions of sundry citizens of Lee county, in relation to certain townships in said county.

Ordered, That said petitions be referred to the Select Committee appointed to revise the law relative to townships.

Mr. Patterson presented the petition of sundry citizens of Lee county, asking the Legislature to memorialize Congress for the establishment of a mail route from Burlington, in Des Moines county, to Farmington, in Van Buren county.

Ordered, That said petition be referred to the Select Committee on Mail Routes.

On motion of Mr. Patterson,

Ordered, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the acts establishing Courts

of Probate as to require the Judges of each Court to deliver up to his successor in office, all books and papers belonging to said Court.

Mr. Felkner offered the following:

Resolved, That the Committee on Territorial Affairs be instructed to inquire into the expediency of passing a law authorizing the issuing of Territorial bonds on the faith of the proceeds which may accrue to the Territory under the provisions of the act of Congress distributing the proceeds arising from the sales of the public lands among the several States and Territories, for a loan of money not exceeding twenty thousand dollars, to be expended upon the Capitol; said bond to be made payable in not less than seven, nor more than ten years: And requiring, further, that the proceeds arising from the sales of lots in Iowa City be pledged to the Territory to indemnify the Treasury for such loan obtained upon the credit and faith of the Territory.

And the question being put, Will the House adopt the resolution?

It was determined in the negative.—Yeas 2, Nays 21.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Felkner, and Toole.

Those who voted in the negative, were Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Grant, Hepner, Higginson, Holliday, Leffler, McCulloch, Moss, Patterson, Porter, Quinton, Robertson, Smead, Whitaker, Wilson, and Lewis, Speaker. So the resolution was lost.

On motion of Mr. Toole,

Resolved, That the Judiciary Committee be requested to so alter the law regulating the time of holding the District Courts in this Territory, that the time for holding said Courts in Louisa county will better suit the convenience of the citizens of said county.

On motion of Mr. Whitaker,

Resolved, That the Superintendent of Public Instruction report to this House the condition of Primary School funds, also, of Primary Schools, and all such matters relating to his office and the Public Schools as he may think proper to communicate. And that the Chief Clerk be requested to furnish him with a copy of this resolution.

Mr. Quinton gave notice, that he would, on some day hereafter, introduce a bill to make the Clerk of the board of County Commissioners elective by the people; also,

A bill to make the official certificate of any Register and Receiver evidence of title to any lands sold in the United States.

Mr. Baker gave notice, that he would, on some future day, introduce a bill to authorize Michael Hays and Joseph B. Rogers to erect a dam across the west fork of Crooked Creek, in Washington county:

Also—A bill to incorporate a College at the town of Washington, in Washington county.

Mr. Toole offered the following:

Resolved, That the printing of the daily slips for this House be dispensed with during the balance of this session.

And the question being put, Will the House adopt the resolution?

Was determined in the negative—Yeas 10, Nays 13.

The yeas and nays being desired by two members,

Those who voted in the affirmative were—Messrs. Baker, Felkner, Grant, Higginson, Holliday, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Hepner, Leffler, McCulloch, Moss, Patterson, Quinton, Whitaker, and Lewis, Speaker.

So the resolution was lost.

Mr. Toole gave notice, that he would, on some day hereafter, introduce "a bill to authorize persons to remove fences or enclosures made by mistake, on the lands of other persons.

Mr. Baker, from the Committee appointed for that purpose, reported, No. 32, H. R. File, "A bill to authorize Rachael Holcomb, administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate," which was read a first time.

Ordered, That the printing of said bill be dispensed with.

Mr. Felkner, from the Committee on Corporations, reported,

No. 33, H. R. File, "A bill to incorporate Religious Societies;"

Which was read a first time.

Mr. Quinton, from the Select Committee, to which the subject was referred, reported No. 34, H. R. File, "A bill to divorce Naomi Williams from her husband Edward Y. Williams;"

Which was read a first time.

Ordered, That the printing of said bill be dispensed with.

Mr. Baker, in accordance with previous notice, introduced No. 35, H. R. File, "A bill to authorize the Seceder Church to solemnize marriage according to the rules and regulations of said Church;"

Which was read a first time.

No. 31, H. R. File, "An act to repeal the act authorizing a loan of money to be expended upon the Capitol;"

Was read a first time.

Ordered, That the printing of said bill be dispensed with.

No. 29, H. R. File, "A bill to locate and establish a Territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county;" was read a second time.

On motion of Mr. Moss,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 30, H. R. File, "A bill, to locate a Territorial road from Marion, in Linn county, to the mouth of the Tetes de Morts creek, in Jackson county;" was read a second time.

On motion of Mr. Denson,

Ordered, That said bill be referred to a Select Committee. Whereupon,

The Speaker appointed Messrs. Denson, Booth, and Quinton, said Committee.

On motion of Mr. Leffler,

Ordered, That Mr. Moss be added to said Committee.

The House resumed in Committee of the whole House, "No. 15, H. R. File, "A bill for an act, entitled, "An act regulating criminal proceedings."

After some considerable time spent therein, Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said bill under consideration, had made some progress, and instructed him to report the same and ask leave to sit again on Monday next.

Leave was granted.

A message from the Council, by Mr. Woods, their Secretary—

MR. SPEAKER—The Council have passed

No. 11, H. R. File, "An act to locate a Territorial road from Deeds' Mills, on Skunk river, to the boundary line.

I herewith present for your signature,

An act to authorize John R. Sparks and his associates to build a Dam across the Des Moines river."

And then he withdrew.

The Speaker then signed the above entitled act.

On motion of Mr. Quinton,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 3, C. F. "A bill for an act supplementary to an act, providing for the appointment of a Territorial Agent, and for other purposes;"

Was read a second time.

On motion of Mr. Felkner,

The House resolved itself into Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment;

To which the House agreed.

On motion of Mr. Biggs,

Ordered, That said bill be referred to the Committee on Public Buildings.

No. 23, C. F., "A bill to establish and locate a Territorial Road from Marion, in Linn county, to Bellview, via Edinburgh:"

Was read a third time, and passed.

On motion of Mr. Moss,

The title of said bill was amended so as to read "A bill to establish and locate a Territorial Road from Marion, in Linn county, to intersect the Territorial Road from Bellview to Iowa City."

Ordered, That the Clerk acquaint the Council therewith.

Bills of the following titles, to wit:

No. 20, H. R. File, A bill for an act supplementary to an act entitled "An act to authorize evidence by the oath of parties."

No. 21, H. R. File, A bill to amend an act entitled "An act to provide for the support of Illegitimate Children."

No. 22, H. R. File, "A bill for an act defining a lawful fence, and providing against trespassing animals.

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 25, H. R. File, "A bill for an act to provide for levying a tax on real and personal property, for road purposes;" was read a third time.

On motion of Mr. Hebard,

And by the unanimous consent of the House, the word "also" was stricken out of the 5th section of said bill.

The bill was then passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 2, C. F. "Memorial for an appropriation to complete the Penitentiary;" and,

No. 3, C. F. "Preamble and Resolution, requesting our Delegate in Congress to use his influence to procure a donation of lands for School purposes, in the Half Breed Sac and Fox reservation."

Were severally read a third time, and passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 14, H. R. File, "A bill to incorporate the Mechanics' Institute of Dubuque," being returned from the Council with an amendment, was taken up, and the same read and concurred in.

No. 11, C. F. "A Memorial to Congress praying for an appropriation to defray the expenses growing out of a dispute between the Territory of Iowa and the State of Missouri, in relation to the southern boundary line, being returned from the Council with the first amendment of the House disagreed to,

Was taken up, and,

On motion of Mr. Patterson,

The House receded from said amendment.

Bills, &c., from the Council, of the following titles, to wit:

No. 31—Preamble and Joint Resolution, requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

No. 32—Memorial to Congress for an appropriation to complete the National road from Dubuque to the southern boundary of the Territory, via Iowa City, &c.

No. 34—A bill to amend an act to district the Territory of Iowa into Electoral Districts, &c., approved, July 30th, 1840.

Were severally read a first time.

On motion of Mr. Grant,

The petition of sundry citizens of Scott county, praying the Legislature to pass a law giving John Wilson the privilege of removing his steam ferry boat from the landing at Davenport, was taken from the table, and referred to the Committee on Corporations.

Mr. Moss offered the following:

Resolved, That the further attendance of the Assistant Messenger and Assistant Door Keeper upon this House be dispensed with, and that they be paid for their services up to this day at the rate of two dollars and fifty cents per day.

On motion of Mr Weld,

Ordered, That said resolution be laid upon the table until to-morrow morning.

On motion of Mr. Hepner,

Ordered, That the communications from Chauncey Swan and J. Williams, giving information in compliance with the resolution passed a few days since, be taken from the table and referred to the Committee on public buildings.

The House resumed, in Committee of the whole House, the consideration of No. 3, H. R. File, "A bill to authorise Perriander Pollock and others, to erect a dam across the Wapesipenicon river. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same without amendment.

To which the House agreed.

On motion of Mr. Denson,

The bill was amended by the addition of an entire section.

On motion of Mr. Robertson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr. Leffler,

The House adjourned.

Friday Morning, January 7, 1842.

Mr. Booth presented the memorial of Francis Gehon, asking compensation for extra expense and trouble in taking the census of 1840, in compliance with a resolution passed during the session of 1839, and 1840.

Ordered, That said memorial be referred to the Committee on Claims.

Mr. Robertson presented the remonstrance of sundry citizens of Scott county, remonstrating against any action of the Legislature in relation to the steam ferry boat belonging to John Wilson, and now lying at the landing in the town of Davenport, in said county.

Ordered, That said remonstrance be referred to the Committee on Corporations.

Mr. Moss presented the petition of sundry citizens of Iowa City asking the appropriation of a lot, in said place, for the use and benefit of the Baptist Church.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Booth gave notice, that he would, on some day hereafter, introduce a bill for an act to amend an act entitled "An act to provide for the organization of Townships."

Mr. Baker gave notice, that he would, on some future day, introduce a bill to amend an act entitled "An act, to provide for the appoint-

ment of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings.

Mr. Grant, in accordance with previous notice, introduced

No. 36, H. R. File, "A bill to legalize certain acts of the board of Commissioners of Clinton county;

Which was read a first time, and the printing of the same dispensed with.

Mr. Leffler presented a communication from the Superintendent of Public Instruction; which,

On motion,

Was referred to the Committee on Public Instruction.

Mr. Smead, in accordance with previous notice, introduced,

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute;" which was read a first time.

Ordered, That the printing of the same be dispensed with.

Mr. Hebard, from the Committee on Engrossed Bills, reported Nos. 3 and 29 as correctly engrossed.

Mr. Hepner, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to locate a Territorial road from Keokuk, in Lee county, to Fairfield, in Jefferson county;

An act to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county;

An act to locate a Territorial Road from Deeds' Mill, on Skunk river, to the boundary line; and,

An act to incorporate the Mechanic's Institute of Dubuque.

The Speaker then signed said acts.

Mr. Baker, in accordance with previous notice, introduced.

No. 38, H. R. File, "A bill to authorize Michael Hays and Joseph B. Rodgers to erect a dam across the west fork of Crooked Creek, in Washington county;" which was read a first time.

Ordered, That the printing of said bill be dispensed with.

Mr. Wilson, from the Committee on Mail Routes, reported,

No. 39, H R. File, "A Memorial to Congress for the location of mail routes in Iowa;" which was read a first time.

The following resolution, offered on yesterday by Mr. Moss, to wit:

Resolved, That the further attendance of the Assistant Messenger Assistant Door Keeper, upon this House, be dispensed with, and that they be paid for their services up to this day at the rate of two dollars and fifty cents per day, being the order of the day, was taken up.

And the question being, Will the House adopt the resolution?

Pending which,

A call of the House was desired by five members.

And the roll being called, those who failed to answer to their names were Messrs. Campbell and Hebard.

On motion of Mr. Biggs,

Leave of absence was granted to Mr. Campbell.

The Sergeant-at-Arms was then directed to require the attendance of the absentee.

After a short time a further call was,

On motion of Mr. Patterson,

Suspended.

The question was then put, and was determined in the negative.

Yeas 11, Nays 13.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Blair, Booth, Felkner, Grant, Holliday, Leffler, Moss, Porter, Robertson, Smead, and Wilson.

Those who voted in the negative were, Messrs. Baker, Biggs, Denson, Hepner, Higginson, McCulloch, Morgan, Patterson, Quinton, Toole, Weld, Whitaker, and Lewis, Speaker.

So the resolution was lost.

No. 31, H. R. File, "A bill to repeal an act authorizing a loan of of money to be expended upon the Capitol;" was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 32, H. R. File, "A bill to authorize Rachael Holcomb, administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate;" was read a second time.

On motion of Mr. Hepner,

Ordered, That said bill be referred to the Committee on the Judiciary.

No. 33, H. R. File, "A bill for the incorporation of Religious Societies;" was read a second time.

On motion of Mr. Quinton,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Baker reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

To which the House agreed.

Several amendments being proposed and made to said bill, it was,

On motion of Mr. Hepner,

Ordered to be engrossed and read a third time on to-morrow.

No. 34, H. R. File, "A bill to divorce Naomi Williams from her husband Edward Y. Williams;" was read a second time.

A motion was made by Mr. Quinton that said bill be engrossed and read a third time on to-morrow.

And the question being put, was decided in the affirmative.

Yeas, 17, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Denson, Felkner, Grant, Hepner, Higginson, Leffler, McCulloch, Patterson, Porter, Quinton, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Baker, Biggs, Blair, Hebard, Holliday, Morgan, Moss, and Weld.

So the bill was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr. Patterson,
The House adjourned until 2 o'clock P. M.

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2 O'CLOCK, P. M.

A message from the Council, by Mr. Woods, their Secretary:

Mr. Speaker—The Council have passed

No. 42, C. F. "A bill to locate and establish a Territorial Road from Thomas Lingles' Mill, in Johnson county, to Marion, via West Point, in Linn county, in which they ask the concurrence of the House of Representatives.

The Council have concurred in the amendments made by the House of Representatives, to

No. 2, C. F. "A Memorial for an appropriation to complete the Penitentiary; and,

No. 23, C. F. "A bill to establish and locate a Territorial road from Marion, in Linn county, to intersect the Territorial road from Bellview to Iowa City.

And then he withdrew.

No. 35, H. R. File, "A bill to authorize the Seceder Church to solemnize marriage, according to the rules and regulations of said Church,"

Was read a second time.

On motion of Mr. Weld,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Biggs reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

A motion was made by Mr. Hepner, to refer said bill to the Committee on the Judiciary, with instructions to report a bill repealing a proviso of the 6th section of an act regulating marriages.

The motion was lost.

A motion was made by Mr. Whitaker, that said bill be indefinitely postponed.

And the question being put—was determined in the affirmative.

Mr. Hepner gave notice, that he would, on some day hereafter, introduce a bill to repeal a *proviso* of the 6th section of an act entitled "An act, regulating marriages.

No. 31, C. F., "Preamble and Joint Resolution, requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

Was read a second time.

On motion of Mr. Patterson,

Ordered, That said Preamble and Resolution be read a third time on to-morrow.

No. 32, C. F., "Memorial to Congress for an appropriation to complete the National Road from Dubuque to the Southern boundary line, via Iowa City, &c., was read a second time.

On motion of Mr. Grant,

Ordered, That said memorial be referred to the Committee on Memorials.

No. 34, C. F. "A bill to amend an act to district the Territory of Iowa into electoral districts;" was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Robertson, McCulloch and Whitaker, said Committee.

No. 3. H. R. File, "A bill to authorize Perriander Pollock and others to erect a dam across the Wapesipenicon river."

Was read a third time.

The question beingthen put, Shall the bill pass? It was determined in the affirmative—Yeas 17, nays 4.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Denson, Grant, Higginson, Holliday, Leffler, McCulloch, Patterson, Quinton, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Felkner, Hebard, Hepner, and Weld.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 29, H. R. File, "A bill, to locate a Territorial Road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county;" was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 36, C. F. "Memorial for the establishment of a Land Office in Jefferson county;" and,

No 42, C. F. "A bill to locate and establish a Territorial road from Thomas Lingles' mill in Johnson county, to Marion, via West Port, in Linn county;" were severally read a first time.

On motion of Mr. Patterson,

The House resumed, in Committee of the whole House, the consideration of No. 5, H. R. File, "A bill to authorize Jason Wilson to erect a dam across Skunk river, in Lee county. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hepner reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

A motion was made by Mr. Hepner, to amend said bill, by inserting the words "or repeal," after the word "amend," in the 5th section.

And the question being put—was determined in the affirmative.

A motion was made by Mr. Moss, to strike out the word "reasonable" in the second section.

The motion was lost.

A motion was made by Mr. Hepner, that said bill be referred to the Committee on Territorial Affairs.

And the question being put—as determined in the negative.

On motion of Mr. Patterson,

Ordered, That said bill be engrossed, and read a third time on Monday next.

Mr. Hebard gave notice, that he would, on some subsequent day, introduce a bill to authorize Joseph Stephens to construct a dam across Skunk river, in Henry county.

Mr. Moss gave notice, that on Monday next, he would introduce a bill to carry into effect the law defining crimes and punishments.

On motion of Mr. Whitaker,

The House adjourned until Monday morning next.

Monday Morning, January 10, 1842.

Mr. Campbell presented the petition of sundry citizens of Lee county, asking the Legislature to grant a charter to Robert M. G. Patterson, to keep a Ferry across the Mississippi river, at Keokuck in said county.

Ordered, That said petition be referred to a Select Committee,

Whereupon, The Speaker appointed Messrs. Patterson, Campbell and Wilson said Committee.

Mr. Toole presented the petition of sundry citizens of Louisa county, praying the Legislature to grant a charter to James McDaniel and Henry Wamstaff, to keep a Ferry acros the Iowa river, at Wapello, in said county.

Ordered, That said petition be referred to the committee on Corporations.

Mr. Robertson presented the petition of sundry citizens of Clinton county asking the Legislature to alter the present law. districting the Territory into electoral districts, so as to give said county the privilege of electing one member to the House of Representatives.

Ordered, That said petition be referred to the Select Committee, to which had been referred a bill to amend an act districting the Territory of Iowa into electoral districts,

Mr. Robertson presented the petition of Laurel Summers, in relation to a certain claim which he holds against the Territory.

Ordered, That said petition be referred to the Committee on Claims.

Mr. Porter offered the following:

Resolved, That the printing of the daily slips for the use of this House be dispensed with, for the remainder of this session, from the 11th January.

On motion of Mr. Hepner,

Ordered, That said resolution be laid upon the table.

A message from the Council by Mr. Woods their Secretary.

Mr. Speaker:—The Council have amended the 1st amendment of the House of Representatives, to No. 3, C. F. and have concurred in the other amendments made by the House of Representatives, in which they ask the concurrence of the House of Representatives.

And then he withdrew.

A motion was made by Mr. Grant that the House do now concur in the amendment of the Council to the amendment of the House of Representatives, in the Bill just transmitted to this House. To which the House agreed.

On motion of Mr. Grant,

The following resolution to-wit:

Resolved, That the printing of the daily slips, for the use of this House, be dispensed with for the remainder of this session from the 11th of January; Was taken from the table.

And the question being put, will the House adopt the resolution?

Was decided in the affirmative. Yeas 13, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Blair, Felkner, Grant, Hebard, Holliday, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative, were Messrs. Biggs, Booth, Campbell, Denson, Hepner, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

So the resolution was adopted.

Mr. Moss, in accordance with previous notice introduced, No. 40, H. R. File, An act making provisions for carrying into effect the act defining crimes and punishments; which was read a first time.

Mr. Biggs, from the Committee on Claims, submitted a report in relation to the claims of Russell & Hughes, and W. W. Corriell, which was read, and

On motion of Mr. Grant,

Laid upon the table, And one hundred copies ordered to be printed.

Said report reads as follows:

The Committee on Claims, to whom was referred Council file No. 19, "A resolution authorizing payment to Messrs. Russell & Hughes, and Wm. W. Corriel, for printing the Journals of the Council and House of Representatives;" beg leave to report that they have had said resolution under their deliberate consideration.

Your Committee, in referring to the Journals of the House of Representatives of the last session of the Legislature, find that the following resolution passed that body, viz:

"Resolved, That William W. Corriell, publisher of the Iowa News at Dubuque, be and is hereby authorized to print the usual number of copies of the Journals of this House in pamphlet form, and have the same ready for distribution within four months from the close of the present session, and that he be allowed the *usual compensation for such work.*"

And by a similar resolution of the Council, Messrs. Russell & Hughes were authorized to print the Journals of the Council.

Your Committee believe said printing was done in the time and manner required by said resolutions, and that said printers are entitled to the USUAL compensation for such work.

In order to ascertain the correctness of the charges made by said printers, as contained in said resolution, and ascertain its agreement with the USUAL prices paid for similar work, your Committee instituted comparison, as follows:

The specifications in the charge of W. W. Corriell are as follows:

Composition of 336 pages, each page containing 1421 ems, at $2 50 per 1000 ems,	$1193 63
Press work and paper for 300 copies at 87½ cents,	262 50
Binding (as per voucher)	56 25
	$1512 38

Specification of items in the account of Messrs. Russell & Hughes:

Composition of 268 pages, each page containing 1450 ems, at $2 50 per 1000 ems,	$671 50
Press work and paper for 150 copies at 87½ cents,	131 25
Binding (as per binder's bill rendered)	20 00
	$1122 75

The prices paid in Missouri for similar work:

For printing the Journal of the Counеil,	$268 00
Binding as above,	20 00
	$288 00
Journal of the House,	$336 00
Binder's bill,	56 25
	$392 25

Illinois prices:

Journal of the Council—for composition and press work,	$332 45
Binding as above,	20 00
	$352 45
Journal of the House,	$337 14
Binding,	56 25
	$383 39

Indiana prices:

Journal of the Council—composition of 388,600 ems, at 45 cents per 1000 ems,	$174 87
Press work, 68 tokens at 45 cents,	30 60
Binding as above,	20 00
	224 87
Journal of the House—for composition of 367,156 ems, at 45 cents per 1000,	$165 22

Press work, 82 tokens, at 45 cents,	36 90
Binding,	56 25
	$258 37

Prices paid by Cougress:

Journal of the Council—268 pages composition,	$268 00
Press work,	50 00
Binding as above,	20 00
	$338 00

Journal of the House at the above rates, including binder's bill,	$494 25

Your Committee have extended the comparison to prices paid in other States, and find the results as those given above. In the State of North Carolina the amount paid for printing the Journals of both Houses of the Legislature in 1340, was $789 98, and the whole amount paid for public printing in that State, for the years 1840–41, was $3,670 50, including Executive Proclamations and all other incidental printing of the State.

In adopting a standard to govern the prices for said printing, the Committee have taken that fixed by Congress, as that has heretofore been the nominal standard in this Territory, though it is believed the prices heretofore actually paid, correspond with those charged for printing the Journals of last year.

Your Committee would therefore recommend the following amendments to the resolution under consideration: Strike out of the fourth and fifth lines the words "eleven hundred and twenty-two dollars and seventy-five cents," and insert "*three hundred and thirty-eight dollars;*" also, strike out from the seventh and eight lines the words "fifteen hundred and twelve dollars and thirty-eight cents," and insert, "*four hundred and ninety-four dollars and twenty-five;*" and further to amend said resolution by striking out all after the thirteenth line and insert "have been or may be hereafter appropriated to defray the expenses of the Legislative Assembly, to the said Russell and Hughes, and William W. Coriell, the sums allowed them respectively, out of any money which is or may be hereafter appropriated by Congress to defray the expenses of the Legislative Assembly.

Mr. Hepner, on leave given, introduced

No. 41, H. R. File, "A Joint Resolution, providing for the printing of the laws;" which was read a first time.

Mr. Hebard, from tho Committee on Engrossed Bills, reported Nos. 5, 31, and 34, as correctly engrossed.

Mr. Robertson, from the Committee on Townships and County Boundaries, made the following report:

The Committee on Townships and County Boundaries, to which was referred the petitions of sundry citizens of Dubuque, Jackson, Delaware, and Jones counties, praying that an act be passed by the

present Legislature, creating a new county, to be called "Warren," out of certain portions of the above named counties, beg leave to report, That they have had the same under consideration, and after a careful examination of the subject have come to the conclusion that it would be impolitic to grant the prayer of the petitioners.

Your Committee would therefore ask to be discharged from the further consideration on the subject.

The report was concurred in.

Mr. Grant, from the Committee on the Judiciary, to which was referred,

No. 32, H. R. File, "A bill to authorize Rachael Holcomb, administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate;" reported the same back to the House with an amendment.

The report was concurred in.

Mr. Grant, from the Committee on the Judiciary, reported,

No. 42, H. R. File, "A bill for an act to amend an act, creating the office of Judge of Probate;" which was read a first time.

Mr. Robertson, from the Select Committee to which was referred a bill to amend an act to district the Territory of Iowa into Electoral Districts, reported No. 43, H. R. File, as a substitute;

Which was read a first time, and the printing of the same ordered to be dispensed with.

Mr. Hepner, from the Joint Committee on Enrolled Bills, reported that they had presented, on the 7th instant, to his Excellency, the Governor, for his approval,

An act amendatory to an act to authorize John R. Sparks and his associates to erect a dam across the Des Moines river.

Mr. Hepner, in accordance with previous notice, introduced

No. 44, H. R. File, "A bill to repeal the *proviso* to the sixth section of an act entitled 'An act regulating marriages.'"

Which was read a first time.

Ordered, That the printing of said bill be dispensed with.

Mr. Biggs, on leave, presented the account of John H. McKenny, for certain printing done; which was,

On motion of Mr. Weld,

Referred to the Committee on Claims.

The Speaker laid before the House the report of the Territorial Treasurer; which was read at the Clerk's table.

On motion of Mr. Moss,

Ordered, That said report be referred to the Committee appointed to revise the Revenue Law.

On motion of Mr. Patterson,

Ordered, That 50 copies of said report be printed for the use of this House.

A message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—I herewith present for your signature,

An act to provide for a special term of the Supreme Court, and to change the time of holding the annual session of the same.

And then he withdrew.

The Speaker then signed said act.

The House resumed in Committee of the whole House, the consideration of "No. 15, H. R. File, "A bill for an act, to amend an act, entitled, "An act regulating Criminal Proceedings."

After some considerable time spent therein, Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same and ask leave to sit again this afternoon.

Leave was granted.

On motion,

The House adjourned until 2 o'clock P. M.

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2 O'CLOCK, P. M.

The House resumed, in Committee of the whole House, the consideration of No. 15, H. R. File, "A bill for an act to amend an act entitled, an act regulating Criminal Proceedings. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same with sundry amendments.

Several of the amendments being concurred in, the further consideration of the remainder was postponed until Thursday next.

A Message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—The Council have passed

No. 45, C. F. "A bill to incorporate the 1st Episcopal Church of Marion."

In which they ask the concurrence of the House.

I also present for your signature—

An act to establish and locate a Territorial Road from Marion, in Linn county, to intersect the Territorial Road leading from Bellview to Iowa City.

Preamble and Resolution, requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes in the Half-Breed Sac and Fox Reservation;

Memorial for an appropriation to complete the Penitentiary.

A Memorial to Congress, praying for an appropriation to defray the expenses growing out of the dispute between the United States, within the Territory of Iowa, and the State of Missouri, in relation to the southern boundary line.

And then he withdrew.

The Speaker then signed the above entitled act, memorials, &c.

No. 17, H. R. File, "Joint Resolution, requesting our Delegate in Congress to procure an appropriation to improve the navigation of the Wapesipenicon and Maquoqueta rivers;" was read a second time.

On motion of Mr. Hebard,

Ordered, That said resolution be referred to the Committee on Memorials.

No. 24, H. R. File, "A bill to divorce Sarah East from her husband Hardman E. W. East;" was read a second time.

A motion was made by Mr. Robertson, that said bill be engrossed and read a third time on to-morrow.

The motion was lost.

On motion of Mr. Hepner,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 36, H. R. File, "A bill for an act to legalize certain acts of the board of County Commissioners of Clinton county;"

Was read a second time.

On motion of Mr. Grant.

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute;" was read a second time.

On motion of Mr. Moss,

The House resolved itself into Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Booth reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment;

To which the House agreed.

Several amendments being made to said bill, it was,

On motion of Mr. Porter,

Referred to a Select Committee.

The Speaker appointed Messrs. Porter, Hebard and Weld, said Committee.

No. 38, H. R. File, "A bill to authorize Michael Hays and Joseph B. Rodgers to erect a dam across the west fork of Crooked Creek, in Washington county;" was read a second time.

On motion of Mr. Hepner,

Ordered, That said bill be referred to the Committee on Incorporations.

No. 39, H R. File, "A Memorial to Congress for the location of mail routes in Iowa;" was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the whole House for the consideration of said memorial. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said memorial under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

A motion was made by Mr. Biggs, that the 44th rule be suspended, and the memorial be read a third time now.

To which the House agreed.

The memorial was then read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Moss,

The House adjourned.

Tuesday Morning, January 11, 1842.

Mr. Felkner presented the petition of James F. Hanby in relation to a balance due him for work done on the public buildings.

Mr. Felkner also presented a communication from the Territoral Agent in relation to said petition.

Ordered, That said petition, together with the communication, be referred to the Committee on Public Buildings.

Mr. Higginson presented the petition of sundry citizens of the Territory, asking the establishment of a Territorial Road from Bloomington to Dubuque.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Moss presented the petition of sundry citizens of Jackson county, praying the Legislature to grant a charter to Thomas S. Parkes to keep a Ferry across the Mississippi river, in said county.

Ordered, That said petition be referred to the Committee on Corporations.

Mr. Higginson presented the petition of sundry citizens of the counties of Cedar and Jones, in relation to the Territorial Road leading from West Liberty, in Muscatine county, to Edinburgh, in Jones county.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Quinton presented the petition of sundry citizens of the counties of Henry and Jefferson, asking the Legislature to memorialize Congress for an appropriation to build a bridge across Skunk river, where the road from Burlington to the Indian Agency crosses said river.

Ordered, That said petition be referred to the Committee on Memorials.

Mr. Whitaker, from the Committee appointed to examine the recording of the Journals, reported the same to be correct up to January the 7th inst.

Mr. Hepner, from the Committee on Enrolled Bills, reported, that they had presented to the Governor for his approval, on the 10th inst.

An act to incorporate the Mechanics' Institute of Dubuque;

An act to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county;

An act to locate a Territorial Road from Deeds' Mill, on Skunk river, to the boundary line;

An act to locate a Territorial Road from Keokuk, in Lee county, to Fairfield, in Jefferson county; and,

An act to provide for a Special Term of the Supreme Court, and to change the time of holding the annual session of the same;

The last mentioned act was approved and signed by his Excellency between the hours of 12 o'clock, M., and one o'clock, P. M. of said day.

Mr. Baker, in accordance with previous notice, introduced

No. 45, H. R. File, "A bill to amend an act entitled 'An act to pro-

vide for the appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings;'"

Which was read a first time.

No. 28, H. R. File, "A bill for an act to amend an act, organizing a board of County Commissioners in each county;"

Was read a second time.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the whole House, for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Grant reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments.

The House concurred in the report.

A motion was made by Mr. Weld, to strike out the words "two dollars," and insert the words "one dollar and seventy five cents," being the amount per diem allowed the Clerk of the board of Commissioners in said bill.

And the question being put—was determined in the negative.

Yeas 6, Nays 17.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Campbell, Leffler, Quinton, Robertson, Toole, and Weld.

Those who voted in the negative were, Messrs. Baker, Biggs, Blair, Denson, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, McCulloch, Morgan, Moss, Patterson, Smead, Wilson, and Lewis, Speaker.

So the motion was lost.

On motion of Mr. Biggs,

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 32, H. R. File, "A bill to authorize Rachael Holcomb, Administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate;" was read a second time.

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 41, H. R. File, "A Joint Resolution providing for the printing of the Laws;" was read a second time.

On motion of Mr. Biggs,

Ordered, That the resolution be referred to a Select Committee.

Whereupon, Messrs. Biggs, Patterson, and Porter were appointed said Committee.

Mr. Morgan, from the Committee on Engrossed Bills, reported Nos. 24 and 33 36 as correctly engrossed.

No. 42, H. R. File, A bill for an act to amend an act creating the office of Judge of Probate; was read a second time.

On motion of Mr. Patterson,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Hebard reported that the Committee had, according to order, had

said bill under consideration, and directed him to report the same back to the House with amendments.

The report was concurred in.

On motion of Mr. Patterson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr. Biggs,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 31. C. F., Preamble and Resolution requesting our Delegate to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians, &c.

Was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 5, H. R. File, "A bill to authorize Jason Wilson to erect a Dam across Skunk river, in Lee county;" was read a third time.

The question being put, Shall the bill pass?

Was determined in the affirmative—Yeas 15, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Campbell, Grant, Higginson, Holliday, Leffler, McCulloch, Patterson, Quinton, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Blair, Denson, Felkner, Hebard, Hepner, Morgan, Moss, and Weld.

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

Ordered, That the Clerk acquaint the Council therewith.

A Message from the Council, by Mr. Woods, their Secretary—

MR. SPEAKER—The Council have passed

No. 1, C. F. "A bill, entitled An act amendatory to an act authorizing Henry Eno and others, to build a Dam across the Des Moines river.'"

No. 48, C. F. "A bill for an act to authorize William Pickerel, his heirs or assigns, to construct, keep, and maintain a dam across Skunk rivér."

In which they ask the concurrence of the House of Representatives."

And then he withdrew.

No. 31, H. R. File, "An act to repeal an act authorizing a loan of money to be expended upon the Capitol.

No. 33, H. R. File, "A bill for the incorporation of Religious Societies;" were severally read a third time, passed, and titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 34, H. R. File, "A bill to divorce Naomi Williams, from her husband, Edward Y. Williams;" was read a third time.

And the question being put, Shall the bill pass?

It was determined in the affirmative. Yeas 14, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Denson, Felkner, Grant, Hepner, Higginson, Leffler, McCulloch, Patterson, Quinton, Robertson, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative were—Messrs. Baker, Biggs, Blair, Campbell, Hebard, Holliday, Morgan, Moss, Weld, and Wilson.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 36, H. R. File, "A bill for an act to legalize certain acts of the board of Commissioners of Clinton county;"

Was read a third time, passed, and title agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 45, C. F. "A bill to incorporate the Methodist Episcopal Church of Marion;" was read a first time.

No. 43, H. R. File, "A bill to amend an act districting the Territory into electoral districts;" was read a second time.

On motion of Mr. Biggs,

The House resolved itself into Committee of the whole House for the consideration of said bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hepner reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment;

To which the House agreed.

A motion was made by Mr. Hepner, to strike out in the first section of said bill, the *proviso* wherein it is required that the member elect of the Council shall be a resident of Scott county.

And the question being put, was determined in the affirmative.

Yeas 15, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Campbell, Denson, Hebard, Hepner, Holliday, Leffler, McCulloch, Morgan, Smead, Whitaker, Wilson. and Lewis, Speaker.

Those who voted in the negative, were Messrs. Felkner, Grant, Higginson, Moss, Patterson, Quinton, Robertson, Toole, and Weld.

So the motion was agreed to.

A motion was then made by Mr. Robertson to strike out the enacting clause of said bill.

And the question being put, was determined in the negative.

Yeas 4, Nays 20.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Higginson, Robertson, Toole and Weld.

Those who voted in the negative, were, Messrs. Baker, Biggs, Blair, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Quinton, Smead, Whitaker, Wilson, and Lewis, Speaker.

So the motion was lost.

A motion was made by Mr. Patterson, that said bill be referred to the Committee on Townships and County Boundaries.

The motion was lost.

On motion of Mr. Grant,

Ordered, That said bill do lie upon the table.

No. 44, H. R. File, "A bill to repeal the proviso to the 6th section of an act, entitled An act regulating marriages.

Was read a second time.

On motion of Mr. Wilson,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

A motion was made by Mr. Wilson, to refer the said bill to a Select Committee.

The motion was lost.

A motion was made by Mr. Moss, that said bill be engrossed and read a third time to-morrow.

And the question being put—it was determined in the affirmative.

Yeas 13, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Moss, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Patterson, Robertson, Smead, Toole, and Wilson.

So the motion was agreed to.

No. 36, C. F., "Memorial to Congress for the establishment of a Land office a Fairfield in Jefferson county;" was read a second time.

On motion of Mr. Biggs,

Ordered, That said memorial be referred to the Committee on Memorials.

No. 42, C. F. "A bill to locate and establish a Territorial Road rom Thomas Lingle's mill, in Johnson county, to Marion, via West Port, in Linn county;" was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill be read a third time on to-morrow.

No. 19, C. F. "A Joint Resolution, authorizing payment to be made to Messrs. Russell & Hughes, and W. W. Coriell, for printing the Journals of the Council and House of Representatives;"

Was read a second time, together with the amendments made by the Committee on Claims.

On motion of Mr. Weld,

The House adjourned.

Wednesday Morning, January 12, 1842.

Mr. Baker presented the petition of sundry citizens of the counties of Washington and Johnson, asking "the location of a Territorial Road from Washington via Richmond on English River, in Washington county to Iowa City."

On motion of Mr. Felkner,

Ordered, That said petition be referred to the Delegations from Johnson and Washington Counties.

Mr. Grant presented the petition of sundry citizens of Scott county, praying the Legislature to pass a Law requiring the citizens of this Territory to confine their Stock, in order that the prairies may be cultivated without fencing.

Ordered, That said petition be referred to the Committee on Agriculture.

Mr. Hepner, from the Joint Committee on Enrolled Bills, reported that they had presented to the Governor for his approval on the 11th inst.

An act to establish and locate a Territorial Road from Marion in Linn county to intersect the Territorial Road from Bellview to Iowa City.

"Preamble and Joint Resolution, requesting our Delegate in Congress to use his influence to procure a donation of lands for school purposes in the Half Breed Sac and Fox Reservation."

"Memorial for an appropriation to complete the Penitentiary," and

A Memorial to Congress praying for an appropriation to defray the expenses growing out of the dispute between the United States with in the Territory of Iowa and the State of Missouri, in relation to the Southern boundary line.

Mr. Biggs on leave offered the following:

Resolved, That in consequence of the resolution of this House dispensing with the printing of the daily Journals, it will be expedient to employ a competent reporter to attend the daily sittings of this House and report its proceedings to the Editors of the Iowa Capitol Reporter and Iowa City Standard, in order that the people may be early informed of the business acted on by this House.

Ordered, That said Resolution do lie upon the table for the consideration of the House on to-morrow.

Mr. Felkner from the Committee on Incorporations reported No. 46, H. R. File, "A Bill to authorize Thomas S. Parkes to keep a Ferry across the Mississippi River," which was read a first time and the printing dispensed with.

No. 19, C. F., "A Joint Resolution authorizing payment to be made to Messrs. Russell & Hughes, and W. W. Corriel for printing the Journals of the Council and House of Representatives," was read a second time.

On motion of Mr. Hepner,

The House resolved itself into a Committee of the whole House for the consideration of said Resolution: After some time spent therein, Mr. Speaker resumed the Chair, and Mr. McCulloch reported that the Committee had, according to order, had said Resolution under consideration, and directed him to report the same without amendment.

The report was concurred in.

A motion was made by Mr. Quinton to strike out in said Resolution the words "three hundred and thirty-eight" and insert "four hundred and fifty."

Mr. Robertson called for a division of the question.

The question was then put, on striking out and determined in the negative; Yeas 9, Nays 17.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative were Messrs. Baker, Booth, Campbell, Denson, Hepner, Morgan, Patterson, Quinton, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Leffler, McCulloch, Moss, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

So the motion was lost.

On motion of Mr. Whitaker,

Ordered, That said Resolution be read a third time on to-morrow.

No. 45, C. F. "A Bill to Incorporate the Methodist Episcopal Church of Marion," was read second time.

On motion of Mr. Moss,

Ordered, That said bill be indefinitely postponed.

Mr. Morgan from the Committee on Engrossed Bills reported Nos. 28, 32, 42 and 44, H. R. File, as correctly engrossed.

No. 45, H. R. File, "A Bill for an act to amend an act entitled "an act to provide for the appointing of Justices of the Peace to prescribe their powers and duties, and to regulate their proceedings," was read a second time.

On motion of Mr. Hepner,

Ordered, That said Bill be referred to the Committee on the Judiciary.

The following entitled Bills to wit:

No. 42, C. F. "A Bill to locate and establish a Territorial Road from Thomas Lingles' Mill in Johnson county to Marion via West Port in Linn county.

No. 28, H. R. File, "A Bill for an act to amend an act organizing a Board of County Commissioners in each County." and

No. 32, H. R. File, "A Bill authorizing Rachael Holcomb, Administratrix of the estate of Milo Holcomb Deceased, to sell certain real estate," were severally read a third time, passed and titles agreed to.

Ordered, That the Clerk request the concurrence of the Council therewith.

No. 42, H. R. File, "A Bill for an act to amend an act creating the office of Judge of Probate," was read a third time and passed.

On motion of Mr. Moss,

The title of said Bill was amended by striking out the word "creating" and inserting the word "establishing."

Ordered, That the Clerk notify the Council of the passage of said Bill.

No. 44, H. R. File, "A Bill to repeal the proviso to the 6th Section of an act regulating marriages," was read a third time.

A motion was made by Mr. Leffler to refer said Bill to the Committee on the Judiciary with instructions contained in the following Resolution.

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of so amending the Law so as to authorize marriages in all cases without license, where the same are solemnized according to the regulations and discipline of any religious society who may keep a record of the same,

And the question being put, was determined in the affirmative, Yeas 16, Nays 10.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs Biggs, Blair, Booth, Denson, Grant, Hebard, Higginson, Leffler, Morgan, Patterson, Porter, Robertson, Smead, Toole, Wilson and Lewis Speaker,—16.

Those who voted in the negative were Messrs. Baker, Campbell, Felkner, Hepner, Holliday, McCulloch, Moss, Quinton, Weld, and Whitaker,—10.

So the motion to refer was agreed to.

On motion of Mr. Hepner,

Ordered, That said Committee be further instructed to report on Friday next.

On motion of Mr. Whitaker,

The House adjourned.

Thursday Morning, January 13, 1842.

Mr. Leffler presented the remonstrance of sundry citizens of Des Moines county, remonstrating against any action of the Legislature in relation to the Territorial Road from Burlington to Fort Madison.

Ordered, That said remonstrance be referred to the Committee on Roads and Highways.

Mr. Leffler presented the remonstrance of sundry citizens of Des Moines county, remonstrating against the passage of the Valuation Law.

Ordered, That said remonstrance be laid upon the table.

Mr. Hepner offered the following:

Resolved, That the Committee on the Judiciary be instructed to enquire into the expediency of memorializing Congress to pass a law to authorize the people of this Territory to form a Constitution and State Government, and provide for the admission of such State into the Union.

And the question being put, Will the House adopt the resolution?

Was determined in the negative.

Mr. Whitaker offered the following:

Resolved, That the Enrolliug and Engrossing Clerks be required to furnish the Presses in this city with an abstract of the daily Journal of this House, under the direction of the Chief Clerk.

Ordered, That said resolution do lie upon the table.

Mr. Denson, from the Select Committee, to which was referred No. 30, H. R. File, "A bill to locate and establish a Territorial Road from Marion, in Linn county, to the mouth of the Tetes des Mortes Creek, in Jackson county," reported the same back to the House with amendments.

Mr. Patterson, from the Select Committee, to which was referred a certain petition, reported No. 47, H. R. File, "A bill to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river at the mouth of the Nassau Slough;" which was read a first time.

Mr. Biggs, from the Committee on Claims, reported No. 48, H. R. File, "A Joint Resolution, relative to incidental printing done by John H. McKenny," which was read a first time.

On motion of Mr. Biggs,

Ordered, That the 44th rule be suspended, and the resolution be read a second time now.

The resolution was read a second time, and,

On motion of Mr. Whitaker,

The House resolved itself into a Committee of the whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Morgan reported, that the Committee had, according to order, had said resolution under consideration, and instructed him to report the same and ask leave to sit again on to-morrow.

Leave was granted.

A message from the Council by Mr. Woods their Secretary.

Mr. Speaker:—The Council have passed

No. 53, C. F. "A bill for an act to legalize the location of a Territorial Road in Henry county."

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

Mr. Biggs, from the Committee on Claims, made the following report:

The Committee on Claims, to which was referred the Memorial of Laurel Summers, have had said memorial under consideration, and have come to the conclusion that no further legislation than what has heretofore been had, is necessary to secure the payment of his claim.

They would therefore ask to be discharged from the further consideration of said memorial.

The report was concurred in.

Mr. Hebard presented the petition of John S. David, in relation to a certain claim he holds against the Territory.

Ordered, That said petition be referred to the Committee on Claims.

The following resolution, to wit:

Resolved, That in consequence of the resolution of this House, dis

pensing with the daily Journals, it will be expedient to employ a competent Reporter to attend the daily sittings of this House, and report its proceedings to the editors of the Iowa Capitol Reporter and Iowa City Standard, in order that the people may be early informed of the business acted on by this House, being the order of the day, was taken up, and being under consideration,

A motion was made by Mr. Weld, to amend the same, by inserting, after the word "Standard" the words "Iowa City Argus."

And the question being put—was determined in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and decided in the negative.

A motion was made by Mr. Whitaker, to take from the table the resolution offered by himself, and which reads as follows, to wit:

Resolved, That the Enrolling and Engrossing Clerks be required to furnish the Presses in this city with an abstract of the daily Journal of this House, under the direction of the Chief Clerk.

And the question being put

Was determined in the affirmative.

No. 32, H. R. File, "A bill for an act to amend an act entitled An act regulating Criminal Proceedings," being the order of the day, was taken up, together with the amendments made by the Committee of the whole House, and the question being to concur in the amendment made by the Committee to the 10th section, *which abolishes capital punishment*:

Pending which,

A call of the House was desired by five members, and the roll being called, all the members answered to their names except Mr. Campbell.

The Sergeant-at-Arms was then directed to require the attendance of the absentee.

After a short time, a further call of the House was,

On motion of Mr. Patterson,

Suspended.

A motion was then made, by Mr. Baker, to strike out the word "solitary" wherever it occurred in said section.

The motion was lost.

The question was then taken on concurring in said amendment, and determined in the affirmative

Yeas 15, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Denson, Felkner, Hebard, Holliday, Leffler, Moss, Porter, Quinton, Smead, Weld, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Booth, Grant, Hepner, Higginson, McCulloch, Morgan, Patterson, Robertson, Toole, and Lewis, Speaker.

So the amendment was concurred in.

The remaining amendments made by the Committee were then read and concurred in; and,

On motion of Mr. Moss,

The bill was ordered to be engrossed for a third reading on to morrow.

On motion of Mr. Moss,
The House adjourned.

Friday Morning, January 14, 1842.

Mr. Robertson presented the petition of sundry citizens of Scott county, in relation to the improvement of the navigation of the Upper Mississippi River.

Mr. Baker presented the petition of sundry citizens of Washington county, asking the Incorporation of a School District to be called the Davis Creek Academy.

Ordered, That said petitions be referred to the Committee on Incorporations.

Mr. Grant presented the petition of sundry citizens of the Town of Davenport, in Scott county, asking a new charter of Incorporation for said Town.

Ordered, That said petition be referred to the Committee on Incorporations.

On motion of Mr. Moss,

Ordered, That the Committee on the Judiciary be instructed to enquire into the expediency of amending an act concerning costs and fees in civil and criminal cases, and report by bill or otherwise.

Mr. Denson gave notice that he would on some future day introduce a Bill to locate a Territorial Road from Marion, in Linn county to the Indian boundary, in Benton county.

Mr. Baker gave notice, that he would, on some day hereafter, introduce a Bill for an act to legalize the location of a certain Territorial Road in Washington county.

Mr. Grant, on leave, introduced No. 49, H R. File, "A Joint Resolution in relation to the adjournment of the Legislature on the 31st inst. ,which was read a first time.

A motion was made by Mr. Patterson that said Resolution be indefinitely postponed.

And the question being put, was determined in the affirmative.

Yeas 21, Nays 5.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Campbell, Denson, Felkner, Hebard, Hepner, Higginson, Holliday, McCulloch, Morgan, Moss, Patterson, Quinton, Robertson, Smead, Toole, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Booth, Grant, Leffler, Porter, and Wilson.

So the Resolution was indefinitely postponed.

A message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—The Council have passed

No. 3, H. R. File, "A Bill to authorize Perriander Polloch and others to erect a Dam across the Wapesipenicon River."

No. 22, H. R. File, "A Bill for an act defining a Lawful fence and providing against trespassing animals"—with amendments.

No. 33, C. F. "A Joint Resolution instructing our Delegate in Congress to use his influence in procuring a confirmation or a resurvey of the present Northern boundary line of the Half Breed reservation, &c.

In which they ask the concurrence of the H. of R.

The Council have indefinitely postponed No. 8, H. R. File, A Bill to amend an act to prevent the selling of Liquor to the Indians, &c.

And then he withdrew.

Mr. Leffler, from the Committee on Public Instruction, to which was referred No. 23, H. R. File, A Bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the distribution Law and for other purposes; Reported the same back to the House with an amendment, also

No. 50, H. R. File, "A Memorial to the Secretary of the Treasury of the United States in relation to the two Townships of Land granted to the Territory," which was read a first time.

Mr. Leffler, from the Committee on the Judiciary, to which was referred No. 44, H. R. File, A Bill for an act amending an act entiled an act regulating Marriages, reported the same back to the House together with a substitute, which was read a first time.

Mr. Baker, on leave, introduced No. 50, H. R. File, "A Bill for an act to Incorporate a College at the Town Washington in Washington county," which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways, made the following report:

The Committee on Roads and Highways to which was referred a petition from sundry citizens of Desmoines county, asking the appointment of Commissioners to relocate a Territorial Road from Burlington to Fort Madison, have examined the petition with the remonstrance, and have come to the conclusion that it is inexpedient to grant the prayers of the petitioners.

Therefore, the Committee ask to be discharged from the further consideration of the subject.

The report was concurred in.

Mr. Felkner, from the Select Committee for that purpose, reported No. 52, H. R. File, "A Bill to locate a Territorial road from Richmond in Washington county to intersect a Road from Iowa City to the county line of Washington county," which was read a first time, and the printing of the same ordered to be dispensed with.

Mr. Quinton, in accordance with previous notice, introduced No. 53, H. R. File, "A Bill to mako the Clerk of the Board of Commissioners elective by the people," also

No. 54, H. R. File, "A Bill supplementary to an act concerning water crafts found adrift, lost goods and estray animals," which were read a first time.

Mr. Morgan, from the Committee on Engrossed Bills, reported No. 15, H. R. File, as correctly engrossed.

Mr. Grant, from the Committee on Agriculture, submitted the following report to wit:

The Committee, on Agriculture, to which was referred the petition of sundry citizens of Scott county have had the same under consideration, and beg leave to report:

That the petitioners ask of the Legislature to pass a law requiring the citizens of the Territory to enclse their cattle in pastures, and provide for the cultivation of the soil without enclosures.

The Committee would not recommend the passage of such a law at this time, though we are of opinion that a period may come when the opinion and interest of the Community will sanction and require it.

The late Judge Buel, whose opinions on all subjects of agriculture are entitled to the highest consideration, was of opinion, that in a crowded country such a system was more profitable to the farmers than pasturing cattle at large, and he stated the result of an experiment made by himself, entirely conclusive, so far as it went.

In the best cultivated districts of Europe, cattle are kept in enclosures, and the fields are unenclosed and there is no reason why, if it is profitable elsewhere it should not be in Iowa. In many parts of the Territory, particularly the Northern and North Western portions, the proportion of timber to that of Prairie is very small, and the qualities of the latter for all agricultural products cannot be surpassed by the most favored regions of the West. Yet, this prairie region can never be populated unless some mode can be devised for cultivating without fencing.

If it be true, that it is cheaper to the farmer to soil his Stock than permit them to run at large, then the plan of the petitioners is unquestionably the best which can be adopted; and the subject is one, which, from its great importance to our future advancement commends itself to the serious consideration of the Legislature and their constituents.

The report was concurred in, and the Committee discharged from the further consideration of the subject.

Mr. Felkner, on leave, introduced No. 55, H. R. File, "A Memorial for a new land district," which was read a first time.

Mr. Hebard, in accordance with previous notice, introduced No. 56, H. R. File, "A Bill to authorize Joseph Stevens to build a dam across Skunk River," which was read a first time.

Ordered, That the printing of said Bill be dispensed with.

The House resumed in Committee of the whole House the consideration of No. 48, H. R. File, Joint Resolution relative to incidental printing done by John H. McKenny,"

After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Morgan reported, that the Committee had, according to order, had said Resolution under consideration, and instructed him to report the same without amendment.

To which the House agreed.

On motion of Mr. Patterson,

Ordered, That said Resolution be referred to the Committee on Expenditures.

No. 30, H. R. File, "A Bilt to locate and establish a Territorial Road from Marion, in Linn county to the mouth of the Tête dé Morte, in Jackson county," was read a second time.

A motion was made by Mr. Moss that said Bill be indefinitely postponed.

The motion was lost.

On motion of Mr. Wilson,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill.

After some time spent therein Mr. Speaker resumed the Chair and Mr. Moss reported that the Committee had, according to order, had said Bill under consideration and instructed him to report the same with amendments. To which the Housea greed.

A motion was made by Mr. Leffler that the House do now adjourn until 2 o'clock P. M.

The motion was lost.

A motion was then made by Mr. Moss to refer said Bill to the Committee on Roads and Highways.

And the question being put, was determined in the negative.

On motion of Mr. Wilson,

Ordered, That said Bill be engrossed and read a third time on tomorrow.

On motion of Mr. Moss,

The House adjourned.

Saturday Morning, January 15, 1842.

A message from the Council by Mr. Woods their Secretary.

Mr. Speaker:—The Council have passed

No. 55, C. F. "A bill to incorporate the Washington Manufacturing Company."

In which they ask the concurrence of the House of Representatives.

I herewith present for your signature an Enrolled Bill and Joint Resolution.

And then he withdrew.

The Speaker then signed said Bill and resolution.

Mr. Grant presented the remonstrance of sundry citizens of Scott county, remonstrating against any steps being taken towards the formation of a State Constitution.

Ordered, That said remonstrance do lie upon the table.

Mr. Higginson, from the Committee on Roads and Highways, reported No. 57, H. R. File, "A bill to amend an act, entitled 'An act establishing a certain Territorial Road therein named;'"

Which was read a first time, and the printing dispensed with.

Mr. Patterson, from the Committee on Roads and Highways, reported

No. 58, H. R. File, "A bill to re-locate and establish a Territorial Road from Davenport to Dubuque," which was read a first time.

Mr. Felkner, from the Committee on Incorporations, reported No. 59, H. R. File, "A bill for an act to incorporate the town of Davenport," which was read a first time.

Bills, &c., from the Council, of the following titles, to wit:

No. 1, "A bill, entitled An act amendatory to an act, authorizing Henry Eno and others, to build a Dam across the Des Moines river."

No. 48, "A bill for an act to authorize William Pickerel, his heirs or assigns, to construct, keep, and maintain a Dam across Skunk River."

No. 53, "A bill for an act to legalize the location of a Territorial Road, in Henry county."

No. 33, "A Joint Resolution, instructing our Delegate in Congress to use his influence in procuring a confirmation or a re-survey of the present Northern Boundary line of the Half Breed Sac and Fox Reservation in Lee county." And,

No. 51, "A bill to locate and establish a Territorial Road from Jackeniah Baldwin's, in Cedar county, to Wm. Abbee's, in Linn county;"

Were severally read a first time.

No. 22, H. R. File, "A bill for an act, defining a lawful fence, and providing against trespassing animals," being returned from the Council with amendments, was taken up, read, and concurred in by the House.

No. 19, C. F., "A Joint Resolution, authorizing payment to be made to Messrs. Russell & Hughes, and W. W. Coriell for printing the Journals of the Council and House of Representatives," was read a third time.

A motion was made, by Mr. Hepner, that said resolution be referred to a Select Committee of five.

And the question being put—was determined in the affirmative.

Yeas 16, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Hebard, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Blair, Grant, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the resolution was referred.

Messrs. Morgan, Smead, Baker, Higginson, and Booth were appointed said Committee.

A message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER—The Councl have passed

No. 29, H. R. File, "A bill to locate and establish a Territorial Road, from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.

No. 32, H. R. File, "A Bill authorizing Rachael Holcomb, Administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate," with amendments.

No. 34, H. R. File, "A bill, to divorce Naomy Williams from her husband, Edward Y. Williams.

No. 58, C. F. "A bill to authorize the County Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a Ferry across the Des Moines river, at Watertown.

In which they ask the concurrence of the House.

And then he withdrew.

No. 15, H. R. File, "A bill for an act to amend an act entitled An act regulating Criminal Proceedings," was read a third time.

And the question being put, Shall the bill pass?

It was determined in the affirmative—Yeas 15, Nays 11.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs Baker, Biggs, Blair, Felkner, Grant, Hebard, Holliday, Leffler, Moss, Porter, Quinton, Smead, Weld, Whitaker, and Wilson.

Those who voted in the negative were Messrs. Booth, Campbell, Denson, Hepner, Higginson, McCulloch, Morgan, Patterson, Robertson, Toole, and Lewis Speaker.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 30, H. R. File, "A bill to locate and establish a Territorial Road from Marion, in Linn county, to the mouth of the Tete des Morte Creek, in Jackson county."

Was read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council of the passage of said bill.

No. 23, H. R. File, "A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the Distribution Law, and for other purposes;" was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 40, H. R. File, "A bill for an act, making provision for carrying into effect the act defining Crimes and Punishments;"

Was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the whole House, for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Patterson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same, and ask leave to sit again on Monday next.

Leave was granted.

On motion of Mr Weld,

The House adjourned until Monday morning next.

Monday Morning, January 17, 1842.

Mr. Wilson presented the petition of two hundred and forty-five ci

tizens of Henry county, asking the repeal of the present law in relation to Blacks and Mulattoes.

Mr. Wilson also presented the petition of sundry citizens of Jefferson county, on the same subject.

Ordered, That said petitions do lie upon the table.

Mr. Robertson presented the remonstrance of 76 citizens of Scott county, remonstrating against the passage of the Valuation Law;

Which was read, and laid upon the table.

Mr. Moss presented the petition of sundry citizens of Jackson county, asking the Legislature to grant a charter to Blithen S. Knight, to keep a Ferry across the Mississippi river, in said county.

Ordered, That said petition be referred to the Committee on Incorporations.

Mr. Grant, from the Committee on the Judiciary, reported No. 4, H. R. File, "A bill to amend an act, subjecting Real and Personal Estate to execution," back to the House without amendment.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 45, H. R. File, "A bill for an act to amend an act entitled 'An act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings;" reported the same back to the House without amendment.

Mr. Grant, from the Committee on the Judiciary, reported No. 61, H. R. File, "A Bill for an act to change the time of holding Courts in the third Judicial District."

Mr. Grant, from the Committee on the Judiciary, reported No. 62, H. R. File, "A Bill for an act to amend an act, concerning Costs and Fees."

Mr. Grant, from the Committee on the Judiciary, reported No. 63, H. R. File, "A Bill for an act to define the Jurisdiction of the Supreme and District Courts."

Said bills were severally real a first time.

Mr. Whitaker, from the Committee on Records, reported the Journals to be correctly recorded up to January the 14th inst.

Mr. Porter, from the Select Committee, to which was referred No. 37, H. R. File, "A Bill to incorporate the Mount Pleasant Literary Institute," reported the same back to the House.

Mr. Felkner, from the Committee on Incorporations, reported

No. 64, H. R. File, "A bill for an act to amend an act entitled An act to authorize John Wilson to keep a Ferry across the Mississippi river, at the town of Davenport," which was read a first time.

Mr. Baker, in accordance with previous notice, introduced No. 65, H. R. File, "A Bill for an act to legalize the location of a certain Territorial Road in Washington county," which was read a first time.

Mr. Robertson, in accordance with previous notice, introduced

No. 66, H. R. File, "A Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes," which was read a first time, and the printing dispensed with.

Mr. Toole, in accordance with previous notice, introduced No. 67, H. R. File, "A bill for an act to legalize the location of certain Territorial Roads therein named;" which was read a first time.

Mr. Morgan, on leave, introduced No. 68, H. R. File, "A Joint Resolution, relative to the appointment of a Territorial Printer," which was read a first time.

Mr. Hepner, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to authorize Perriander Pollock and others, to erect a Dam across the Wapesipenicon river.

An act to locate and establish a Territorial Road, from the county seat of Delaware county, to the town of West Cascade, in Dubuque county;" and,

An act, to divorce Naomy Williams, from her husband, Edward Y. Williams.

The Speaker then signed said entitled acts.

No. 23, H. R. File "A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the Distribution Law, and for other purposes;" and,

No. 24, H. R. File, "A bill to divorce Sarah East from her husband Hardman E. W. East;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 32, H. R. File, "A bill for an act to authorize Rachael Holcomb, administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate," being returned from the Council with amendments, was taken up, the same read, and severally concurred in, by amending the amendment of the Council.

The House resumed, in Committee of the whole House, the consideration of No. 40, H. R. File, "A bill for an act, making provision for carrying into effect the act defining Crimes and Punishments." After some time spent thereing,

Mr. Speaker resumed the Chair, and Mr. Patterson reported that the Committee had, according to order, had said bill under consideration, and instructed him to report the same, and ask to be discharged from a further consideration of the same.

The report was concurred in.

On motion of Mr. Biggs,

Ordered, That said bill be referred to the Committee on Public Buildings.

No. 46, H. R. File, "A bill to authorize Thomas S. Parkes to keep a Ferry across the Mississippi river;" was read a second time.

On motion of Mr. Moss,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 47, H. R. File, "A bill to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of the Nassau slough;" was read a second time.

Ordered, That said bill engrossed, and read a third time on to-morrow.

No. 50, H. R. File, "A Memorial to the Secretary of the Treasury of the United States, in relation to the two townships of land granted to the Territory for a University," was read a second time.

On motion of Mr. Leffler,

The first blank in said bill was filled with the name of Uriah Biggs, of Van Buren county.

On motion of Mr. Weld,

The remaining blank was filled with the name of Alfred Hebard, of Des Moines county.

On motion of Mr. Smead,

Ordered, That said bill be engrossed for a third reading on to-morrow.

No. 51, H. R. File, "A bill for an act to incorporate a College at Washington, in Washington county," was read a second time.

On motion of Mr. Baker,

The House resolved itself into a Committee of the whole House for the consideration of said bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Porter reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same back to the House with sundry amendments.

To which the House agreed.

On motion of Mr. Baker,

Ordered, That said bill be engrossed for a third reading on to-morrow.

No. 52, H. R. File, "A bill making the Clerk of the Board of Commissioners elective by the people," was read a second time.

On motion of Mr. Felkner,

Ordered, That said bill be referred to the Committee on Territorial Affairs.

No. 53, H. R. File, "A bill supplementary to an act concerning Water Crafts found adrift, lost goods, and estray animals," approved Jan. 22, 1839," was read a second time.

On motion of Mr. Quinton,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr, Robertson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

To which the House agreed.

A motion was made by Mr. Quinton, that the blank in said bill be filled with the names of "Van Antwerp and Hughes."

To which the House agreed.

A motion was made by Mr. Biggs, to strike out the enacting clause of said bill. Pending which,

On motion of Mr. Patterson,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 53, H. R. File, "A bill supplementary to an act, concerning Water Crafts found adrift, lost goods, and estray animals," being un-

der consideration, and the question pending at the adjournment of the forenoon's session, being to strike out the enacting clause of said bill,

Being put—was determined in the negative—Yeas 4, Nays 17.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Hebard, and Toole.

Those who voted in the negative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Porter, Quinton, Robertson, Weld, Whitaker, and Lewis, Speaker.

So the motion to strike out the enacting clause was lost.

Several amendments being proposed and made to said bill, it was,

On motion of Mr. Booth,

Ordered to be engrossed for a third reading on to-morrow.

No. 55, H. R. File, "A Memorial, for a new Land District;"

Was read a second time.

On motion of Mr. Higginson,

Ordered, That said memorial be referred to the Committee on Memorials.

No. 56, H. R. File, "A bill for an act to authorize Joseph Stephens to erect a Dam across Skunk river," was read a second time.

Ordered, That said bill be referred to the Committee on Incorporations.

No. 58, H. R. File, "A bill, to re-locate and establish a Territorial Road from Davenport to Dubuque," was read a second time.

On motion of Mr. Moss,

Ordered, That said bill be re-committed to the Committee on Roads and Highways.

No. 59, H. R. File, "A bill to locate a Territorial Road from Richmond, in Washington county, to intersect a road from Iowa City, to the county line of Washington county;"

Was read a second time.

On motion of Mr. Baker,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 60, H. R. File, "A bill to amend an act, entitled An act establishing a certain Territorial Road therein named;"

Was read a second time.

On motion of Mr. Higginson,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 1, C. F. "A bill entitled An act amendatory to an act authorizing Henry Eno and others, to build a Dam across the Des Moines river;" was read a second time.

A motion was made by Mr. Hepner, to refer said bill to the Committee on the Judiciary.

The motion was lost.

A motion was made by Mr. Weld, to strike out the third section of said bill.

And the question being put—was determined in the affirmative.

The question then being put, on reading the said bill a third time.
Was determined in the negative—Yeas 7, Nays 17.
The yeas and nays being desired by two members,
Those who voted in the affirmative were, Messrs. Booth, Campbell, McCulloch, Patterson, Quinton, Robertson, and Toole.
Those who voted in the negative, were Messrs. Baker, Biggs, Blair, Denson, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, Leffler, Morgan, Moss, Weld Whitaker, Wilson, and Lewis, Speaker.
So the bill was lost.
No. 33, C. F. "A Joint Resolution, instructing our Delegate in Congress to use his influence in procuring a confirmation, or a re-survey of the present northern boundary line of the Half-Breed Sac and Fox Reservation, in Lee county;" was read a second time.
On motion of Mr. Patterson,
Ordered, That said resolution be read a third time on to-morrow.
A Message from the Council, by Mr. Woods, their Secretary—
Mr. Speaker—The Council have passed
No. 60, C. F. "A Joint Resolution, providing for the distribution of the Reports of the Supreme Courts."
In which the concurrence of the House of Representatives is requested.
The Council have agreed to the amendment made by the House of Representatives to the amendment of the Council to No. 32, H. R. File, "A bill to authorize Rachael Holcomb, administratrix of the estate of of Milo Holcomb, deceased, to sell certain real estate."
I herewith return 3 enrolled bills, which have been signed by the President of the Council.
And then he withdrew.
No. 48, C. F. "A bill for an act to authorize William Pickerel, his heirs, or assigns, to construct, keep, and maintain, a Dam across Skunk river," was read a second time.
On motion of Mr. Baker,
Ordered, That said bill be referred to a Select Committee.
Whereupon, Messrs. Baker, Quinton, and Higginson, were appointed said Committee.
Mr. Baker, on leave, presented a petition in relation to said bill, which was referred to the same Committee.
No. 51, C. F. "A bill to locate and establish a Territorial Road from Jackeniah Baldwin's, in Cedar county, to Wm. Abbee's, in Linn county," was read a second time.
On motion of Mr. Higginson,
Ordered, That said bill be referred to the Committee on Roads and Highways.
No. 53, C. F., "A bill for an act to legalize the location of a Territorial Road in Henry county," was read a second time.
On motion of Mr. Wilson,
Ordered, That said bill be read a third time on to-morrow.
No. 4, H. R. File, "A bill to amend an act subjecting real and personal estate to execution," was read a second time.
On motion of Mr. Robertson,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair and Mr. Toole reported that the Committee had, according to order, had said Bill under consideration and instructed him to report the same, and ask leave to sit again on to-morrow.

Leave was granted.

Mr. Patterson presented the report of the Superintendent of the Penitentiary, which,

On motion of Mr. Biggs,

Was referred to the Committee on Public Buildings.

On motion of Mr. Grant,

Ordered, That one hundred copies of said report be printed for the use of the House.

Said Report reads as follows:

IOWA CITY, (I. T.) JANUARY 17, 1842.

To the Honorable the House of Representatives of the Territory of Iowa:

In compliance with a resolution adopted by your honorable body on the 4th instant, I have the honor to submit the following report of the cost of completing the Iowa Penitentiary; and in doing so, I regret that it is not in my power to report jointly with the Director, which would be more strictly in accordance with the resolution, but I have no hesitation in saying that this report will meet the approbation of the Director.

The following statement will show the cost of completing the main prison, including the Warden's house:

4,222	feet of cut stone for the fronts of walls, at 30 cents per foot for cutting alone,	$1680	80
388	perches of common stone-work, including the setting of cut stone in front walls, at $5,	1940	00
224	perches of ruble masonry in the rear walls, at $4,	896	00
16,000	feet of oak and walnut lumber for roof and flooring, at $1.50 per 100 feet,	240	00
100,000	shingles, at 4.50 per 1000,	450	00
5,500	feet of clear pine lumber, at $3 per 100 feet,	165	00
2,260	feet of hewed timber, at 5 cents per foot,	113	00
	Carpenters' work complete,	1200	00
	Blacksmiths' work complete,	800	00
1,800	lbs. Iron, at 9 cts. per lb., for grates, &c.	162	00
7	iron grated doors complete, at $30 per door,	210	00
600	yards of plastering, at 50 cents per yard,	300	00
	Glass, nails, painting, glazing, &c.	220	00
	Total,	$8,376	80

The following is a statement of the cost of completing the

Cells:

16,640	feet of fine cut stone for cells, at $1 per foot when laid in the cells,	$16,640	00
128	iron grated doors complete, at $30 each,	3,840	00

200	perches of stone work in foundations, &c., $4.00	800 00	
	Stairways complete for cells,	100 00	
200	lbs. of iron clamps for cell work, at 10 cts.	20 00	
			21,400 00
	The following statement will show the cost of finishing the outer or yard walls:		
1,212	perches of ruble masonry, at $3.50 per perch,	4,232 00	
1	double iron gate with locks, bolts, &c.	80 00	
			4,312 00
	Total,		$34,088 80
	The following is a list of credits the above account is entitled to, the same being for materials now on hand:		
3640	feet of dimension stone, at 20 cents,	$748 00	
800	perches of common stone, at $2,	1600 00	
1500	feet of fine cut stone for cells, at 80 cts.	1200 00	
800	lbs. of iron, at 9 cts. per lb.	72 00	
			3,620 00
	Total cost of completing the Penitentiary,		$30,468 80

It will be seen by reference to the reports of the Director, that the amount heretofore expended in the erection of the Penitentiary, is $28,628 20—$20,000 of which has been paid off by an appropriation from the United States, leaving a balance of $8,628 20 due and unpaid; and should Congress make a small appropriation at the present session of ten or fifteen thousand dollars, the Superintendent would be enabled, by paying off the present debts, to contract for the full completion of the main prison and outer or yard walls, at the prices as above stated, in advance of appropriations, by having the sanction of the Legislature so to do: and could do so now, were it not that doubts are entertained by some of the assumption of debts thus created, by the future State of Iowa, in case Congress should fail to make an appropriation sufficient to discharge the debts thus created.

It will be seen, by deducting the amount paid to officers out of the amount heretofore expended on the Penitentiary, and the amount necessary to complete the work, that the first estimate of $55,000 for the total costof completing the same, which was furnished the Legislature by the Superintendent before the commencement of the work, was entirely correct.

And in conclusion, I would respectfully suggest the propriety of dispensing with the third tier of cells: and I do so now, to enable the Legislature to make some decision in relation to the same at the present session, so that in case of an appropriation by Congress for said work the present winter, a proper finish may be put upon the second tier, should it be deemed expedient to dispense with the third.

My reasons for recommending the top tier of cells to be dispensed with are, first, that it will render the prison much more secure on account of the ceiling being much higher above the block of cells; and second, on account of the saving of the cost of the same, which would

be $7,870 00; and I would further remark, that there will be 92 cells without the third tier, therefore it will be of little use for fifteen or twenty years to come, at which time the third tier can be created, and even the fourth or fifth, by raising the main building higher.

All of which is respectfully submitted.

AMOS LADD,
Sup't of the Iowa Penitentiary.

On motion of Mr. Hebard,
The House adjourned.

Tuesday Morning, January 18, 1842.

Mr. Toole presented the petition of sundry citizens of Louisa county, asking the Legislature to pass a law legalizing the location of a certain Territorial Road in said county.

On motion of Mr. Toole,

Ordered, That said petition be referred to a Select Committee.—Messrs. Toole, Holliday, and Blair were appointed said Committee.

Mr. Moss presented the petition of sundry citizens of Jackson county, in relation to the establishment of a Territorial Road, from Point Pleasant, in Clinton county, to Dubuque, via Goodenow's ferry, on the south fork of the Maquoqueta.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Denson gave notice, that he would, on some future day, introduce a bill to authorize the County Commissioners of Jones county, to open, and cause to be kept in order, so much of the National Road as passes through said county.

On motion of Mr. Toole,

Ordered, That a Select Committee be appointed, to be composed of one member from each electoral district, to take into consideration the propriety of memorializing Congress for an appropriation to improve certain mail routes in this Territory—Whereupon,

Messrs. Toole, Quinton, Whitaker, Patterson, Felkner, Robertson, Leffler, Moss, Higginson, and Porter, were appointed said Committee.

Mr. Hebard, from the Committee on Engrossed Bills, reported Nos. 46, 50, 51, 53, 59, and 60, H. R. File, as correctly engrossed.

Mr. Hepner, from the Committee on Enrollments, reported, that said Committee had presented to the Governor, for his approval, on the 17th inst., an act to autharize Perriander Pollock and others, to build a dam across the Wapesipenicon river;

An act to divorce Naomy Williams from her husband Edward Y. Williams. Also,

An act to locate and establish a Territorial Road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county;

An act to locate and establish a Territorial Road from Thomas Lin-

gle's Mill, in Johnson county, to Marion, via West Port, in Linn county. And,

A Preamble and Joint Resolution, requesting our Delegate in Congress to use his influence in procuring a change in the existing system of licensing traders to deal with the Indians.

Mr. Toole, in accordance with previous notice, introduced No. 69, H. R. File, "A Bill to authorize persons to remove fences made by mistake on the land of other persons," which was read a first time.

A motion was made by Mr. Toole, that the printing of said bill be dispensed with.

The motion was lost.

Mr. Biggs gave notice, that on to-morrow, or some subsequent day, he should ask leave to introduce a bill for an act for the relief of the poor. Also, a bill for an act to authorize the establishment of poor houses.

The House resumed in Committee of the whole House the consideration of No. 4, H. R. File, "A bill to amend an act, subjecting real and personal estate to execution. And after some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had, according to order, had said bill under consideration, and had instructed him to report the same back to the House with an amendment, and ask to be discharged from its further consideration.

The report was concurred in.

On motion of Mr. Grant,

Ordered, That said bill be referred to a Select Committee.

Whereupon, Messrs. Grant, Biggs, Leffler, Toole, and Baker, were appointed said Committee.

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute," was read a second time.

A motion was made by Mr. Hepner, to refer said bill to the Committee on Incorporations.

The motion was lost.

On motion of Mr. Porter,

The House resolved itself into a Committee of the whole House, for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Smead reported, that the Committee had, according to order, had said bill under consideration, and had instructed him to report the same back to the House with amendments.

Which report was concurred in.

On motion of Mr Porter,

Ordered, That said bill be referred to the Committee on Incorporations.

No. 45, H. R. File, "A bill for an act to amend an act entitled An act to provide for the appointing of Justices of the Peace. to prescribe their powers and duties, and to regulate their proceedings," approved January 21st, A. D. 1839, was read a second time.

On motion of Mr. Toole.

The House resolved itself into a Committee of the whole House

on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments.

To which the House agreed.

On motion of Mr. Whitaker,

Ordered, That said bill be referred to a Select Committee.

Whereupon, Messrs. Whitaker, Hepner, and Baker were appointed said Committee.

On motion of Mr. Campbell,

The House adjourned.

Wednesday Morning, January 19, 1842.

The Speaker presented the remonstrance of sundry citizens of Jackson county, in relation to the seat of justice of said county, which,

On motion of Mr. Robertson,

Was laid on the table.

The Speaker also presented the petition of sundry citizens of Jackson county, in relation to a certain Territorial Road within said county.

On motion of Mr. Moss,

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Smead presented the petition of sundry citizens of Henry county, in relation to the establishment of a Territorial Road, from Crawfordsville, via London and Smith's mill, to West Point, in Lee county.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Leffler gave notice, that he should, on some future day, introduce a Memorial to Congress for the relief of Jeremiah Smith.

Mr. Toole gave notice, that he should, on some future day, introduce a Memorial to Congress on the subject of the Iowa and Cedar River Canal.

Mr. Whitaker, from the Select Committee to which the subject was referred, reported No. 70, H. R. File, "A bill for an act entitled An act to provide for the appointing of Justices of the Peace, and to prescribe their powers and duties, and to regulate their proceedings, approved January 21st, 1839;" which was read the first time.

Mr. Grant, from the Select Committee, to which was referred No. 4, H. R. File. "A Bill to amend an act subjecting real and personal estate to execution," reported No 71, H. R. File, as a substitute for the same, which was read a first time.

Mr. Felkner, from the Committee on Incorporations, to which was referred a certain petition from sundry citizens of Washington county, asking the incorporation of a School District, to be called the "Davis Creek Academy," reported that the Committee had had the same under consideration, and do not deem it expedient to grant the prayer of said petition.

The report was concurred in.

Mr. Felkner, from the Committee on Incorporations, to which was referred the petition of sundry citizens of Jackson county, asking the Legislature to grant a charter to Blithen S. Knight, to keep a Ferry across the Mississippi river, in said county, reported, that the Committee did not find it expedient to grant the prayer of the petitioner.

The report was concurred in.

Mr. Hepner, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act defining a lawful fence, and providing against trespassing animals.

The Speaker then signed said entitled act.

Mr. Denson, in accordance with previous notice, introduced

No. 72, H. R. File, "A bill for an act to provide for opening and improving the National Road;" which was read a first time.

A motion was made by Mr. Toole, that the printing of said bill be dispensed with.

The motion was lost.

No. 57, H. R. File, "A bill for an act amending an act entitled An act regulating Marriages," approved Jan. 6th, 1840, was read a second time.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the whole House, for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Weld reported, that the Committee had, according to order, had said bill under consideration, and had instructed him to report the same with sundry amendments.

To which the House agreed.

A motion was made by Mr. Hepner to amend said bill by striking out the 1st section, and inserting the following as a substitute therefor, to wit: "That the *proviso* to the 6th section of an act, entitled 'An act regulating Marriages, approved Jan. 6th, 1840, be, and the same is hereby, repealed."

And the question being put, was determined in the negative.

Yeas 7, Nays 18.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Felkner, Hepner, McCulloch, Moss, Quinton, Weld, and Whitaker.

Those who voted in the negative, were Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Grant, Hebard, Higginson, Holliday, Leffler, Patterson, Porter, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

So the motion was lost.

A motion was then made by Mr. Whitaker, that said bill be indefinitely postdoned.

And the question being put

Was determined in the affirmative.—Yeas 14, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Denson, Felkner, Grant, Hebard, Moss, Patterson, Porter, Quinton, Robertson, Smead, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Blair, Booth Campbell, Hepner, Higginson, Holliday, Leffler, McCulloch, Tool and Wilson.

So the bill was indefinitely postponed.

A message from the Council, by Mr. Woods, their Secretary—

MR. SPEAKER—The Council have passed

No. 36, H. R. File, "A Bill for an act to legalize certain acts of the Board of Commissioners of Clinton county."

And have indefinitely postponed

No. 30, H. R. File, "A bill to locate and establish a Territorial Road from Marion, in Linn county, to the mouth of the Tete de Morte Creek, in Jackson county.

And then he withdrew.

On motion of Mr. Biggs,

The House adjourned.

Thursday Morning, January 20, 1842.

Mr. Leffler, from the Committee on Public Instruction, submitted a report, which was read, and laid upon the table, and one hundred copies ordered to be printed.

Said report reads as follows:

The Committee on Public Instruction, to whom was referred so much of the Governor's Message as relates to Common Schools, have had the same under consideration, and beg leave to make the following report:

Your Committee deem it unnecessary to go into any argument to prove the importance of a well organized system of Education, and the general dissemination of knowledge among the people. All will admit that the best hopes of the friends of free government are derived from this source.

The Committee, taking this as the basis of their action, were naturally led to the enquiry, how a well organized and a well digested system of Education could be introduced and carried into effect in this Territory.

At the session of 1839–'40 the attention of the Legislature was drawn to this subject, and a law was passed authorizing the organization of School Districts, with authority to elect the requisite officers and assess a school tax. Under this law, some few districts in the more populous parts of the counties of Lee, Henry, Van Buren, and Des Moines, have organized and promise some degree of success.

Your Committee believe, that, at the present, there is no necessity for any change in this law. Its practical operation will show its defects (if there be any,) any future legislation can add to its perfection.

By a reference to the systems of Education in the States, it will be found they have proved successful in the thickly inhabited portions of the country, where the funds have been sufficient: but not so where the population is sparse. The latter is the case in many portions of this Territory—a thing common in new countries. Many of our set-

tlements are so scattered and detached, that schools cannot be formed. A few years, however, will, in a great degree, remove this difficulty within the limits of the present settlements.

By a reference to the laws. the Committee find that all moneys arising from fines, drifted water crafts, lost goods, and estrays, are directed to be paid over to the officers of the several organized School Districts, to be applied in aid of such Schools; and, although these laws have been in force for two years, the Committee have been unable to find that any moneys have been paid over—a case which probably calls for legislative interference.

Your Committee cannot see that the application of any moneys which the Territory can now command, would be of much avail. The amount for some years will likely be limited, and when divided, be of little use, and partial in its application, from the fact that many districts will not and cannot organize.

From the foregoing premises, the Committee have come to the conclusion that no permanent aid on the part of the Legislature, in a pecuniary point of view, can, at this time, be afforded to the Primary Schools; but are gratified to say, that they can see, in advance, the means within the power of the Legislature, if properly husbanded, to create a permanent fund, of an amount which, in a few years, may be sufficient for all the objects of a Primary School.

This fund the Committee propose to create by the collection and funding in the hands of the Territorial Treasurer, all moneys arising from fines, forfeitures, and any violation of the penal laws of the Territory, from drifted water crafts, lost goods, estrays, escheats, and the portions of money to which the Territory may be entitled under the act of Congress distributing the proceeds of the sales of the public lands—to be used for this object and no other, and to be increased from time to time by such means as the Legislature, in their wisdom, may devise, until the interest be sufficient to justify its application without affecting the principal.

The last Legislature passed a law providing for the appointment of a Superintendent of Public Instruction, with a salary of two hundred and fifty dollars per annum. This officer, in the opinion of your Committee, is unnecessary. They therefore recommend that this office be abolished.

With these views, the Committee report a bill.

Mr. Leffler, from the same Committee, reported No. 73, H. R. File, "A bill. creating a permanent School Fund, and for other purposes;" which was read a first time.

Mr. Campbell, in accordance with previous notice, introduced No. 74, H. R. File, "Joint Resolution, requesting our Delegate in Congress to use his influence to have mails carried on board Steam Boats, from St. Louis to Keokuk," which was read a first time.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 9, C. F. "Preamble and Resolution, in relation to the southern boundary line of this Territory," reported the same back to the House with amendments.

Mr. Felkner, from the Committee on Incorporations, to which was referred No. 56, H. R. File, "A bill to authorize Joseph Stephens to

build a Dam across Skunk River," reported the same back to the House without amendment.

Mr. Hepner, on leave, introduced No. 75, H. R. File, "A Joint Resolution, instructing our Delegate in Congress to use his influence to procure the passage of a law to authorize the people of this Territory to form a Constitution and State Government," which was read a first time.

Mr. Felkner, from the Committee on Incorporations, to which was referred No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute," reported the same back to the House with amendments.

Bills, &c., from the Council, of the following titles, to wit:

No. 55, "A bill to incorporate the Washington Manufactoring Company."

No. 58, "A bill to authorize the County Commissioners of Van Buren county to grant a License to Jesse Wright and Henry Bateman to keep a Ferry across the Des Moines river, at Water Town," and,

No. 60, "A Joint Resolution, providing for the distribution of the Reports of the Supreme Court;"

Were severally read a first time.

A message from the Council by Mr. Woods their Secretary.

MR. SPEAKER:—The Council have passed

No. 46, C. F., "A Joint Resolution authorizing the Secretary to pay George C. Robbins for furnishing Seals for the District Courts of Linn and Jones counties."

Also, with amendments—

No. 9, H. R. File, "A bill to incorporate the town of Mount Pleasant."

In which they ask the concurrence of the House of Representatives.

They have also passed

No. 24, H. R. File, "A bill to divorce Sarah East from her husband Hardman E. W. East."

And then he withdrew.

Bills, &c., of the following titles, to wit:

No. 33, C. F., "A Joint Resolution, instructing our Delegate in Confiress to use his influence in producing a confirmation or a re-survey of the present nor thern boundary line of the Half-Breed Sac and Fox Reservation, in Lee county."

No. 53, C. F. "A bill for an act to legalize the location of a Territorial Road, in Henry county."

No. 46, H. R. File, "A bill to authorize Thomas S. Parkes to keep a Ferry across the Mississippi river."

No. 47, H R. File, "A bill to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river at the mouth of Nassau Slough."

No. 50, H. R. File, "A Memorial to the Secretary of the United States in relation to the two townships of land granted to the Territory for a University.

No. 51, H. R. File, "A bill for an act to incorporate a College at Washington, in Washington county."

No. 59, H. R. File, "A bill to locate and establish a Territorial

Road from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county."

No. 60, H. R. File, "A bill to amend an act entitled An act establishing a certain Territorial Road therein named," approved January 13, 1841.

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 53, H. R. File, "A bill supplementary to an act concerning water crafts found adrift, lost goods, and estray animals," approved January 22, 1839, was read a third time.

The question being put, Shall the bill pass?

It was determined in the negative—Yeas 10, Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs Baker, Booth, Hepner, Higginson, McCulloch, Morgan, Patterson, Quinton, Weld, and Whitaker.

Those who voted in the negative were Messrs. Biggs, Blair, Denson, Felkner, Grant, Hebard, Holliday, Leffler, Moss, Robertson, Smead, Toole, Wilson, and Lewis Speaker.

So the bill was lost.

No. 76, H. R. File, "A Bill for an act to incorporate the town of Davenport," was read a second time.

On motion of Mr. Grant,

The House resolved itself into a Committee of the whole House for the consideration of said bill.

After some time spent therein, Mr. Speaker resumed the chair, and Mr. Whitaker reported, that the Committee had, according to order, had said bill under consideration, and directed him to report the same with sundry amendments.

The report was concurred in.

A motion was made by Mr. Baker, to amend said bill, by striking out the word "shall," and inserting the word "May," in the 6th line of the 9th section.

To which the House agreed.

A motion was made by Mr. Baker, to strike out, in the 7th line and 9th section, the words "nor less than ten days."

And the question being put—was determined in the affirmative.

On motion of Mr Robertson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

A motion was made by Mr. Weld, that the House do now adjourn.

The question being put,

Was determined in the negative—Yeas 5, Nays 20.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Higginson, Morgan, Toole, Weld, and Wilson.

Those who voted in the negative were—Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Felkner,Grant, Hebard, Hepner, Holliday, Leffler, McCulloch, Moss, Patterson, Quinton, Robertson, Smead, Whitaker, and Lewis, Speaker.

So the motion to adjourn was lost.

On motion of Mr. Whitaker,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

No. 61, H. R. File, "A bill for an act to change the time of holding Courts in the Third Judicial District;" was read a second time.

On motion of Mr. Grant,

Ordered, That said bill be referred to a Select Committee, to be composed of the members from the Third Judicial District.

No. 62, H. R. File, "A bill for an act to amend an act concerning Costs and Fees," was read a second time.

On motion of Mr. Moss,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same back to the House with sundry amendments, and ask leave to sit again on to morrow.

The report was concurred in.

A Message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—The Council have passed

No. 72, C. F. "A Joint Resolution, authorizing an investigation by a Joint Committee of the Council and House of Representatives, of the Miners' Bank of Dubuque."

No. 5, H. R File, "A bill to authorize Jason Wilson to erect a Dam across Skunk River, in Lee county." Also with amendments,

No. 28, H. R. File, "A bill for an act to amend an act organizing a Board of County Commissioners in each county."

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

On motion of Mr. Hebard,

The House adjourned.

Friday Morning, January 21, 1842.

Mr. Booth, from the Committee on Territorial Affairs, to which was referred No. 52, H. R. File, "A bill, making the Clerk of the Board of County Commissioners elective by the people," reported the same back to the House with an amendment.

Mr. Grant, from the Committee on Agriculture, submitted a report, which being read,

A motion was made by Mr. Smead, that 100 copies of the same be printed.

And the question being put—was determined in the affirmative:

Yeas 15, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Blair, Booth, Campbell, Felkner, Grant, Hebard, Hepner, Leffler, McCulloch, Morgan, Patterson, Smead, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Denson, Higginson, Holliday, Moss, Porter, Quinton, Robertson, Toole, and Wilson.

So the report was ordered to be printed—which reads as follows:

The Committee on Agriculture, to whom was referred a resolution of this House, directing them to inquire into the expediency of appropriating a sum of money for the encouragement of Agriculture, have had the same under consideration, and beg leave to report a bill in compliance with said resolution.

The bill provides for the appropriation of twelve hundred dollars to county societies, provided each county will raise a sum equal to that appropriated, and two hundred dollars to a Territorial society. It provides for the organization of Agricultural societies for the Territory and in townships: It provides for the distribution of the money in premiums, provided each society will raise by subscription a sum of money equal to that appropriated. The bill requires reports from each Agricultural society, receiving the benefit of the law to the Territorial society, and from the Territorial Society to the Secretary of State.

By this means, it is believed, that a vast amount of agricultural improvement and experience would be collected at the seat of government every year: and a new impetus would be given to that calling of nine-tenths of our population, which is at once the most ancient, honorable and useful of the occupations of man.

Your Committee are of opinion, that in no part of our Republic is such information more necessary, than in this Territory. Possessed of a soil more fertile than the most favored portions of the globe, and a population, probably as industrious and economical as any of the western divisions of the nation; the farmer of Iowa is scarcely able to support a family, much less obtain a profitable reward for his labor.

The ordinary productions of our soil, under the present system of cultivation, such as corn, wheat, oats, potatoes, pork, or beef, will little more than pay for the costs of cultivating and feeding: and it is believed that the average rental of land will not exceed two dollars in money per acre. In many parts of England and Scotland it is sixty per acre.

The present prices of our staples are less than ever before known, in days of western hard times, and unless a change is produced, and that at no very distant period, many of our farmers must abandon the cultivation of the soil, or become hopelessly bankrupt.

The best remedy for this state of things will be, a change in many of our products, and a better system of agriculture; new crops and better modes of cultivating our present staples must be introduced. We must devote more attention to sheep; to the culivation of hemp and tobacco, the growing of vines, and the rearing of silk worms. We must introduce new breeds of cattle, horses, and swine, and by better care and attention to our native breeds, render them *more* val-

uable. We must, indeed, excite an agricultural spirit, and stimulate the farmer's ambition.

Your Committee do not pretend, that by the proposed bill, all these things would be accomplished, but like the entering wedge, which ultimately cleaves the sturdy oak, it would be the commencement of a system which would open to our citizens all the modern improvements in agricultural science, give new life to the enterprize of our farmers, and invigorate the system of cultivation throughout our Territory.

An appropriation of a smaller sum in proportion to population, was made by the Legislature of New York in May last, which has been attended with results more favorable than the anticipations of the most enthusiastic friends of the great cause of agriculture could have anticipated; and it is generally believed that, this small appropriation of eight thousand dollars has contributed more to the general good of that great State, than any million of dollars, which she has spent in internal improvement, since the completion of the Erie canal.

A State Fair was held at Syracuse in the month of last September, which was attended by ten or fifteen thousand people, most of them farmers; several hundred blooded horses, cattle, hogs, sheep, &c., were exhibited; every farming tool and labor-saving machine which the ingenuity of our country has invented, claimed premiums; and agriculture, already highly advanced, may justly regard that Fair as a new era, in which it will be the pride of its followers ever to commemorate, in all time to come.

Mr. Grant, from the Committee on Agriculture, reported No. 77, H. R. File, "A bill for an act for the encouragement of Agriculture," which was read a first time.

Mr. Hebard, from the Committee on Engrossed Bills, reported No. 76, H. R. File, as correctly engrossed.

Mr. Morgan, from the Committee on Military Affairs, to which was referred so much of the Governor's Message as relates to exempting the Society of Friends, or Quakers, from the performance of military duty on account of their conscientious scruples, submitted a report, and recommended the adoption of the following resolution:

Resolved, That it is inexpedient to take any legislative action on that part of the Governor's Message, which relates to exempting Quakers from military service, on account of their conscientious scruples against bearing arms.

A motion was made by Mr. Baker, that two hundred and fifty copies of the said report be printed for the use of the House.

And the question being put—was determined in the affirmative.

Yeas 17, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Grant, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair, Hebard, Higginson, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the motion to print was agreed to.

The question was then taken on the adoption of the resolution recommended by the Committee, and determined in the affirmative.

Said report reads as follows:

The Committee on Military Affairs, to whom was referred so much of the Governor's Message as relates to exempting the Society of Friends, or Quakers, from the performance of military duty on account of their conscientious scruples against bearing arms, beg leave respectfully, to report:

That they have had the same under consideration, and, after mature reflection, have come to the conclusion that no such exemption ought to be allowed. Your Committee are of opinion that the "conscientious scruples" of any sect, as such, do not come legitimately within the province of legislation, and should not, therefore, become the basis of any action on the part of a legislative body which represents the whole people. If conscience be a thing inherent in the human mind, it is, of course, an attribute common to all men, and its "scruples" should therefore be regarded with the same sacred respect in one man as in another—and if the protecting Ægis of the law should be thrown around the conscience of the Quaker, it should also shield from insult and outrage the equally solemn "scruples" of every other man. In this view of the subject, (supposing the sentiment, or whatever it may really be, called "conscience," to be inherent,) the protection of one set of consciences to the exclusion of others, yet all deriving their existences from the same Creative fountain, would be not only contrary to the genius of our government, but an impious effort to thwart the designs of Providence by making an invidious and injurious distinction among things which God and Nature had originally created equal. And if, on the other hand, conscience be the creature of education, controlling our acts by a sense of truth and the light of knowledge, and prompting us, by its enlightened admonitions, to a correct view of right and of wrong, then are your Committee the still less inclined to give it any charter of special privilege—for, without the divinity of Heavenly endowment, it has not the same claims to our veneration, is unequal and unlike among mankind, perfect only in proportion as men's minds are enlightened, and, even in its most perfect state, partaking of every hue and shade of variance that distiuguish the human mind, and consequently subject at all times to the caprices and mutations of human opinions. The difference, then, between men's minds, their education and their opinions, is, under this rule, just the difference between men's consciences. And under this rule every man is supposed to have a conscience of its own kind. Now, your Committee would ask, if it were right, is it possible to legislate for the accommodation of so great a variety of consciences? And yet, if we pass laws to quiet the qualms of the Quaker, we are equally and morrally bound, if asked, to accommodate the "scruples" of every other man, whether those scruples be against marching to the measure of martial music in a militia drill, or against hearing the sound of the church bell on the Sabbath.

In a political point of view, your Committee are of opinion, that, to exempt Quakers from, and yet compel all other citizens to the per-

formance of military duty, would be an unauthorized and unjust violation of the great cardinal maxim on which our system of government is based—EQUAL RIGHTS. Any exclusive privilege, conferred upon one class and denied to any other, or all others, is just so much stolen from the liberties of the mass, and is, so far, a violation of the first and highest principle of our government. To exempt the Quakers, or any other class of people, from duties or fines to which all other citizens are subjected, would, therefore, be conferring a privilege at once unjust to a very large majority of the people, and contrary to the spirit of our institutions.

The authority which gives us political existence as a Territory, confers equal privileges, and imposes equal duties, upon all our citizens. We have no right to go beyond that authority. It is enough to know, and surely it is as much as could reasonably be asked, that the Quakers, by that authority, like all other citizens, are allowed the privilege of worshipping Almighty God in the form and spirit dictated by their own consciences. In this, to the Christian the most important matter, the rights of all are alike, and to all they are alike secured.

And so, too, with the duties imposed—each and every citizen has his equal portion to perform. Neither the Constitution, nor the Ordinance of 1787, nor the Organic Law establishing our Territory, know any distinction among our citizens as to who shall contribute, (by bearing arms, and by paying fines and taxes,) to the "common defence and general welfare."

These higher authorities, from which we derive our political being, having made no distinction of this kind, but, on the contrary, expressly provided that the rights enjoyed, and duties imposed, shall be equal among all, your Committee are of opinion, that if a Territorial Legislature, restricted in its powers, and acting within prescribed limits, should attempt to create so odious a distinction, it would commit an infraction of the Constitution and of the laws of the General Government, which would be little short of treason, and one which would justly call down upon its members the indignant execrations of the people whom they should thus betray.

"PEACE," and "GOOD WILL AMONG MEN," seem to be the results drawn, by all professing christians, from the precepts of the holy scriptures. War and bloodshed, then, must of course naturally arouse the scruples not only of the Quaker but of every other professing christian. And if so, your Committee cannot perceive why all who make a profesSon of religion in any form should not also be exempted from military service for the same cause, and thus make treason honorable by making it legal, and popular by making it general—leaving the country, in case of invasion, without any means of defence other than the "conscientious scruples" of those who might, at such a time, be "disinclined to military service." With this view of the "horrors of war," and the sensitiveness of all good consciences on the subject, it will be perceived that your Committee, notwithstanding the mature consideration which they have given to the suggestions of his Excellency the Governor, have not been able, even by the nicest and most tho-

rough investigation, to find so material a difference between the consciences of the Quakers and the consciences of other good citizens as to induce them (your Committee) to report in favor of extending to the Quakers the exemption privilege recommended by his Excellency.

That your Committee may be fully understood in the views which they have presented above, they will quote all that part of the Governor's message which they have considered. It is as follows:

"There is a very industrious and valuable class of our population, "who conscientiously scruple to bear arms, in whose favor there is no "exemption provided by our Militia Laws. I would recommend that "provision be made for such cases; leaving them subject, in time of war, "to pay an equivalent for personal service."

Your Committee concur in opinion with his Excellency as to the industry and many virtues of that class of our population; but at the same time they cannot, for the reasons before expressed, concur in the recommendation of his Excellency to "provide an exemption" in their favor, neitheir in time of peace nor in war.—With all deference to the views of his Excellency, your Committee cannot coincide in the opinion here evidently suggested, in meaning, if not in words, that a distinction should be made between the influence of conscience in time of peace and its influence in time of war. If this influence deserve protection at one time, it deserves it at all times. Nor do your Committee think that such a provision would meet the wishes of even the Quakers themselves—for if they "conscientiously scruple" to bear arms, or pay fines, in time of peace, they will certainly "scruple" in time of war to pay "an equivalent for personal services." Besides, your Committee would not recommend such a provision, because, in a great national extremity, no amount of money can be equal to the personal services of men—and it would be rating the services and blood of the soldier by an unworthy and degrading standard, to regulate their worth by the Quaker's equivalent—*dollars and cents.* Under this view of the case, your Committee deem it but justice to all parties, and deem it the best public policy, to protect all men alike in the enjoyment of their constitutional privileges, and to compel all men alike to the performance of all the duties they owe to the laws and to their country,—or, in other words, your Committee would recommend that no distinction be made among our citizens, nor any special privileges granted to one class over another—and that the Quakers be given to understand, that, like all other citizens, they must obey the laws of the country, both in peace and in war.

Your Committee now ask to be discharged from the further consideration of the subject, and beg leave to present for adoption the following resolution:

Resolved, That it is inexpedient to take any legislative action on that part of the Governor's message which relates to exempting Quakers from military service on account of their conscientious scruples against bearing arms.

Mr. Hepner, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act authorizing Rachael Holcomb, administratrix of the estate of Milo Holcomb, deceased, to sell certain real estate; also,

An act to legalize certain acts of the board of Commissioners of Clinton county.

The Speaker then signed the above entitled acts.

Mr. Hepner also reported, that said Committee had presented to his Excellency, the Governor, for his approval, on the 21st inst.,

An act defining a lawful fence, and providing against trespassing animals."

No. 62, H. R. File, "A bill for an act to amend an act concerning Costs and Fees," being the order of the day, was taken up, and,

On motion,

The further consideration of the same was postponed until Monday next.

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute," was read a second time.

On motion of Mr. Porter,

Ordered, That the said bill do lie upon the table, and be printed.

No. 56, H. R. File, "A bill to authorize Joseph Stephens to build a Dam across Skunk river," was read a second time.

A motion was made by Mr. Hepner, to amend the last section of said bill, by inserting, after the word "amend," the words "or repeal."

To which the House agreed.

A motion was made by Mr. Wilson, that said bill be engrossed for a third reading on to-morrow.

And the question being put—was determined in the affirmative.

Yeas 21, Nays 5.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Grant, Hebard, Higginson, Holliday, Leffler, McCulloch, Patterson, Porter, Quinton, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were—Messrs. Felkner, Hepner, Morgan, Moss, and Weld.

So the bill was ordered to be engrossed for a third reading on to-morrow.

No. 64, H. R. File, "A bill for an act to amend an act, entitled An act to authorize John Wilson to keep a Ferry across the Mississippi river, at the town of Davenport;" was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Baker reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

On motion of Mr. Grant,

Ordered, That said bill be engrossed, and read a third time on Monday next.

No. 65, H. R. File, "A bill for an act to legalize the location of a certain Territorial Road, in Washington county," was read a second time.

On motion of Mr. Baker,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 66, H. R. File, "Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes;"

Was read a second time.

On motion of Mr. Booth,

Ordered, That said Memorial be referred to the Committee on Memorials.

No. 67, H. R. File, "A bill for an act to legalize the location of certain Territorial Roads therein named," was read a second time.

On motion of Mr. Toole,

Ordered, That said bill be engrossed, and read a third time on Monday next.

No. 68, H. R. File, "A Joint Resolution, relative to the printing,"

Was read a second time.

On motion of Mr. Quinton,

Ordered, That said resolution be engrossed, and read a third time on Monday next.

No. 70, H. R. File, "A bill for an act to amend an act entitled An act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings," approved January 21, 1839; was read a second time.

On motion of Mr. Baker,

Ordered, That said bill be engrossed, and read a third time on Monday next.

No. 72, H. R. File, "A bill to provide for opening and improving the National Road," was read a second time.

On motion of Mr. Hepner,

Ordered, That said bill be referred to the Committee on Roads and Highways.

No. 74, H. R. File, "Joint Resolution, requesting our Delegate to use his influence to have mails carried on board of Steam Boats, from St. Louis to Keokuk," was read a second time.

On motion of Mr. Patterson,

Ordered, That the 44th rule be suspended, and the resolution be read a third time now.

The Resolution was then read a third time, passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 9, C. F. "Preamble and Resolution, in relation to the southern boundary line;" was read a second time.

Ordered, That said Preamble and Resolution be read a third time on Monday next.

No. 55, C. F. "A bill to incorporate the Washington Manufactoring Company," was read a second time.

A motion was made by Mr. Patterson, to refer said bill to a Committee of the whole House.

The motion was lost.

On motion of Mr. Weld,

Ordered, That said bill do lie upon the table until Tuesday next.

No. 58, C. F., "A bill to authorize the County Commissioners of Van Buren county, to grant a license to Jesse Wright and Henry Bateman, to keep a Ferry across the Des Moines river, at Watertown;"

Was read a second time.

On motion of Mr Whitaker,

Ordered, That said bill be read a third time on Tuesday next.

No. 60, C. F. "A Joint Resolution, providing for the distribution of the Reports of the Supreme Courts," was read a second time.

On motion of Mr. Weld,

Ordered, That said resolution be read a third time on Tuesday next.

No. 52, H. R. File, "A bill, making the Clerk of the board of County Commissioners elective by the people," was read a second time.

On motion of Mr. Quinton,

Ordered, That said bill do lie upon the table until Friday next.

No. 46, C. F., "A Joint Resolution, authorizing the Secretary to pay George C. Robbins for furnishing Seals for the District Courts of Linn and Jones counties," was read a first time.

No. 72, C. F., "A Joint Resolution, authorizing an investigation, by a Joint Committee of the Council and House of Representatives, of the Miners' Bank of Dubuque," was read a first time.

On motion of Mr. Leffler,

Ordered, That the 44th rule be suspended, and the resolution be read a second time now.

The resolution was then read a second time, and a motion was made by Mr. Grant, that the same be indefinitely postponed.

And the question being put—was determined in the negative:

Yeas 8, Nays 17.

Mr. Booth being excused from voting.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Biggs, Blair, Felkner, Grant, Holliday, Weld, and Whitaker.

Those who voted in the negative were Messrs. Campbell, Denson, Hebard, Hepner, Higginson, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Quinton, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

So the motion to postpone indefinitely, was lost.

A motion was made by Mr. Grant, to amend the said resolution, by inserting the following as a substitute:

"Resolved, That the President and Cashier of the Miners' Bank of Dubuque, be requested to communicate to the Legislative Assembly of this Territory, a statement, under oath or affirmation, of the condition of said Bank, as required by the seventh section of the act incorporating the same.

And the question being put—was determined in thenegative.

A motion was made by Mr. Leffler, that the 44th rule be suspended, and the resolution be read a third time now.

And the question being put,

Was determined in the negative—Yeas 16, Nays 9.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Baker, Hebard, Hepner, Higginson, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Quinton, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Campbell, Denson, Felkner, Grant, Holliday, Weld, and Whitaker.

Two-thirds not voting therefor, the motion to suspend the rule was lost.

A motion was made by Mr. Leffler, that said resolution be read a third time on Monday next.

The motion was lost.

A motion was made by Mr. Hepner, that said resolution be read a third time on to-morrow.

And the question being put—was determined in the negative.

On motion of Mr. Toole,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

No. 72, C. F. "A Joint Resolution, authorizing an investigation of the Miners' Bank of Dubuque," being under consideration,

A motion was made by Mr. Whitaker, to lay the same upon the table.

Pending which,

Mr. Robertson moved a call of the House, which was had, and the roll being called, those who failed to answer to their names, were, Messrs. Grant, Hebard, and Leffler.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, the absentees appearing, the further call of the House was, on motion, suspended.

The question then being put, upon laying said resolution on the table, was determined in the negative.

A motion was made by Mr. Baker, that said resolution be laid upon the table until Friday next.

The motion was lost.

A motion was then made by Mr. Baker, that said resolution do lie upon the table until the 18th day of February.

And the question being put—was determined in the affirmative.

Mr. Whitaker gave notice, that he would, on some day hereafter, introduce "A bill, to compell the Miners' Bank of Dubuque to resume specie payment.

No. 9, H. R. File, "A bill to incorporate the Town of Mount Pleasant," being returned from the Council with amendments was taken up, the same read and concurred in by the House.

No. 76, H R. File, "A bill for an act to incorporate the town of Davenport," was read a third time, passed, and the title agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

A motion was made by Mr. Moss, to take from the table the report of the Territorial Treasurer.

To which the House agreed.

A motion was then made by Mr. Moss, that the said report be referred to a Select Committee.

The motion was lost.

On motion of Mr. Grant,

Ordered, That said report be referred to the Committee on Territorial Affairs.

A motion was made by Mr. Biggs, that the House do now adjourn until Monday morning next.

And the question being put—was determined in the affirmative.

Yeas 19, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Felkner, Hebard, Higginson, Leffler, McCulloch, Morgan, Porter, Quinton, Robertson, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Grant, Hepner, Holliday, Moss, Patterson, Weld, and Wilson.

So the House adjourned until Monday morning next.

Monday Morning, January 24, 1842.

A message from the Council by Mr. Woods their Secretary.

MR. SPEAKER:—The Council have passed

No. 28, H. R. File, "A bill for an act to amend an act, organizing a Board of County Commissioners in each county," with amendments.

No. 64, C. F. "A bill for an act amending an act regulating Weights and Measures."

No. 38, C. F. "A bill to amend an act, for opening and regulating Roads and Highways," approved Jan. 17, 1840.

No. 56, C. F. "A bill for an act to amend an act, entitled An act for benefit of settlers, &c., on the Half-Breed Land."

In which they ask the concurrence of the House of Representatives.

The Council have indefinitely postponed No. 50, H. R. File. "A Memorial to the Secretary of the Treasury of the United States, in relation to the two Townships of land granted to the Territory for a University.

I herewith present for your signature,

An act to legalize the location of a Territorial Road in Henry county;

A Joint Resolution, instructing our Delegate in Congress to use his influence in procuring a confirmation, or a re-survey, of the present northern boundary line of the Half-Breed Sac and Fox Reservation, in Lee county."

And then he withdrew.

The Speaker then signed the above Act and Resolution.

Mr. Robertson presented the petition of Sarah Wilson, praying the Legislature to pass a law to divorce her from her husband John Wilson.

On motion of Mr. Robertson,

Ordered, That the said petition be referred to a Select Committee.

Whereupon, The Speaker appointed Messrs. Robertson, Felkner, and Leffler, said Committee.

Mr. Felkner presented the petition of Sarah Connelley, praying to be divorced from her husband, William Connelley."

Ordered, That the said petition be referred to a Select Committee. Whereupon, Messrs. Felkner, Moss, and Holliday, were appointed said Committee.

Mr. Weld gave notice, that on to-morrow, or some day hereafter, he would introduce a bill, to provide that farmers shall hold a certain quantity of land exempt from execution.

Mr. Wilson gave notice, that he would, on some day hereafter, introduce a bill relative to Locks in Mill Dams across the navigable streams in this Territory.

Mr. Morgan from the Committee on Engrossed Bills, reported Nos. 55, 64, 65, 67, 68, and 70, H. R. File, as correctly engrossed.

Mr- Biggs, from the Select Committee, to which was referred so much of the Governor's message as related to the improvement of the Rapids in the Mississippi river, reported

No. 78, H. R. File, "A Memorial to Congress, for an appropriation for the improvement of the Rapids in the Mississippi river," which was read a first time.

Mr. Whitaker, in accordance with previous notice, introduced

No. 79, H. R. File, "A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment," which was read a first time.

Mr. Toole, in accordance with previous notice, introduced

No. 80, H. R. File, "A Memorial to Congress, asking for the survey of the route of the Iowa River Canal," which was read a first time.

On motion of Mr. Hebard,

Ordered, That the printing of said Memorial be dispensed with.

Mr. Biggs, in accordance with previous notice, in troduced No. 81, H. R. File, ',An act for the relief of the Poor."

Mr. Biggs, also in accordance with previous notice, introduced No. 82, H. R. File, "A Bill to authorize the establishment of poor Houses.

The said Bills were severally read a first time.

Mr. Denson, in accordance with previous notice, introduced No. 83, H. R. File, "A Bill to locate and establish a Territorial Road from Marion in Linn county, to the Indian boundary, in Benton County," which was read a first time.

A motion was made by Mr. Quinton to dispense with the printing of said Bill.

The motion was lost,

No. 62, H. R. File, "A bill for an act to amend an act concerning Costs and Fees," being the order of the day was committed to a Committee of the Whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments

To which the House agreed.

On motion of Mr. Toole,

Ordered, That the said bill be referred to a Select Committee to be composed of one member from each electoral district,

Whereupon, the Speaker appointed Messrs. Toole, Campbell, Biggs, Hepner, Smead, Felkner, Denson, Robertson, Moss, and Quinton, said Committee.

No. 63, H. R. File, "A bill for an act defining the Jurisdiction of the Supreme and District Courts," was read a second time.

On motion of Mr. Patterson,

Ordered, That the said bill be engrossed and read a third time on to-morrow.

No. 69, H. R. File, "A bill to authorize persons to remove fences made by mistake on the land of other persons," was read a second time.

On motion of Mr. Toole,

Ordered, That the said bill be referred to the Committee on the Judiciary.

No. 71, H. R. File, "A bill for an act to amend an act subjecting Real and personal estate to execution," was read a second time.

On motion of Mr. Weld,

Ordered, That the consideration of said bill be made the order of the day for Friday next.

No. 73, H. R. File, "A bill creating a permanent school fund and for other purposes," was read a second time.

On motion of Mr. Leffler,

The said bill was committed to a Committee of the Whole House for the consideration of the same. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Biggs reported, that the Committee had, according to order, had said bill under consideration, and had instructed him to report the same with sundry amendments.

To which the House agreed.

On motion of Mr. Leffler,

Ordered, That said bill be recommitted to the Judiciary Committee.

On motion of Mr. Morgan,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK, P. M.

No. 75, H. R. File, "A Joint Resolution to admission into the Union," was read a second time.

On motion of Mr. Toole,

Ordered, That the said Resolution be engrossed and read a third time on to-morrow.

No. 46, C. F. "A Joint Resolution, authorizing the Secretary to pay George C. Robbins for furnishing Seals for the District Courts of Linn and Jones Counties," was read a second time.

On motion of Mr. Felkner,

Ordered, That the said resolution be read a third time on to-morrow.

No. 9, C. F. "Preamble and Resolution, in relation to the Southern Boundary Line of this Territory," was read a third time. and passed.

Ordered. That the Clerk acquaint the Council therewith.

No. 55, H. R. File, "A bill to authorize Joseph Stevens to build a Dam across Skunk river," was read a third time.

And the question being put, Shall the bill pass?

Was determined in the affirmative.—Yeas 14, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Hebard, Holliday, Leffler, Quinton, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Blair, Denson, Felkner, Hepner, Morgan, Moss, Patterson, and Weld.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 64, H. R. File, "A bill for an act to amend an act, entitled An act to authorize John Wilson to keep a Ferry across the Mississippi river, at the town of Davenport," was read a third time.

On motion of Mr. Robertson,

Ordered, That said bill do lie upon the table.

Bills, &c. of the following titles, to wit:

No. 65, H. R. File, "A bill for an act to legalize the location of a certain Territorial Road in Washington county."

No. 67, H. R. File, "A bill for an act to legalize the location of certain Territorial Roads therein named."

No. 68, H. R. File, "A Joint Resolution, relative to the public printing."

No. 70, H. R File, "A bill for an act to amend an act entitled An act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings,"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk request the concurrence of the Council therein.

No. 28, H. R. File, "A bill, for an act to amend an act, organizing a Board of County Commissioners in each county," being returned from the Council with amendments, was taken up, and the same being read, the first amendment was disagreed to, and the second concurred in by the House.

Bills from the Council of the following titles, to wit:

No. 38, "A bill to amend an act entitled An act for opening and regulating Roads and Highways," approved Jan. 17, 1840.

No. 56, "A bill for an act to amend an act entitled An act for the benefit of settlers, &c., on the Half-Breed Lands.

No. 64, "A bill for an act amending an act regulating Weights and Measures,"

Were severally read a first time.

A Message from the Council, by Mr. Woods, their Secretary—

MR. SPEAKER—The Council have passed

No. 12, H. R. File, "An act to district the county of Jackson into three Commissioners' Districts."

No. 51, H. R. File, "A bill for an act to incorporate a College at Washington, in Washington County."

No. 59, H. R. File, "A bill to locate and establish a Territorial Road from Richmond, in Washington county, to intersect a Road from Iowa City to the county line of Washington county,"

Also, with amendments,

No. 46, H. R. File, "A bill to authorize Thomas S. Parkes to keep a ferry across the Mississippi River."

The Council have also passed No. 2, C. F. "A bill establishing a Territorial Road from Moscow towards Iowa City."

No. 44, C. F. "A bill to relocate a certain part of a Territorial Road, running from Burlington to the mouth of the Desmoines River."

No. 68, C. F. "A bill for an act to establish a Territorial Road from Keosauqua to the Southern boundary of the Territory," and

No. 71, C. F. "A bill for an act amending an act defining the duties of supervisors of Roads and Highways."

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

Bills from the Council of the following titles, to wit:

No. 2. "A bill establishing a Territorial Road from Moscow towards Iowa City."

No. 44, "A bill to relocate a certain part of the Territorial Road from Burlington to the mouth of the Desmoines River."

No. 68, "A bill for an act to establish a Territorial Road from Keosauqua to the Southern boundary of the Territory."

No. 71, "A bill for an act amending an act defining the duties of Supervisors of Roads and Highways," were severally read a first time.

No. 46, H. R. File, "A bill to authorize Thomas S. Parkes to keep a ferry across the Mississippi River," being returned from the Council with amendments was taken up, the same read, and concurred in by the House.

A motion was made by Mr. Robertson to take from the table No. 43, H. R. File, "A bill to amend an act districting the Territory into electoral districts,"

To which the House agreed.

On motion of Mr. Robertson,

Ordered, That said bill be engrossed and read a third time on tomorrow.

Mr. Hepner, from the Committee on Enrollments, reported that they had presented to his Fxcellency, the Governor, for his approval this day

An act to authorize Rachael Holcomb, Administratrix of the estate of Milo Holcomb, *Deceased*, to sell certain Real estate," also

An act to legalize certain acts of the Board of Commissioners of Clinton County."

Mr. Hepner, from the same Committee, reported as correctly enrolled,

"An act to Divorce Sarah East from her husband, Hardman E. W. East."

"An act to Incorporate the Town of Mount Pleasant," also

"An act to authorize Jason Wilson to erect a Dam across Skunk River, in Lee County."

The Speaker then signed said entitled Acts.

Mr. Biggs gave notice that on to-morrow he would offer an amendment to the standing Rules of this House, to prevent the nse of this Hall for Public Worship, for the remainder of the Session.

On motion of Mr. Moss,

The House adjourned.

Tuesday Morning, January 25, 1842.

Mr. McCulloch presented the petition of seven hundred and forty citizens of Lee county, praying the Legislature to pass a law, authorizing a re-location of the Seat of Justice of said county, by disinterested Commissioners.

On motion of Mr. Weld,

Ordered, That the said petition be referred to a Select Committee, to be composed of the delegation from Lee county.

Mr. Felkner offered the following:

Resolved, That the Universalist Society of Iowa City be permitted to occupy this Hall on next Sabbath, and on each alternate Sabbath thereafter during the present session of the Legislature.

A motion was made by Mr. Patterson, that the same do lie upon the table.

The motion was lost.

A motion was made by Mr. Biggs, to amend the resolution by the addition of the following: "and that the Methodist Church be permitted to occupy the same each other alternate Sabbath."

Which being accepted by Mr. Felkner, the question recurred on the original resolution, as amended.

Pending which,

Mr. Hepner offered the following as a substitute:

Whereas, a difficulty and dispute have arisen between those to whom the free use of this House was extended during the Sundays of the session, therefore

Resolved, That no persons whatever, other than members and officers of this House, shall hereafter occupy the same during the recess of any adjournment.

The question then being on the adoption of the substitute.

And being put,

Was determined in the affirmative—Yeas 13, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Hepner, Holliday, Morgan, Moss, Robertson, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair, Felkner, He-

th.

bard, Higginson, McCulloch, Patterson, Porter, Quinton, Smead, Toole, and Wilson.

So the substitute was adopted.

Mr. Hebard asked leave of absence for Messrs. Grant and Leffler, for a few days, who have been necessarily called home.

Leave was granted.

Mr. Robertson gave notice, that he would, on to-morrow, or some day hereafter, introduce a bill to authorize Harman G. Reynolds to keep a Ferry across the Mississippi river, in Scott county.

Mr. Campbell gave notice, that he would, on some future day, introduce a bill for an act to review and re-establish a part of the Territorial Road from Keokuk, in Lee county, to Iowaville, on the Des Moines river.

Mr. Robertson, from the Select Committee, to which the subject was referred, reported No. 84, H. R. File, "A bill to divorce Sarah Wilson from her husband John Wilson," which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways, to which was referred No. 58, H. R. File, "A bill to re-locate and establish a Territorial Road, from Davenport to Dubuque," reported No. 85, H. R. File, as a substitute for the same, which was read a first time.

A motion was made by Mr. Toole, that the printing of the above bills be dispensed with.

And the question being put—was determined in the negative.

Yeas 12, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Hebard, Higginson, Moss, Patterson, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

Those who voted in the negative were—Messrs. Baker, Booth, Campbell, Denson Felkner, Hepner, Holliday, McCulloch, Morgan, Quinton, Weld, and Lewis, Speaker.

So the motion to dispense with the printing of said bills was lost.

Mr. Felkner, from the Select Committee, to which the subject was referred reported No. 86, H. R. File, "A bill for an act to divorce Sarah Connelly from her husband William Connelly,"

Which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways, reported No. 87, H. R. File, "A bill entitled an act establishing a Territorial Road from Denson's Ferry, on the Wapesipenicon, towards Dubuque," which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways, to which was referred No. 72, H. R. File, "A bill to provide for opening and improving the National Road," reported the same back to the House without amendment.

A motion was made by Mr. Toole, that the printing of the three last bills introduced, be dispensed with.

And the question being put—was determined in the affirmative.

Yeas 15, Nays 9.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Blair, Biggs, Felk-

ner, Hebard, Higginson, Holliday, Moss, Patterson, Porter, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Booth, Campbell, Denson, Hepner, McCulloch, Morgan, Morgan, Quinton, and Weld.

So the printing of said bills was dispensed with.

Mr. Hepner, from the Committee on Enrolled Bills, reported as correctly enrolled,

An act to locate and establish a Territorial Road, from Richmond, in Washington county, to intersect a road from Iowa City to the county line of Washington county, and,

An act to authorize Thomas S. Parkes to keep a Ferry across the Mississippi river."

The Speaker then signed said entitled acts.

Mr. Hepner, from the Committee on Public Buildings, reported

No. 88, H. R File, "A bill to provide for the appointment of an acting Commissioner at Iowa City, defining his duties, and for other purposes," which was read a first time.

Mr. Baker, from the Select Committee, to which the subject was referred, reported No. 89, H. R. File, "A bill for an act to authorize William Pickerel and others, to construct, keep, and maintain a Dam across Skunk river," which was read a first time.

Mr. Weld, in accordance with previous notice, introduced No. 90, H. R. File, "A bill for an act supplementary to an act, subjecting Real and Personal Estate to execution," which was read a first time.

Mr. Hepner, from the Committee on Public Buildings, reported

No. 91, H. R. File, "A Joint Resolution, relative to the claim of James F. Hanby," which was read a first time.

No. 2, C. F. "A bill, establishing a Territorial Road from Moscow towards Iowa City," was read a second time.

On motion of Mr. Felkner,

Ordered, That said bill be referred to a Select Committee.

Messrs. Felkner, Wilson, and Denson, were appointed said Committee.

No. 38, C. F. "A bill to amend an act entitled An act for opening and regulating Roads and Highways, approved Jan. 17, 1840," was read a second time.

On motion of Mr. Toole,

Ordered, That said bill be referred to the Committee on Roads and Highways.

No. 44, C. F. "A bill to re-locate a certain part of the Territorial Road, running from Burlington to the mouth of the Des Moines river," was read a second time.

A motion was made by Mr. Campbell, to amend said bill by striking out the name "L. B. Fleak," and inserting "Wm. Long."

To which the House agreed.

On motion of Mr. Campbell,

Ordered, That said bill be read a third time on to-morrow.

No. 56, C. F. "A bill for an act to amend an act entitled An act for the benefit of the settlers, &c., on the Half-Breed Lands."

Ordered, That said bill be read a third time on to-morrow.

No. 64, C. F. "A bill for an act amending an act, regulating Weights and Measures," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair and Mr. Booth reported that the Committee had, according to order, had said Bill under consideration and instructed him to report the same without amendment.

On motion of Mr. Robertson,

Ordered, That said bill be read a third time on to-morrow.

No. 68, C. F. "A bill for an act to establish a Territorial Road, from Keosauque to the southern boundary of the Territory,"

Was read a second time.

On motion of Mr. Weld,

Ordered, That said bill be read a third time on to-morrow.

No. 71, C. F. "A bill for an act amending an act, defining the duties of Supervisors of Roads and Highways," was read a second time.

On motion of Mr. Quinton,

Ordered, That said bill be read a third time on to-morrow.

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute," was read a second time.

On motion of Mr. Quinton,

The bill was committed to a Committee of the whole House for the consideration of the same. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Denson reported that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

A motion was made by Mr. Baker, to amend said bill by striking out in the second section the words "26th day of February," and inserting the words "first Monday in April."

To which the House agreed.

A motion was made by Mr. Porter, to strike out the tenth section of said bill, and insert the following as a substitute, to wit:

That said Institution shall be under the charge of the Methodist Episcopal Church, but there shall be no religious test for the admission of students to said Institute.

And the question being put,

Was determined in the negative—Yeas 12, Nays 12.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs. Blair, Booth, Hebard, Higginson, Moss, Patterson, Porter, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative were Messrs. Baker, Biggs, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Quinton Weld, and Whitaker.

So the motion to amend was lost.

A motion was made by Mr. Porter, that said bill do lie upon the table, subject to the order of the House.

And the question being put—was determined in the negative.

A motion was then made by Mr. Porter, that said bill be re-committed to the Committee on the Judiciary.

The motion was lost.

A motion was made by Mr. Porter, that the House do now adjourn.

And the question being put—was determined in the negative.

A motion was then made by Mr. Porter, that said bill do lie upon the table until Monday next.

To which the House agreed.

On motion of Mr. Patterson,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—The Council have passed, with amendments,

No. 47, H. R. File, "A bill to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river at the mouth of the Nassau Slough."

No. 39, H. R. File, "A Memorial to Congress for the location of Mail Routes in Iowa Territory."

No. 20, H. R. File, "A bill for an act supplementary to an act entitled An act to authorize evidence by the oath of parties."

The Council have agreed to the amendments made by the House of Representatives to No. 9, C. F., and insist upon their amendment to No. 28, H. R. File, as disagreed to by the House.

They have passed, without amendment,

No. 74, H. R. File, "A Joint Resolution, requesting our Delegate to use his influence to have mails carried on board of steam boats from St. Louis to Keokuk.

And have also passed,

No. 35, C. F. "A bill to prevent trespass upon lands.

No. 67, C. F. "A bill to revive an act to incorporate Iowa City, and for other purposes," and

No. 69, C. F. "A bill to incorporate the Iowa Lodge, at Bloomington."

In which they ask the concurrence of the H. of Representatives.

And then he withdrew.

No. 77, H. R. File, "A bill for an act for the encouragement of Agriculture," was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be laid upon the table until Friday next.

No. 79, H. R. File, "A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment;" was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the whole House on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

On motion of Mr. Hepner,

Ordered, That the said bill do lie upon the table until Monday next.

No. 80, H. R. File, "A Memorial to Congress asking for the sur-

vey of the route of the Iowa River Canal," was read a second time.

On motion of Mr. Toole,

Ordered, That said Memorial be referred to the Committee on Memorials.

No. 83, H. R. File. "A bill to locate and establish a Territorial Road from Marion, in Linn county, to the Indian boundary, in Benton county," was read a second time.

On motion of Mr. Denson,

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 46, C. F. "A Joint Resolution authorizing the Secretary to pay George C. Robbins for furnishing seals for the District Courts of Linn and Jones counties," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 55, C. F. "A bill to incorporate the Washington Manufactoring Company," was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 18, Nays 6.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Booth, Denson, Hebard, Hepner, Higginson, Holliday, McCulloch, Quinton, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Campbell, Felkner, Morgan, Moss, Patterson, and Weld.

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

Ordered, That the Clerk acquaint the Council of the passage of said bill.

No. 58, C. F. "A bill to authorize the County Commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a Ferry across the Des Moines river at Watertown."

No. 60, C. F., "A Joint Resolution providing for the distribution of the reports of the Supreme Court."

No. 43, H. R. File, "A Bill to amend an act to district the Territory of Iowa into electoral districts."

No. 63, H. R. File, "A bill for an act defining the jurisdiction of the Supreme and District Courts."

No. 75, H. R. File, "A Joint Resolution, relative to admission into the Union;"

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 47, H. R. File, "An act to authorize Robert M. G. Patterson to establish and keep a Ferry across the Mississippi river, at the mouth of the Nassau Slough," being returned from the Council with amendments, was taken up, the same read and severally concurred in by the House.

No. 39, H. R. File, "Memorial to Congress, for the location of mail routes in Iowa Territory," being returned from the Council with sundry amendments attached thereto, and being under consideration,

A motion was made by Mr. Biggs, that said Memorial, together with

the amendments, do lie upon the table until Thursday next.

To which the House agreed.

No. 20, H. R. File, "A bill for an act supplementary to an act entitled An act to authorize evidence by the oath of parties," being returned from the Council with amendments, was taken up, the same read, and concurred in.

No. 28, H. R. File, "A bill for an act to amend an act organizing a board of County Commissioners in each county," being returned from the Council with their amendment insisted upon, and being under consideration,

A motion was made by Mr. Biggs, that the House do insist upon their disagreement to the same.

To which the House agreed.

Bills from the Council of the following titles, to wit:

No. 35, "A bill to prevent trespass upon lands;"

No. 67, "A bill to revive an act to incorporate Iowa City, and for other purposes;"

No. 69, "A bill to incorporate the Iowa Lodge, at Bloomington;"

Were severally read a first time.

Mr. Quinton gave notice that he would, on some day hereafter, introduce a bill to amend the law in relation to Mortgages.

Mr. Hepner, from the Committee on Enrollments, reported, that they had presented to his Excellency, the Governor, for his approval, on this day, "An act to incorporate the town of Mount Pleasant;"

"An act to divorce Sarah East from her husband Hardman E. W. East;"

"An act to authorize Jason Wilson to erect a Dam across Skunk river, in Lee county;"

"A Joint Resolution, instructing our Delegate in Congress to use his influence in procuring a confirmation or a re-survey of the present northern boundary line of the Half-Breed Sac and Fox Reservation;" and,

"An act to legalize the location of a Territorial Road, in Henry county."

On motion of Mr. Hebard,

The House adjourned.

Wednesday Morning, January 26, 1842.

Mr. Porter presented the remonstrance of three hundred and forty citizens of Henry County, remonstrating against any action of the Legislature in relation to the present Law concerning Blacks and Mulattoes.

On motion of Mr. Porter,

Ordered, That the petition on the same subject, presented on some previous day from sundry citizens of the same county be taken from the table, and together with said remonstrance be referred to the Judiciary Committee.

On motion of Mr. Quinton,

Ordered, That the petition on the same subject from sundry citizens of Jefferson county be taken from the table and also referred to the same Committee.

Mr. Patterson presented the petition of sundry citizens of Lee county in relation to the Territorial Road running from West Point to Farmington.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Quinton offerred the following:

Resolved, That the Committee on Memorials be and are hereby instructed to report to this House on to-morrow the following Memorials to wit:

A Memorial to Congress for the establishment of a Land Office at Fairfield, in Jefferson County, and

A Memorial to Congress for the establishment of a Land Office at Marion in Linn county," and also

A Memorial to Congress for the establishment of a Land Office at Iowa City."

And the question being put,

Will the House adopt the Resolution?

It was determined in the negative,

Yeas 5, Nays 19.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Denson, Felkner, Higginson, Quinton, and Wilson.

Those who voted in the negative were, Messrs. Baker, Biggs, Blair, Booth, Campbell, Hebard, Hepner, Holliday, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Lewis, Speaker.

So the Resolution was lost.

Mr. Porter, from the Committee on Military Affairs, reported No. 92, H. R. File, "A bill amendatory of an act entitled "an act to organize discipline and govern the Militia of this Territory," which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways to which was referred No. 38, C. F. "A bill to amend an act entitled an act for opening and regulating Roads and Highways," reported the same back to the House with an amendment.

Mr. Hepner, from the Committee on Enrollments reported as correctly enrolled "A Joint Resolution requesting our Delegate in Congress to use his influence to have mails carried on Steamboats from St. Louis to Keokuk.

"An act to authorize Robert M. G. Patterson to keep a ferry across the Mississippi River, at the mouth of the Nassau Slough."

"An act to district the county of Jackson into three Commissioners districts."

"An act supplementary to an act entitled "an act to authorize evidence by cath of parties," also

"An act to incorporate a College at Washington, in Washington county."

The Speaker then signed the above entitled acts and Resolution.

Mr. Campbell, in accordance with previous notice, introduced No. 93, H. R. File, "A bill for an act to review and re-establish a part of the Territorial Road from Keokuk, in Lee county, to Iowaville, on the Des Moines river;" which was read a first time.

A motion was made by Mr. Robertson, to dispense with the printing of said bill.

The motion was lost.

No. 35, C. F. "A bill to prevent trespass upon lands," was read a second time.

A motion was made by Mr. Hepner, to refer said bill to the Committee on the Judiciary. The motion was lost.

On motion of Mr. Whitaker,

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

The House concurred in the report.

A motion was made by Mr. Biggs, to strike out the enacting clause of said bill. Pending which,

A motion was made by Mr. Hepner, that said bill do lie upon the table.

And the question being put—was determined in the negative.

The question was then put, on striking out the enacting clause of the same, und determined in the affirmative. So the bill was lost.

No. 67, C. F. "A bill to revive an act to incorporate Iowa City, and for other purposes," was read a second time.

A motion was made by Mr. Weld, that said bill do lie upon the table.

The motion was lost.

On motion of Mr. Felkner,

Ordered, That said bill be read a third time on to-morrow.

No. 69, C. F. "A bill to incorporate the Iowa Lodge, at Blooming ton," was read a second time.

On motion of Mr. Toole,

Ordered, That said bill be referred to the Committee on the Judiciary

No. 72, H. R. File, "A bill to provide for opening and improving the National Road;" was read a second time.

On motion of Mr. Denson,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 78, H. R. File, "A Memorial to Congress for an appropriation to improve the Rapids on the Mississippi river," was read a second time.

On motion of Mr. Moss,

Ordered, That said Memorial be engrossed for a third reading on to-morrow.

No. 81, H. R. File, "A bill for an act for the relief of the Poor," was read a second time.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the Whole House for

the consideration of said bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

To which the House agreed.

A motion was made by Mr. Porter, to strike out the second section of said bill, which reads as follows, to wit:

"That nothing in this act shall be so construed as to enable any black or mulatto person to gain a legal settlement in this Territory."

And the question being put—was determined in the negative.

Yeas 3, Nays 20.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Patterson, Porter, and Wilson.

Those who voted in the negative, were Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Felkner, Hebard, Hepner, Higginson, Holliday, McCulloch, Moss, Quinton, Robertson, Smead, Toole, Weld, Whitaker, and Lewis, Speaker.

So the motion to strike out the 2nd such was lost.

On motion of Mr. Biggs,

Ordered, That said bill be engrossed, and read a third time on tomorrow.

No. 82, H. R. File, "A bill for an act to authorize the establishment of Poor Houses," was read a second time.

On motion of Mr. Whitaker,

The House resolved itself into a Committee of the whole House for he consideration of said bill, After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hepner reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

The report was concurred in.

On motion of Mr. Patterson,

The House adjourned.

Thursday Morning, January 27, 1842.

Mr. Morgan presented the petition of John Lorton, of Des Moines county, praying remuneration for services rendered under a commission from the Governor of the Territory, in pursuit of a fugitive from justice.

Ordered, That the said petition be referred to the Committee on Claims.

Mr. Grant presented the petition of sundry citizens of Clinton county, asking a charter to be granted to John R. Sloan, to keep a Ferry across the Mississippi river, at Camanche, in said county.

Ordered, That the said petition be referred to the Committee on Incorporations.

Mr. Holliday presented the petition of sundry citizens of Louisa, Johnson, and Muscatine counties, asking the establishment of a certain Territorial Road, within said counties.

On mction of Mr. Toole,

Ordered, That said petition be referred to the Delegations from the counties of Louisa, Johnson, and Muscatine.

On motion of Mr. Felkner,

Resolved, That the Committee on Public Instruction be requested to enquire into the expediency of so amending the School Law, as to provide for the organization of School Districts, in counties where Townships are not organized.

Mr. Hepner, on leave, reported, No. 94, H. R. File, "A Joint Resolution, relative to the law regulating Marriages," which was read a first time.

A motion was made by Mr. Biggs, that resolution be rejected.

And the question being put—was determined in the affirmative.

Yeas 13, Nays 11.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Booth, Grant, Hebard, Higginson, McCulloch, Patterson, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative, were, Messrs. Baker, Campbell, Denson, Felkner, Hepner, Holliday, Morgan, Moss, Weld, Whitaker, and Lewis, Speaker.

So the resolution was rejected.

On motion of Mr. Biggs,

Leave of absence was granted to Mr. Quinton until Monday next.

Mr. Booth, from the Committee on Territorial Affairs, to which was referred that portion of the Governor's Message relative to the formation of a State Government; and also, to which was referred a bill for an act upon the same subject, early in the present session, reported, that they have given the same due consideration, and beg leave to report the following entitled bill:

No 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a Constitution and State Government, and to enable them to form a Constitution for the State of Iowa," as a substitute for the one referred; which was read a first time.

Mr. McCulloch, from the Select Committee, to which was referred certain petitions, reported No. 96, H. R. File, "A bill to re-locate the county seat of Lee county," which was read a first time.

Mr. Felkner,, from the Select Committee, to which the subject was referred, reported No. 97, H. R. File, "A bill for an act to authorize the Agent of the Territory to sell certain reserves in Iowa City, and for other purposes," which was read a first time.

Mr. Morgan gave notice, that he would, on some future day, introduce "A Memorial to Congress, praying that the Organic Law may be so amended as to allow the people of this Territory to elect all officers of

the Militia of this Territory, excepting Staff officers." Also,

"A Memorial to Congress, praying that the Organic Law may be so amended as to extend the Jurisdiction of Justices of the Peace within this Territory, to sums of one hundred dollars.

Mr. Hepner, from the Committee on Enrollments, reported, that they had presented to his Excellency, the Governor, for his approval, on the 26th inst.,

"An act to authorize Thomas S. Parkes to keep a Ferry across the Mississippi river," and,

"An act to locate and establish a Territorial Road from Richmond, in Washington county, to intersect a road from Iowa City, to the county line of Washington county."

Mr. Denson, on leave, reported No. 98, H. R. File, "A bill amendatory of an act subjecting Real and Personal Estate to execution;" which was read a first time.

No. 39, H. R. File, "A Memorial to Congress for the establishment of Mail Routes in the Territory," being the order of the day as returned from the Council with sundry amendments, was taken up, and being under consideration,

A motion was made by Mr. Hepner, that the House disagree to the amendments made by the Council.

To which the House agreed.

No. 38, C. F. "A bill to amend an act entitled An act for opening and regulating Roads and Highways," approved Jan. 17th, 1840," was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill be read a third time on to-morrow.

No. 84, H. R. File, "A bill for an act to divorce Sarah Wilson from her husband John Wilson," was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 85, H. R. File, "A bill for an act to locate certain Territorial Roads therein named," was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be referred to a Select Committee.

Whereupon, Messrs. Robertson, Hebard, and Moss, were appointed said Committee.

No. 86, H. R. File, "A bill for an act to divorce Sarah Connelley from her husband William Connelley," was read a second time.

On motion of Mr. Felkner,

Ordered, That said bill be read a third time on to-morrow.

No. 87, H. R. File, "An act entitled an act establishing a Territorial Road from Denson's Ferry, on the Wapesipenicon river, towards Dubuque," was read a second time.

On motion of Mr. Higginson,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 88, H. R File, "A bill to provide for the appointment of an

acting Commissioners at Iowa City, defining his duties, and for other purposes," was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Morgan reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same, and ask leave to sit again in the afternoon.

Leave was granted.

On motion of Mr. Hepner,

The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council by Mr. Woods their Secretary.

MR. SPEAKER:—The Council adhere to their amendments made to No. 39, H. R. File, as disagreed to by the House of Representatives.

I herewith present for your signature, two enrolled bills and three Joint Resolutions.

And then he withdrew.

The Speaker then signed said bills and resolutions.

A call of the House being desired by five members, the roll was called, and those who failed to answer to their names were, Messrs. Baker, Hepner, Holliday, and Patterson.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, a further call of the House was,

On motion,

Suspended.

The House then resumed, in Committee of the whole House, the consideration of No. 88, H. R. File, "A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes." After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Morgan reported that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

The report was concurred in.

A motion was made by Mr. Porter, to amend said bill by striking out in the first section the words "shall be elected by joint ballot of both Houses of the Legislative Assembly," and inserting the following: "shall be appointed and commissioned by the Governor, by and with the advice and consent of the Council," so as to read—The Acting Commissioner shall be appointed, &c.

And the question being put,

Was determined in the negative—Yeas 11, Nays 13.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs. Biggs, Blair, Grant, Heb-ard, Higginson, Moss, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative were Messrs. Baker, Booth, Camp-

bell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Weld, Whitaker, and Lewis, Speaker.

So the motion to amend was lost,

On motion of Mr. Booth,

The first section of said bill was amended by inserting the following after the word "Assembly," to wit: "who shall hold his office for the term of one year from the time of his election, and."

On motion of Mr. Felkner,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 89, H. R. File, "A bill for an act to authorize William Pickerel and others, to construct, keep, and maintain a Dam across Skunk river," was read a second time.

A motion was made by Mr. Baker, that said bill be engrossed, and read a third on to-morrow.

And the question being put—was determined in the affirmative.

Yeas 15, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Grant, Higginson, Holliday, McCulloch, Porter, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis Speaker.

Those who voted in the negative were, Messrs. Blair, Denson, Felkner, Hebard, Hepner, Morgan, Moss, and Weld.

So the bill was ordered to be engrossed for a third reading on to-morrow.

No. 90, H. R. File, "A bill to provide for an act supplementary to an act, subjecting Real and Personal Estate to execution," was read a second time.

On motion of Mr. Weld,

The House resolved itself into a Committee of the whole House, for the consideration of said Bill. After some time spent therein,

Mr. Speaker resumed the Chair and Mr. Moss reported that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments.

The report was concurred in.

A motion was made by Mr, Moss, to amend said bill, by the addition of the following section, to wit:

Sec. 3. That every person being the head of a family, who does or may reside in any city, town, or village, in this Territory, may hold, exempt from execution, one lot. with the necessary buildings thereon, for the accommodation of their family: *Provided*, always that all such persons shall actually reside upon said lot, and occupy the buildings thereon"

A motion was made by Mr. Weld to amend said amendment, by adding the following, to wit: "That the value of said property shall not exceed five hundred dollars."

Pending which,

A motion was made by Mr. Porter, that said bill be indefinitely postponed.

And the question being put—was determined in the negative.

Yeas 5, Nays 17.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Felkner, Grant, Hebard, Porter, and Wilson.

Those who voted in the negative, were, Messrs. Baker, Biggs, Blair, Campbell, Denson, Hepner, Higginson, Holliday, McCulloch, Morgan, Moss, Robertson, Smead, Toole, Weld, Whitaker, and Lewis, Speaker.

So the motion to postpone indefinitely was lost.

The motion was then put on the amendment to the amendment, as offered by Mr. Weld.

To which the House agreed.

The question then recurring on the amendment as amended, and being put—was determined in the affirmative.

A motion was made by Mr. Felkner, to refer said bill to the Committee on the Judiciary.

The motion was lost.

A motion was then made by Mr. Weld, that said bill be engrossed and read a third time on to-morrow.

Pending which,

A motion was made by Mr. Porter, to amend said bill further, by adding the following, to wit:

"And provided further, That a man shall not be compelled to pay his debts, if it don't suit him."

And the question being put on the same,

It was determined in the negative. Yeas 1, Nays 21.

The yeas and nays being desired by two members,

Mr. Porter voting in the affirmative.

Those who voted in the negative, were Messrs. Baker, Biggs, Blair, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, McCulloch, Morgan, Moss, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

The question then recurred on the motion made to engross, and passed in the affirmative. Yeas 13, Nays 9.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Baker, Biggs, Campbell, Denson, Hepner, Higginson, Holliday, McCulloch, Robertson, Smead, Toole, Weld, and Whitaker.

Those who voted in the negative were, Messrs. Blair, Felkner, Grant, Hebard, Morgan, Moss, Porter, Wilson, and Lewis, Speaker.

So the bill was ordered to be engrossed for a third reading on to-morrow.

A motion was made by Mr. Morgan, that the House do now adjourn.

And the question being put—was determined in the affirmative.

Yeas 12, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Hebard, Hepner, Higginson, Holliday, McCulloch, Morgan, Porter, Smead, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Blair, Campbell. Denson, Felkner, Grant, Moss, Robertson, Weld, and Whitaker.

So the House adjourned.

Friday Morning, January 28, 1842.

Mr. Weld presented the petition of 50 citizens of Van Buren county, asking the repeal of the several Laws granting charters to certain individuals to build dams across the Desmoines River.

Ordered, That said petition do lie upon the table.

Mr. Biggs presented the petition of Nicey Hull, praying to be divorced from her husband Charles Cornelius Hull.

Ordered, That said petition be referred to the Delegation from Van Buren County.

On motion of Mr. Grant,

Mr. Weld was excused from sitting on said Committee.

Mr. Denson offered the following:

Resolved, That a Select Committee of three be appointed to take into consideration the amount of property that should be exempt from execution, and that the several Bills now pending before this House upon that subject be referred to said Committee, and that they report by bill or otherwise.

Mr. Hepner called for a division of said Resolution, upon which the question was put on the adoption of the first paragraph as follows, to wit:

"Resolved, That a Select Committee of three be appointed to take into consideration the amount of property that should be exempt from execution,"

Which was determined in the affirmative,

Yeas 13, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Blair, Booth, Denson, Felkner, Grant, Hebard, Hepner, McCulloch, Morgan, Patterson, Porter, Robertson, Smead, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Biggs, Campbell, Higginson, Holliday, Moss, Toole, Weld, and Whitaker.

So the first paragraph of said Resolution was agreed to.

The question then recurring on the adoption of the remaining paragraph, and being put, was determined in the negative.

The Speaker then appointed Messrs. Denson, Blair, and Holliday, said Committee, to act in compliance with the first paragraph of said Resolution.

On motion of Mr. Hebard,

Ordered, That the Committee on the Judiciary be instructed to enquire into the expediency of altering the act fixing the time for the annual meeting of the Legislative Assembly, so that it may meet on the first Monday of January, and avoid the interruption occasioned by the usual adjournment over the Christmas Hollidays.

Mr. Patterson, from the Committee on Roads and Highways, reported No. 99, H. R. File, "A bill for an act to relocate a part of a Territorial Road from Farmington to Dubuque," which was read a first time.

A motion was made by Mr. Higginson, that the printing of said bill be dispensed with,

And the question being put—was determined in the affirmative.

Yeas 15, Nays 9.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Denson, Felkner, Grant, Hebard, Higginson, Moss, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Baker, Booth, Campbell, Hepner, Holliday, McCulloch, Morgan, Patterson, and Lewis, Speaker.

So the printing of said bill was dispensed with.

Mr. Hepner, from the Committee on Enrollments, reported that they had, on this day, presented to his Excellency the Governor, for his approval,

"An act to Incorporate a College at Washington, in Washington County."

"An act to authorize Robert M. G. Patterson to keep a ferry across the Mississippi River."

"An act supplementary to an act entitled "an act to authorize evidence by oath of parties."

"An act to district the county of Jackson into three Commissioners districts," and

A Joint Resolution requesting our Delegate in Congress to use his influence to have mails carried on Steamboats from St. Louis to Keokuk.

Mr. Hebard, from the Committee on Engrossed Bills, reported Nos. 86, 88, and 90, H. R. File, as correctly engrossed.

Mr. Biggs, from the Committee on Claims, made the following report, to wit:

The Committee on Claims, to which was referred the account of John S. David, for Room rent for the Library and Executive Office, report that they have had said account under consideration and recommend the adoption of the following Resolution:

Resolved, That the Committee on Expenditures be requested to insert in the general appropriation bill a provision for the payment to John S. David the sum of seventy-eight dollars and sixty-six cents, for rent of Library Room from 10th of May to the 10th of Nov. 1841, and for rent of Executive office from the 1st of February 1841, until the 22nd May, of the same year.

The Report was concurred in and the Resolution adopted.

Mr. Wilson, in accordance with previous notice, introdnced No. 100, H. R. File, "A bill amendatory to the several acts of this Territory, in relation to Locks in Mill Dams," which was read a first time.

No. 39, H. R. File, "Memorial to Congress for the location of Mail Routes in Iowa," being returned from the Council with their amendments to the same adhered to, was taken up and being under consideration,

A motion was made by Mr. Patterson that there be a Committee of conference appointed to take into consideration the disagreement of the two Houses in relation to said Memorial,

To which the House agreed.

Whereupon Messrs. Patterson, Robertson, and Whitaker were appointed said Committee.

No. 52, H. R. File, "A bill making the Clerk of the Board of County Commissirners elective by the people" being the order of the day was taken up, and on motion of Mr. Grant, the consideration of the same was postponed until Monday next.

No. 71, H. R. File, "A Bill for an act to amend an act subjecting Real and Personal estate to execution," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Patterson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with an amendment.

To which the House agreed.

On motion of Mr. Grant,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 77, H. R. File, "A bill for an act for the encouragement of Agriculture," was read a second time.

On motion of Mr. Patterson,

The House resolved itself into a Committee of the whole House on said bill, After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Porter reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with one amendment.

To which the House agreed.

On motion of Mr. Smead,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Bills, &c., of the following titles to wit:

No. 38, C. F. "A bill to amend an act entitled an act for opening and regulating Roads and Highways, approved Jan. 17, 1840."

No. 44, C. F., "A bill to relocate a certain part of the Territorial Road running from Burlington to the mouth of the Desmoines River."

No. 56, C. F. "A bill for an act to amend an act entitled an act for the benefit of settlers &c. on the Half Breed lands,"

No. 67, C. F. "A bill to revive an act to Incorporate Iowa City and for other purposes."

No. 68, C. F. "A bill for an act to establish a Territorial Road from Keosauqua to the Southern boundary of the Territory."

No. 71, C. F. "A bill for an act amending an act, defining the duties of Supervisors of Roads and Highways."

No. 72, H. R. File, "A bill to provide for opening and improving the National Road."

No. 78, H. R. File, "Memorial to Congress for an appropriation to improve the Rapids in the Mississippi river."

No. 81, H. R. File, "A bill for an act for the relief of the poor."

No. 82, H. R. File, "A bill for an act to authorize the establishment of Poor Houses."

No. 83, H. R. File, "A bill to locate and establish a Territorial Road from Marion, in Linn county, to the Indian boundary, in Benton county."

No. 84, H. R. File, "A bill for an act to divorce Sarah Wilson from her husband John Wilson;" and,

No. 87, H. R. File. "A bill entitled an act establishing a Territorial Road from Denson's Ferry, on the Wapesipenicon river, towards Dubuque;" were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 64, C. F. "A bill for an act amending an act, regulating Weights and Measures," was read a third time.

On motion of Mr. Biggs,

Ordered, That said bill be referred to the Committee on the Judiciary.

On motion of Mr. Wilson,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

A Message from the Council, by Mr. Woods, their Secretary—

MR. SPEAKER—The Council have passed

No. 17, C. F., "A bill to change the time of holding the District Court in the Second Judicial District."

No. 47, C. F. "A bill to amend an act entitled An act in relation to the safe custody of persons arrested for crimes and misdemeanors."

No. 70, C. F. "A bill to make certificates of purchase of land from any land office in this Territory, evidence of title in the purchasers."

No. 84, C. F. "A bill for an act respecting Marks and Brands for horses, cattle, sheep, and hogs."

No. 88, C. F. "Joint Resolution, instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory of Iowa."

No. 89, C. F. "Joint Resolution, requesting our Delegate in Congress to use his influence with th Postmaster-General, relative to the establishment of certain Post Offices."

No. 68, H. R. File, "Joint Resolution, relative to the Public Printing," and,

No. 75, H. R. File, "A Joint Resolution relative to admission into the Union."

Also, with amendments,

No. 25, H. R. File, "A Bill for an act to provide for levying a Tax on Real and Personal property for Road purposes."

In all of which they ask the concurrence of the House of Representatives.

And then he withdrew.

No. 89, H. R. File, "A bill for an act to authorize William Pickeral and others to construct and maintain a dam across Skunk River," was read a third time, passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 91, H. R. File, "A Resolution authorizing the payment of money to James F. Hanby," was read a second time.

On motion of Mr. Toole,

Ordered, That said Resolution be read a third time on to-morrow.

No. 92, H. R. File, "A bill amendatory of an act entitled an act to organize discipline and govern the Militia of this Territory, approved July 31, 1840, and further amendatory of an act entitled an act to organize discipline and govern the Militia of this Territory, approved Jan. 4, 1839," was read a second time.

A call of the House was desired by five members, and the roll being called, those members who failed to answer to their names were, Messrs. Booth and Porter.

The Sergeant-at-Arms was them directed to require the attendance of the absentees.

After some time, a further call of the House was, on motion of Mr. Baker, suspended.

The said Bill was then, on motion of Mr. Hebard, laid upon the table until Monday next.

No. 93, H. R. File, "A bill for an act to review and re-establish a part of the Territorial Road from Keokuk, in Lee county to Iowaville on the Desmoines River," was read second time.

On motion of Mr. Weld,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Convention and Government, and to enable them to form a Constitution for the State of Iowa," was read a second time.

On motion of Mr. Weld,

Ordered, That said bill do lie upon the table, and be made the order of the day for Tuesday next.

No. 96, H. R. File, "A bill for an act to relocate the County Seat of Lee County," was read a second time.

On motion of Mr. McCulloch,

The House resolved itself into a Committee of the whole House on said bill, After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments.

To which the House agreed.

On motion of Mr. Booth,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 86, H. R. File, "A bill for an act to divorce Sarah Connelley from her husband William Connelley," was read a third time, and the question being put! Shall the bill pass? It passed in the affirmative,

Yeas 16, Nays 7.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Grant, Higginson, Holliday, McCulloch, Patterson, Porter, Robertson, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Hepner, Morgan, Moss, Weld, and Wilson.

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Porter that the vote given during the forenoon's session for a Committee of conference to be appointed in relation to the disagreeing vote of the two Houses in relation to No. 39, H. R. File, be reconsidered.

To which the House agreed.

A motion was then made by Mr. Biggs, that the House adhere to their disagreement to the same,

And the question being put—was determined in the affirmative.

No. 88, H. R. File, "A bill to provide for the appointment of an acting Commissioner at Iowa City, defining his duties and for other purposes," was read a third time, and the question being put! Shall the bill pass? It passed in the affirmative.

Yeas 16, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Grant, Hepner, Holliday, McCulloch, Morgan, Moss, Patterson, Weld, Whitaker, and Lewis Speaker.

Those who voted in the negative were, Messrs. Blair, Higginson, Porter, Robertson, Smead, Toole, and Wilson.

A motion was made by Mr. Porter to amend the title of said bill by striking out the word "appointment," and inserting the word election,"

To which the House agreed.

So the bill was passed and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 90, H. R. File, "A bill to provide for an act supplementary to an act subjecting real and personal estate to execution," was read a third time.

A motion was made by Mr. Booth that said bill be referred to the Select Committee appointed this morning in relation to the subject contained in the same.

And the question being put—was determined in the affirmative.

Yeas 12, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Booth, Denson, Felkner, Hepner, McCulloch, Morgan, Patterson, Porter, Smead, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Campbell, Grant, Higginson, Holliday, Moss, Robertson, Toole, Weld, and Whitaker.

So the bill was referred.

No. 97, H. R. File, "A bill to authorize the Agent of the Territory

to sell certain reserves in Iowa City," was read a second time.

On motion of Mr. Hepner,

The House resolved itself into a Committee of the Whole House on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Smead reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same back to the House without amendment.

A motion was made by Mr. Whitaker, that said bill be indefinitely postponed,

And the question being put—was decided in the affirmative.

No. 98, H. R. File, "A bill for an act amendatory of an act subjecting real and personal estate to execution," was read a second time.

A motion was made by Mr. Baker, that said bill be also referred to the Select Committee appointed during the forenoon's session, to take into consideration the subject contained in the same.

And the question being put—was determined in the affirmative.

Yeas 16, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Booth, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Whitaker, Wilson, and Lewis, Speaker—16.

Those who voted in the negative, were Messrs. Biggs, Blair, Campbell, Grant, Higginson, Toole, and Weld.

So the bill was referred.

Mr. Biggs, on leave, introduced No. 101, H. R. File, "A Resolution authorizing payment to be made to John Lorton," which was read a first time.

A motion was made by Mr. Biggs, to dispense with the printing of the same,

And the question being put, was decided in the affirmative.

Yeas 21, Nays 2.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Biggs, Blair, Booth, Campbell, Felkner, Grant, Hepner, Higginson, Holliday, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Denson, and Weld.

So the printing of said Resolution was dispensed with.

On motion of Mr. Patterson,

Ordered, That the 44th rule be suspended, and the said Resolution be read a second and third time now.

Said Resolution was then read a second and third time, passed and title agreed to.

Ordered, That the Clerk notify the Council accordingly.

Mr. Biggs gave notice that he would, on to-morrow, introduce a bill reviving the twelfth section of an act entitled an act establishing certain Territorial Roads therein named," approved Jan. 14, 1840.

On motion,

The House adjourned.

Saturday Morning, January 29, 1842.

Mr. Toole presented the petition of John Ronalds, praying for a Charter to keep a Ferry across the Iowa river, at the town of Harrison, in Louisa county.

Ordered, That said petition be referred to the Committee on Incorporations.

Mr. Hepner gave notice, that he would, on some day hereafter, introduce a bill to amend an act to punish trespass on school and other lands;" also, a Memorial to Congress, for an appropriation to the Territory of the contiguous sections to Iowa City.

On motion of Mr. Hebard,

Ordered, That the Chief Clerk, with the assistance of the other Clerks, be directed to furnish the Governor with copies of all Memorials and Joint Resolutions originating in this House, which he may be required to forward to Congress.

Mr. Hebard, from the Committee on Engrossed Bills, reported No. 96, H. R. File, as correctly engrossed.

Mr. Hepner, from the Committee on Enrollments, reported, that they had presented to the Governor, for his approval, on the 28th inst. "An act to authorize the County Commissioners of Van Buren county, to grant a License to Jesse Wright and Henry Bateman, to keep a Ferry across the Des Moines river, at Watertown."

"Preamble and Resolution, in relation to the southern boundary line of this Territory."

"A Joint Resolution, providing for the distribution of the Reports of the Supreme Court."

"A Joint Resolution, authorizing the Secretary to pay George C. Robbins for furnishing Seals for the District Courts of Linn and Jones counties;" and,

"An act to incorporate the Washington Manufactoring Company."

Mr. Toole, from a Select Committee, reported No. 102, H. R. File, "A bill for an act to locate and establish a Territorial Road, from Charles Nealy's in Muscatine county, to Iowa City, in Johnson county," which was read a first time.

Mr. Whitaker, from the Select Committee, to which a certain petition was referred, reported No. 103, H. R. File, "A bill for an act to divorce Nicey Hull from her husband Charles Cornelius Hull," which was read a first time.

Mr. Booth, on leave, introduced No. 104, H. R. File, "A bill to authorize the County Commissioners of Delaware county to pay William Smith, sen'r., William Jonas, and Thomas Denson, for their services as Commissioners to locate the county seat of said county," which was read a first time.

Ordered, That the printing of the three last bills be dispensed with.

No. 99, H. R. File, "A bill for an act to relocate a part of a Territorial Road from Farmington to Dubuque," was read a second time.

On motion of Mr. McCulloch,

Ordered, That said bill be engrossed for a third reading on Monday next.

No. 100, H. R. File, "A bill for an act amendatory to the several acts in relation to Locks in Mill Dams," was read a second time.

On motion of Mr. Wilson,

Ordered, That said bill be engrossed, and read a third time on Monday next.

No. 71, H. R. File, "A bill for an act to amend an act subjecting Real and Personal Estate to execution," was read a third time.

Pending the question on the passage of the bill,

A call of the House was desired, and the roll being called, those who failed to answer to their names, were, Messrs. Grant, Higginson, Holliday, Morgan, and Porter.

The Sergeant-at Arms was then directed to require the attendance of the absentees.

Mr. Robertson asked leave of absence for Mr. Higginson.

Leave was granted.

After some time, a further call of the House was, on motion, suspended.

A motion was then made by Mr. Biggs to suspend the 50th rule, in order to amend the bill by way of rider.

Two-thirds not voting therefor, the motion was lost.

A motion was made by Mr. Felkner, to refer said bill to the Select Committee, appointed to take into consideration the subject therein contained.

And the question being put—was determined in the negative.

Yeas 8, Nays 15.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Felkner, Hebard, Hepner, Morgan, Moss, Robertson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Biggs, Blair, Campbell. Denson, Grant, Holliday, McCulloch, Patterson, Porter, Smead, Toole, Weld, Whitaker, and Wilson.

So the motion was lost.

The vuestion then being put, Shall the bill pass?

It passed in the affirmative—Yeas 19, Nays 4.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs Baker, Biggs, Blair, Campbell, Denson, Felkner, Grant, Hepner, Holliday, McCulloch, Moss, Patterson, Porter, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were Messrs. Booth, Hebard, Morgan, and Robertson.

So the bill passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 77, H. R. File, "A bill for an act for the encouragement of Agriculture."

No. 91, H. R. File, "A Joint Resolution, authorizing the payment of money to James F. Hanby," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 93, H. R. File, "A bill to re-establish a part of the Territorial Road from Keokuk, in Lee county, to Iowaville, on the Des Moines river," was read a third time, and passed.

No. 96, H. R. File, "A bill for an act to re-locate the county seat of Lee county," was read a third time.

On motion of Mr. Patterson, and by the unanimous consent of the House, an amendment was made to the 5th section of said bill.

The bill was then passed, and title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 25, H. R. File, "A bill to provide for levying a tax on real and personal property for road purposes," being returned from the Council with sundry amendments was taken up, and being under consideration,

On motion of Mr. Biggs,

The first amendment was disagreed to.

The second and third amendments were read and agreed to.

On motion of Mr. Porter,

The vote given in relation to the first amendment, was re-considered.

Mr. Hepner then enquired of the Chair, if the motion, made by Mr. Biggs, to disagree to said amendment, was not again before the House.

The Speaker decided that the motion was not before the House.

From this decision Mr. Hepner took an appeal.

And the question, Shall the decision of the Chair stand as the judgment of this House? being put,

It was determined in the negative.

So the decision of the Chair was reversed.

The question was then taken upon disagreeing with the amendment, and decided in the negative.

The 7th section made by the Council to said bill, was disagreed to.

Bills, &c., from the Council, of the following titles, to wit:

No. 17, "A bill to change the time of holding the District Court in the second Judicial District."

No. 47, "A bill to amend an act entitled An act in relation to the safe keeping of persons arrested for crimes and misdemeanors."

No. 70, H. R File, "A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser."

No. 84, "A bill for an act respecting Marks and Brands for horses, cattle, sheep, and hogs."

No. 88, "Joint Resolution, instructing our Delegate in Congress to use his influence to obtain an appropriation to defray the unpaid expenses of the Legislative Assembly of the Territory of Iowa," and,

No. 89, Joint Resolution, requesting our Delegate to use his influence with the Postmaster-General, relative to the establishment of certain Post Offices;" were severally read a first time.

The Speaker appointed Messrs. Morgan, Biggs, Felkner, Hebard, and Robertson, as a Committee on the part of the House, to act in compliance with the following Joint Resolution, relative to the Public Printing:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That a Committee of three on the part of the Council, and a Committee of five on the part of the House, be appointed to act jointly in fixing the prices which shall be paid for all printing done for the present session of the Legislature, and that they be instructed to enquire into the expediency of reporting a bill establishing the office of Territorial Printer.

On motion of Mr. Campbell,

The House adjourned until Monday.

Monday Morning, January 31, 1842.

Mr. Porter presented the petition of sundry citizens of Henry county, asking a Charter to be granted to Samuel Wells, to erect a Dam across Skunk River.

Ordered, That said petition be referred to the Committee on Incorporations.

Mr. Booth presented the petition of sundry citizens of Clayton County, in relation to a certain Territorial Road within said county.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Booth presented the petition of sundry citizens of Clayton county, praying the Legislature to Memorialize Congress for the improvement of the Navigation of Turkey River.

Ordered, That said petition be referred to the Committee on Memorials.

Mr. Weld presented the petition of sundry citizens of Van Buren county, asking the Repeal of the present Laws, granting charters to build dams across the Des Moines River.

Ordered, That said petition be referred to the Delegation from Van Buren County.

On motion of Mr. Weld,

Ordered, That the petition presented on some previous day, in relation to the subject contained in the foregoing petition be taken from the table, and also referred to the same Committee.

Mr. Weld presented the petition of sundry citizens of Van Buren county, praying the location of a certain Territorial Road.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Moss presented the petition of sundry citizens of Jackson county, asking the location of a Territorial Road from Bellview to Iowa City.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Baker presented the petition of sundry citizens of Washington county in relation to the practice of Physicians.

Ordered, That said petition be referred to the Committee on the Judiciary.

Mr. Baker presented the petition of sundry citizens of Washington country, asking the review of a certain Territorial Road.

Ordered, That said petition be referred to the Delegation from the counties of Washington and Johnson.

Mr. Weld gave notice that he would, on some future day, introduce a bill for an act to incorporate an Insurance Company at Farmington, in Van Buren county.

Mr. Toole gave notice that he would, on some day hereafter introduce a bill providing for the location of a part of a certain Territorial Road in Louisa county.

Mr. Denson gave notice that he would, on some future day, introduce a bill to relocate a certain portion of the Territorial Road from Iowa City to the Mississippi River, opposite Prairie Du Chien that passes through the counties of Linn and Delaware, also

A bill to provide for the location of the County Seat of Buchanan county.

Mr. Morgan, from the Committee on Engrossed bills, reported No. 99, H. R. File, as correctly engrossed.

Mr. Grant, from the Committee on the Judiciary, reported No. 105, H. R. File, "A bill for "an act to change the time of holding the annual session of the Legislature until the first Monday in January," which was read a first time.

Mr. Grant, from the Committee on the Judiciary, reported No. 69, C. F. "A bill to incorporate the Iowa Lodge, at Bloomington," back to the House, and recommended the rejection of the same.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 69, H. R. File, "A bill to authorize persons to remove fences made by mistake on the land of other persons," reported the same back to the House without amendment, and recommended the rejection of the same.

Mr. Grant, from the Committee on the Judiciary, reported No. 64, C. F. "A bill for an act amending an act regulating Weights and Measures," back to the House, and recommended the rejection of the same, and submitted a report in relation to the subject.

Said report reads as follows:

The Committee on the Judiciary, to which was referred a bill for an act to amend an act regulating Weights and Measures, beg leave to make the following report:

That the bill proposes to add a new officer to that swarm of county officers already in existence, and to leave the compensation of that officer to the discretion of County Commissioners.

The duties of keeping weights and measures by the present Law, is performed by the County Commissioners' Clerk, and it is presumed that the aggregate fees for keeping and sealing weights and measures will not exceed ten dollars per annum for each county. Your Committee are of opinion, that any change in the provisions of the present law are unnecessary, and not called for by public opinion.

The subject of weights and measures belongs to the National Government, and they have passed Laws, establishing such a standard as they have deemed expedient, and your Committee deem so much of the law, as provides for the size &c. of dry measure and weights, is not authorized by the Constitution:

The act of Congress requires the Governors of the several States to be furnished by the Government, and contemplates, that the State should regulate and conform its laws to that standard adopted by Congress.

As the manufacture of dry Measures is limited, and that of weights unknown in the Territory, your Committee do not deem any further Legislation on the subject necessary, and respectfully recommend the rejection of the bill.

Mr. Moss, on leave, introducedNo. 106, H. R. File, "Joint Resolution relative to the revision of the laws of the Territory," which was read a first time.

Mr. Biggs, in accordance with previous notice. introduced No. 107, H. R. File, "A bill for an act to revive the twelfth section of an act establishing certain Territorial Roads therein named," which was read a first time.

A motion was made by Mr. Toole, that the printing of said bills be dispensed with.

To which the House agreed.

A motion was made by Mr. Toole, that the printing of the Resolution offered by Mr. Moss, be also dispensed with.

And the question being put—was determined in the negative.

No. 97, H. R. File, "A bill to Incorporate the Mount Pleasant Literary Institute," being the order of the day was taken up, and

On motion of Mr. Porter,

The consideration of the same was postponed until Friday next.

No. 52, H. R. File, "A bill making the Clerk of the Board of Commissioners elective by the people," being the order of the day, was taken up, and,

On motion of Mr. Whitaker,

Laid upon the table until Monday next.

No. 79, H. R. File, "A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment," being the order of the day, was taken up, and the question being to concur in the amendment made by the committee of the Whole House, and being put,

Was determined in the negative,

Yeas 6. Nays 17.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Booth, Porter, Robertson ,Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Biggs, Blair, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Holliday, McCulloch, Morgan, Moss, Patterson, Smead, Weld, and Whitaker.

So the Report was not concurred in.

A motion was made by Mr. Weld, that the blank in said bill be filled with the words "1st of March."

A motion was made by Mr. Baker, to insert the words "1st of August,"

And the question being put, on the last motion,

Was determined in the affirmative,

Yeas 13, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Blair, Booth, Denson, Hebard, Moss, Patterson, Porter, Robertson, Smead, Toole, Wilson. and Lewis, Speaker.

Those who voted in the negative, were Messrs. Biggs, Campbell, Felkner, Grant, Hepner, Holliday, McCulloch, Morgan, Weld, and Whitaker.

So the Blank was filled with the words "1st of August," requiring the said Bank to resume specie payment at that time.

A motion was then made by Mr. Grant that said bill be indefinitely postponed,

And the question being put—It was determined in the negative.

Yeas 11, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Booth, Campbell. Grant, Hepner, Holliday, McCulloch, Morgan, Weld, and Whitaker.

Those who voted in the negative were, Messrs. Baker, Denson, Felkner, Hebard, Moss, Patterson, Porter, Robertson, Smead, Toole, Wilson. and Lewis, Speaker.

So the motion to postpone was lost.

A motion was made by Mr. Baker that said bill be engrossed and read a third time on to-morrow.

And the question being put, was decided in the affirmative.

Yeas 14, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Blair, Booth, Denson, Felkner, Hebard, Moss, Patterson, Porter, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Campbell, Grant, Hepner, Holliday, McCulloch, Morgan, Weld and Whitaker.

So the bill was ordered to be engrossed for a third reading on to-morrow.

No. 92, H. R. File, "A bill to amend the several acts in relation to the organization of the Militia of this Territory," was read a second time.

On motion of Mr. Baker,

The House resolved itself into a Committee of the Whole House on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Smead reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same back to the House without amendment.

On motion of Mr. Patterson,

Ordered, That said bill be committed to the Committee on Military Affairs.

On motion of Mr. Biggs,

The House adjourned.

Tuesday Morning, February 1, 1842.

Mr. Felkner presented the petition of Seth Baker, praying to be divorced from his wife, Sally Baker.

On motion of Mr. Felkner,

Ordered, That said petition be referred to a Select Committee of five members.

Whereupon, the Speaker appointed Messrs. Felkner, Blair, Campbell, Smead, and Baker, said Committee.

Mr. Denson presented the petition of sundry citizens, praying a law to be passed, compelling such persons as have built Dams across the north and south forks of the Maquoqueta river, to put Locks in the same, so as to enable fish to ascend said river.

Ordered, That said petition be referred to the Committee on Territorial Affairs.

A message from the Council by Mr. Woods their Secretary.

Mr. Speaker:—The Council have passed

No. 76, C. F. "A bill concerning Oaths and Affidavits.

No. 90, C. F., "A Memorial to Congress, for the relief of Jeremiah Smith, Jr.

No. 67, H. R. File, "A bill for an act to legalize the location of certain Territorial Roads therein named.

No. 65, H. R. File, "A bill for an act to legalize the location of a certain Territorial Road, in Washington county.

They have passed with amendments,

No. 60, H. R. File, "An act to amend an act entitled An act establishing a certain Territorial Road therein named," approved, Jan. 13th, 1841.

They have agreed to the amendments made by the House of Representatives to

No. 38, C. F. "A bill to amend an act entitled an act for opening and regulating Roads Highways," approved, Jan. 17th, 1842.

No. 44, C. F., "A bill to re-locate a cetain part of the Territorial Road, running from Burlington, to the mouth of the Des Moines river."

I herewith present, for your signature, four enrolled bills, which originated in the Council.

The Council have appointed Messrs. Johnson, Coop, and Hall, a Committee on the part of the Council to act with a Committee of the House of Representatives in compliance with a Joint Resolution relative to the Public Printing.

The Council have appointed Messrs. Johnston, Hastings, and Hall, a Committee of conference, in relation to the disagreement of the amendments made by the Council to No. 25, H. R. File.

The Council have appointed Messrs. Wallace, Kirkpatrick, and Springer, a Committee of conference on the part of the Council on the disagreement by the House of Representatives to the amendments made by the Council to No. 39, H. R. File.

The Speaker then signed the above enrolled bills.

Mr. Toole, from the Select Committee, to which the subject was referred, reported No. 108, H. R. File, "A Memorial to Congress, for an appropriation to improve certain mail routes in this Territory," which was read a first time, and the printing of the same dispensed with.

Mr. Baker, from the Select Committee, to which the subject was referred, reported No. 109, H. R. File, "A bill for an act to re-locate a part of a certain Territorial Road in Washington county," which was read a first time, and the printing dispensed with.

Mr. Toole, from the Select Committee, to which was referred No. 62, H. R. File, "A bill for an act to amend an act concerning Costs and Fees," reported the same back to the House with sundry amendments, which were ordered to be printed.

Mr. Weld, in accordance with previous notice, introduced No. 110, H. R. File, "A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county," which was read a first time.

Mr. Hepner, in accordance with previous notice, introduced No. 111, H. R. File, "A bill to amend an act to punish for trespass on School and other lands;" which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways, reported No. 112, H. R. File, "A bill for an act to locate and establish a Territorial Road from Crawfordsville, in Washington county, to Smith's mills, in Henry county," which was read a first time.

On motion of Mr. Higginson,

Ordered, That the printing of said bill be dispensed with.

On motion of Mr. Biggs,

Ordered, That a Committee of conference be appointed to confer with a similar Committee, appointed on the part of the Council, on the subject of the disagreement between the two Houses, on the amendments made by the Council to H. R. File, No. 39, "A Memorial to Congress for the location of Mail Routes in Iowa Territory."

Messrs. Biggs, Hebard, and Patterson were appointed said Committee.

No. 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution, and for other purposes," was read a second time.

A call of the House was desired by five members, which was had, and the roll being called, those who failed to answer to their names, were, Messrs. Booth, Porter, Weld, and Whitaker.

The Sergeant-at Arms was then directed to require the attendance of the absentees.

After some time, a further call of the House was, on motion of Mr. Hepner, suspended.

The House then resolved itself into a Committee of the whole House, for the consideration of said Bill. After some considerable time spent therein,

Mr. Speaker resumed the Chair and Mr. Toole reported that the Committee had, according to order, had said bill under consideration,

and instructed him to report the same, and ask leave to sit again on to-morrow.

Leave was granted.

No. 69, H. R. File, "A bill to authorize persons to remove fences, made by mistake, on the land of other persons," was read a second time, with the report of the Committee on the Judiciary, recommending the rejection of said bill.

On motion of Mr. Biggs,

The said report was amended so as to recommend the indefinite postponement of said bill.

The question was then taken on concurring in the report of the Committee, and determined in the affirmative.

No. 102, H. R. File, "A bill for an act to locate and establish a Territorial Road from Charles Neally's, in Muscatine county, to Iowa City," was read a second time."

On motion of Mr. Holliday,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 103, H. R. File, "A bill to divorce Nicey Hull from her husband C. C. Hull," was read a second time.

On motion of Mr. Whitaker,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 104, H. R. File, "A bill to authorize the County Commissioners of Delaware county, to pay Wm. Smith, sen'r, Wm. Jonas, and Thomas Denson, for their services as Commissioners to locate the county seat of said county," was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 17, C. F. "A bill to change the time of holding the District Court in the second Judicial District," was read a second time.

On motion of Mr. Toole,

Ordered, That said bill be referred to a Select Committe.

Whereupon, the Speaker appointed Messrs. Toole, Booth, and Grant said Committee.

No. 47, C. F. "A bill to amend an act entitled An act in relation to the safe custody of persons arrested for crimes and misdemeanors," was read a second time.

On motion of Mr. Robertson,

The said bill was amended, by inserting an enacting clause to the same.

A motion was made by Mr. Hepner, that said bill be referred to the Committee on the Judiciary.

The motion was lost.

On motion of Mr. Biggs,

Ordered, That the said bill be referred to the Committee on Territorial Affairs.

A motion was made by Mr. Weld, that the House do now adjourn until 2 o'clock, P. M.

And the question being put—was determined in the affirmative.

Yeas 17, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Blair, Booth, Campbell, Felkner, Hebard, Hepner, Higginson, Holliday, McCulloch, Morgan, Patterson, Quinton, Robertson, Smead, Weld, and Whitaker.

Those who voted in the negative, were, Messrs. Biggs, Denson, Grant, Moss, Toole, Wilson, and Lewis, Speaker.

So the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 70, C. F. "A bill to make certificates of purchase of Lands from any Land Office in this Territory, evidence of title in the purchaser," was read a second time.

On motion of Mr. Hepner,

Ordered, That said bill be committed to the Committee on the Judiciary.

No. 84, C. F. "A bill for an act respecting Marks and Brands for Horses, Cattle, Sheep and Hogs," was read a second time.

Ordered, That said bill be referred to the Committee on the Township laws.

No. 88, C. F., "Memorial to Congress for an appropriation to pay the unpaid expenses of the Legislature of Iowa," was read a second time.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the whole House for the consideration of said Memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had, according to order, had said Memorial under consideration, and instructed him to report the same with one amendment.

Pending the question of concurring in the Report of the Committee.

A call of the House was desired, and the roll being called, those who failed to answer to their names were, Messrs. McCulloch and Porter.

The Sergeant-at-Arms was them directed to require the attendance of the absentees.

After some time, a further call of the House was, on motion, suspended.

On motion of Mr. Grant,

Ordered, That said Memorial do lie upon the table.

No. 89, C. F., "A Joint Resolution instructing our Delegate in Congress to use his influence with the Post Master General relative to the establishment of Post Offices," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House on said Memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Wilson reported, that the Committee had, according to order, had said Momorial under con-

sideration, and instructed him to report the same with sundry amendments.

The Report was concurred in.

Several slight amendments being made to said Memorial, it was, on motion of Mr. Robertson, ordered to be read a third time on to-morrow.

No. 64, C. F. "A bill for an act amending an act regulating Weights and Measures," was read a second time, together with the report of the Committee on the Judiciary, recommending the rejection of the same.

On motion of Mr. Grant,

The said report was so amended as to recommend the indefinite postponement of the bill.

The question was then taken on concurring in the said report, as amended, and determined in the affirmative.

So the bill was indefinitely postponed.

No. 69, C. F. "A bill to incorporate the Iowa Lodge, at Bloomington," together with the report of the Committee on the Judiciary, recommending the rejection of the same, was read a second time.

On motion,

The said report was amended so as to recommend the indefinite postponement of the said bill.

The question then being put, Will the House concur in the report of the Committee?

Was decided in the affirmative.

So the bill was indefinitely postponed.

No. 105, H. R. File, "A bill for an act to change the time of holding the annual meeting of the Legislature," was read a second time.

A motion was made by Mr. Baker, that said bill be engrossed and read a third time on to-morrow.

And the question being put—was determined in the negative.

Yeas 10, Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Denson, Grant, Hebard, Holliday, Robertson, Smead, Toole, Weld, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Biggs, Blair, Booth, Campbell, Felkner, Hepner, Higginson, McCulloch, Morgan, Moss, Patterson, Quinton, Whitaker, and Wilson.

So the motion to engross for a third reading on to-morrow, was lost.

A motion was made by Mr. Moss, that said bill be indefinitely postponed.

And the question being put—was determined in the affirmative.

No. 106, H. R. File, "A Joint Resolution, relative to the revision of the Laws," was read a second time.

A motion was made by Mr. Whitaker, that said resolution be indefinitely postponed.

Pending which,

A motion was made by Mr. Wilson, that the House do now adjourn.

And the question being put—was determined in the negative.

Yeas 12, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell, Denson, Hebard, Higginson, McCulloch, Morgan, Patterson, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative were, Messrs. Baker, Biggs, Blair, Felkner, Grant, Hepner, Holliday, Moss, Quinton, Weld, Whitaker, and Lewis, Speaker.

So the motion to adjourn was lost.

A motion was then made by Mr. Baker, that said bill be committed to the Committee on the Judiciary, which, having precedence of the motion to postpone, was put, and determined in the negative.

Yeas 6, Nays 18.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Baker, Grant, Holliday, Robertson, Smead, and Toole.

Those who voted in the negative, were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Hebard, Hepner, Higginson, McCulloch, Morgan, Moss, Patterson, Quinton, Weld, Whitaker, Wilson, and Lewis, Speaker.

So the motion to commit was lost.

The question then recurring on the motion to postpone said bill indefinitely.

And being put—was determined in the negative.

Yeas 11, Nays 13

The Yeas and Nays being desired by two members.

Those who voted in the affirmative were Messrs Biggs, Blair, Campbell, Denson, Felkner, Higginson Patterson, Quinton, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative were Messrs. Baker, Booth, Grant, Hebard, Hepner, Holliday, McCulloch, Morgan, Moss, Robertson, Smead, Weld, and Wilson.

So the motion to postpone indefinitely, was lost.

A motion was then made by Mr. Higginson, that the House do now adjourn.

And the question being put—was determined in the affirmative.

Yeas 15, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Blair, Booth, Denson, Hebard, Hepner, Higginson, Holliday McCulloch, Morgan, Patterson, Robertson, Smead, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Campbell, Felkner, Grant, Moss, Quinton, Toole, Weld, and Whitaker.

So the House adjourned.

Wednesday Morning, February 2, 1842.

Mr. Booth presented the petition of sundry citizens of Jackson county, in relation to the establishment of a certain Territorial Road.

On motion of Mr. Moss,

Ordered, That said petition be referred to a Select Committee.

Whereupon, Messrs. Moss, Denson, and Blair, were appointed said Committee.

A Message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—The Council have appointed Messrs. Springer, Wallace, and Green, a Committee of conference on the part of the Council, in relation to the disagreement by the House of Representatives to the amendment made by the Council, to No. 28, H. R. File, "A bill for an act to amend an act, organizing a board of County Commissioners in each county.

And then he withdrew.

Mr. Booth presented the petition of Ithiel Corbit, praying the Legislature to pass a law, authorizing the County Commissioners of Jackson county, to pay him for a portion of his claim upon which the Seat of Justice of said county was located.

Ordered, That said petition be referred to the Committee on the Judiciary.

A motion was made by Mr. Leffler, to take from the table the remonstrance of sundry citizens of Des Moines county, against the passage of the Valuation Law, in order that the same might be taken to the Council, where said bill is now under consideration.

To which the House agreed.

Mr. Smead presented the remonstrance of sundry citizens of Henry county, against any alteration of the law relative to Blacks and Mulattos.

Ordered, That said remonstrance be referred to the Committee on the Judiciary.

Mr. Grant presented the remonstrance of sundry citizens of Scott county, in relation to the Territorial Road from Davenport to Dubuque."

Ordered, That said remonstrance do lie upon the table.

Mr. Quinton presented the petition of sundry citizens of Jefferson county praying the establishment of a Territorial Road from Fairfield to the forks of Skunk river.

Ordered, That said petition be referred to the delegations from Jefferson and Washington counties.

Mr. Felkner presented the petition of the President, Directors, and Members of the Iowa City Lyceum, asking the use of the House of Representatives Hall for the benefit of said Society.

On motion of Mr. Biggs,

Ordered, That said petition do lie upon the table.

Mr. Moss presented the petition of sundry citizens of Jackson county, in relation to a certain Ferry Charter, granted and kept by

Oliver A. Crary and others, across the Mississippi river, in said county.

Ordered, That said petition be referred to a Select Committee.

Messrs. Moss, Whitaker, and McCulloch were appointed said Committee.

Mr. Denson gave notice, that on to-morrow he would introduce a bill for an act to establish a Territorial Road from William Clark's, in Jones county, to Marion, in Linn county.

On motion of Mr. Whitaker,

Ordered, That a Committee of Conference be appointed to confer with a similar Committee on the part of the Council, in relation to the disagreement of the two Houses to the amendments made to No. 28, H. R. File, "A bill for an act to amend an act, organizing a board of County Commissioners in each county."

Whereupon, Messrs. Whitaker, Toole, and Hepner, were appointed said Committee.

Mr. Morgan, from the Select Committee, to which was referred the resolution providing for the payment of certain sums of money to the printers therein named, submitted a report, which was read.

A motion was made by Mr. Biggs, that the same do lie upon the table. Pending which,

A motion was made by Mr. Hepner, to amend said motion, by laying the same upon the table and 50 copies be printed for the use of the House.

Mr. Toole moved a division of the question.

The question then being on laying said report on the table.

And being put—was determined in the affirmative.

The question then recurred on ordering 50 copies of the same to be printed. And the same being put—it was determined in the negative.

Yeas 10, Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Denson, Felkner, Hepner, McCulloch, Morgan, Patterson, Quinton, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Holliday, Leffler, Moss, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

So the motion to print was lost.

Said report read as follows:

The Special Committee, to whom the same was referred, have had under consideration, and now report upon, the following Joint Resolution of the Council, providing for the payment of certain sums to the printers therein named, to wit:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That Messrs. Russell & Hughes be allowed the sum of eleven hundred and twenty-two dollars and seventy-five cents, and that William W. Coriell be allowed the sum of fifteen hundred and twelve dollars and thirty-eight cents, for publishing, in pamphlet form, the Journals of the Council and House of Representatives of the session commencing on the 2d day of November, 1840, and that the Secretary of the Territory be authorized to pay out of any money that may

hereafter be appropriated to defray the expenses of the Legislative Assemby, to the said Russell & Hughes, and William W. Coriell, the sums allowed them, respectively, out of any monies which may hereafter be appropriated by Congress, to defray the expenses of the Legislative Assembly, heretofore incurred, and yet unpaid.

Your Committee have referred to the resolutions authorizing said Russell & Hughes, and said Coriell, to do said printing, and find them to read as follows:

"Resolved, That Russell & Hughes, publishers of the Bloomington Herald, print one hundred and fifty copies of the Journal of this Council, and deliver the same to the Secretary of the Territory within four months after the adjournment of the Legislature; and that the Secretary pay said Russell & Hughes the prices *heretofore* paid for *such work*."

Such is the reading of the resolution of the Council, giving the printing of the Journals of that body to Russel & Hughes.

The resolution of the House of Representatives, authorizing Wm. W. Coriell to print the Journals of that body, reads as follows:

"Resolved, That William W. Coriell, publisher of the Iowa News, at Dubuque, be, and he is hereby authorized, to print the usual number of copies of the Journal of this House, in pamphlet form, and have the same ready for distribution within four months from the close of the present session, and that he be allowed the "*usual*" compensation for such work."

Your Committee think there can be no doubt but that a resolution of either branch of the Legislature, authorizing any individual or individuals to do a certain service, and promising to pay compensation for such service, is, to all intents and purposes, a bona fide contract, at least so far as the party authorizing the service, is concerned.

It is clear to your Committee, that the printers who undertook the printing in question, did faithfully and promptly perform the service authorized by the two respective branches of the last Legislature, and it only remains for the Territory, for which the printing was done, to fulfill its part of the contract.

The first consideration, then, which arises here, is, what is meant by the terms "*heretofore*" and "*usual*," as expressed in the resolutions, or contracts, under which the said printers performed the service? Evidently the understanding must have been, that the said printers should be allowed the prices "*heretofore*" paid *in this Territory* for "such work"—for if we go beyond the Territory for precedents in such mattters, there can be no limits to the country over which we might travel, nor any period in the past to which we might not refer, to ascertain the prices then and there paid for similar work. Your Committee, therefore, think that a fair and proper construction of the term "*heretofore*," considered in connexion with the other portions of the resolution, would confine the settlement of the account of Russell & Hughes, to the prices which have always been allowed in this Territory, for similar work.

The second resolution, giving the printing of the House Journal to William W. Coriell, was adopted at the same session, and though not

in the same words, evidently embodies the same spirit and meaning as that of the resolution giving the printing of the Council Journals to Russell & Hughes. It was unquestionably founded on the same intention, and must therefore be construed in the same manner, and as meaning the same thing, to wit: that the said Coriell should receive, for printing said Journals, the compensation "*heretofore*," or "*usually*" paid for "such work" *in this Territory*.

According to the understanding of your Committee, they consider themselves confined, by the wording of the foreging resolutions, to the simple matter of ascertaining what have been the prices "heretofore," or "usually" *paid in this Territory*, for printing the Legislative Journals, and be these prices what they may—too great or too small—your Committee are of opinion, that the Territory is legally bound, by the terms of the contracts, (or wording of the resolutions) to pay them to the printers, who have faithfully and promptly performed their part of the contract, by printing the Journals according to order, and by the time specified. Your Committee conceive that it was not made a condition in the contract with the printers here concerned, to enquire into any supposed fraud or mistake in the prices "usually" paid for "such work" in this Territory—but that they were left to infer that the prices which had been allowed up to that time, were correct, and that the same would be paid to them, of course.—And doubtless it was with the understanding, that they would be paid the price which had "heretofore" been paid, that they agreed to accept the proffer of, and perform, the work.

Your Committee have considered the subject merely in its legal bearing, because, as before observed, they regard themselves confined by the terms of the resolutions authorizing the printing, to the one purpose of ascertaining the prices which have been "heretofore" paid similar work in this territory, and to report said prices to this House.

By inquiry, your Committee learn that the prices which have been "*heretofore*" paid to James G. Edwards, and others, for similar work, were $2.50 per thousand ems—this charge including the paper and ink necessary for the work, and also the folding, stitching, and binding of the same. For these latter services and materials, Messrs. Russel & Hughes and Mr. Coriell have made an extra charge, which, under the resolutions giving them the work, they had no right to do, and for which no allowance ought to be made.

The whole amount of the claim of Wm. W. Coriell is $1,512 38—from which deduct $318 75, his extra charges for press work, paper, and binding, leaving $11,93 63—the whole amount for the composition, 336 pages, each page containing 1421 ems, at $2 50 per page—the price "*usually*" paid for "such work" in this Territory.

The whole amount of the claim of Russell & Hughes is $1,122 75—from which deduct $151 25, their extra charges for press work, paper, and binding, leaving $971 50—the whole amount for the composition of 268 pages, each page containing 1,450 ems, at $2.50 per page, the price "*heretofore*" paid for similar work in this Territory.

The account, then, against the Territory, as corrected by the prices "heretofore" paid for similar work, will stand as follows:

Due Wm. W. Coriell, for printing 300 copies of the Journals of the House, of 300 pages, each page containing 1,421 ems, at $2.50 per 1000 ems—$1,193 63

Due Russell & Hughes. for printing 150 copies of the Journals of the Council, of 268 pages, each page containing 1,450 ems, at $2.50 per 1000 ems—$971 50

Your Committee, therefore recommend that the words "eleven hundred and twenty-two dollars" in the fourth and fifth lines, in the Joint Resolution from the Council, be stricken out, and the words *nine hundred and seventy-five dollars and fifty cents* inserted; and that the words "fifteen hundred and twelve dollars and thirty-eight cents," in the seventh and eighth lines be stricken out, and the words *eleven hundred and ninety-three dollars and sixty-three cents* inserted.

But in recommending this amendment to the resolution from the Council, your Committee would not be understood as expressing any opinion as to the character of the charges—whether too large or too small—but as merely regulating the allowance by the *prices* which have "*heretofore*" been *paid* for "such work."

Thus much in regard to the legality of the claims—and beyond this, your Committee do not deem that they have any authority to go, and therefore ask to be discharged from the further consideration of the subject.

Mr. Patterson, from the Committee on Roads and Highways, to which was referred the petition of sundry citizens of Van Buren county, asking the establishment of a Territorial Road, reported, that a bill has already passed this Legislative Assembly, authorizing the establishment of the said Road, and in consequence the Committee ask to be discharged from a further consideration of said petition.

The report was concurred in.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 70, C. F. "A bill to make certificates of purchase of lands from any land office in this Territory, evidence of title in the purchaser," reported the same back to the House with amendments.

Mr. Hepner, in accordance with previous notice, introduced No. 114, H. R. File, "Memorial to Congress, relative to the contiguous sections of land to Iowa City," which was read a first time.

On motion of Mr. Toole,

Ordered, That the 44th rule be suspended, and the said Memorial be read a second time now.

The said Memorial was then read a second time, and, on motion, referred to the Committee on Memorials.

Mr. Moss, from the Select Committee, to which was referred No. 85, H. R. File, "A bill for an act to locate certain Territorial Roads therein named," reported the same back to the House without amendment.

Mr. Felkner, from the Committee on Incorporations, to which was referred the petition of the citizens of Davenport and vicinity, praying for the incorporation of a company for the construction of a Canal around the Upper Rapids of the Mississppi, reported that the Committee deem it inexpedient to grant the prayer of said petitioners, and

ask to be discharged from a further consideration of the subject.

The report was concurred in.

Mr. Hepner, from the Committee on enrollments, reported, that they had presented to the Governor for his approval on the 1st inst.

An act to revive an act, to incorporate Iowa City, and for other purposes.

An act amending an act defining the duties of Supervisors of Roads and Highways.

An act to establish a Territorial Road from Keosauque, to the southern boundary line of the Territory; and,

An act to amend an act, for the benefit of settlers on the Half-Breed Lands."

On motion of Mr. Patterson,

Ordered, That there be a Committee of Conference appointed on the part of the House, to confer with a similar Committee on the part of the Council, in relation to the disagreement of the two Houses to the amendments made to No. 25, H. R. File.

Whereupon, the Speaker appointed Messrs. Patterson, Robertson, and Quinton, said Committee.

No. 79, H. R. File, "A bill for an act to compel the Miners' Bank of Dubuque to resume specie payment," was read a third time.

Pending the question on the passage of said bill,

A call of the House was desired, and the roll being called, those who failed to answer to their names, were, Messrs. Booth and Porter.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, the absentees appearing, a further call of the House was, on motion of Mr. Robertson, suspended, and,

After debate, the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 15, Nays 11.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Baker, Blair, Booth, Felkner, Hebard, Higginson, Leffler, Moss, Patterson, Porter, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Campbell, Denson, Grant, Hepner, Holliday, McCulloch, Morgan, Quinton, Weld, and Whitaker.

A motion was made by Mr. Patterson, that the House do now adjourn.

The motion was lost.

The question then being on the adoption of the Preamble attached to said bill.

And the same being put—was determined in the affirmative,

Yeas 21, Nays 5.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Biggs, Blair, Booth, Campbell, Denson, Felkner, Hebard, Higginson, Holliday, Leffler, Morgan, Moss, Porter, Quinton, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Grant, Hepner, McCulloch, Patterson, and Lewis, Speaker.

So the Preamble was adopted.

Mr. Morgan then asked, and obtained, leave to enter the following protest on the Journal against the passage of said bill, to wit:

I protest against the passage of the bill, compelling the Miners' Bank of Dubuque, to resume specie payments on the first of August next, for the following reasons:

1st. Because said bill is the result of a Preamble, which sets forth, and has been legislated upon, with the understanding, that said Bank, by suspending specie payments, has violated its Charter. If this be true, that the Bank, by suspending specie payments, has violated its charter, any law, compelling it to resume, at any stated period, would virtually legalize its suspensions, from the time it first suspended until the time when it should resume, and believing the practice of legalizing the suspensions of Banks by Legislative bodies to be a fraud upon the public, I am opposed to any law which would, directly or indirectly, be of such effect.

2nd. If the Charter of said Bank has not been forfeited by its suspensions, nor by any other "abuse" of its corporate powers, then, in my opinion, it should be left subject to action for debt as private individuals are.

For these reasons, I have voted against every amendment offered to the Bill, and for these reasons, I now protest against its passage, and respectfully ask that this protest may be entered upon the Journal.

JAMES W. MORGAN.

A motion was made by Mr. Quinton, that the House adjourn until 2 o'clock, P. M.

And being put—was determined in the affirmative.

Yeas 18, Nays 8.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were Messrs Baker, Felkner, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Quinton, Robertson, Smead, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were Messrs. Biggs, Blair, Booth, Campbell, Denson, Grant, Toole, and Weld.

So the House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House resumed in Committee of the Whole House the consideration of No. 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa."

After some considerable time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with sundry amendments.

A motion was made by Mr. Robertson to disagree to the amendment made by Committee on the 7th Sec.

Mr. Hepner moved a division of the question.

The Speaker decided that it was not a motion susceptible of division.

On which decision Mr. Grant took an appeal,

And the question being put! Shall the decision of the Chair stand as the judgment of this House? It was determined in the affirmative.

The Chair then stated that the question before the House was on concurring in the amendment made by the Committee, and on putting the same, it was decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Grant, Hebard, Leffler, McCulloch, Patterson, Quinton, Smead, Weld, Whitaker and Wilson.

Those who voted in the negative, were, Messrs. Baker, Blair, Booth, Campbell, Denson, Felkner, Hepner, Higginson, Holliday, Morgan, Moss, Robertson, Toole, and Lewis, Speaker.

So the amendment made by the Committee to the 7th Sec. striking out "Iowa City," and inserting Keosauqua, was not concurred in.

A motion was then made by Mr. Grant to strike out the words "Iowa City," and insert the word "Davenport."

And the question being put! It was determined in the negative.

Yeas 9, Nays 16.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Blair, Grant, Hebard, Hepner, Leffler, Robertson, Smead, Whitaker, and Wilson,

Those who voted in the negative, were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Higginson, Holliday, McCulloch, Morgan, Moss, Patterson, Quinton, Toole, Weld, and Lewis, Speaker.

So the motion was lost.

A motion was made by Mr. Grant to amend the 5th sect. of said Bill by striking out the words "Eighty-two," and inserting the word "fifty."

And the question being put—was determined in the negative.

Yeas 9, Nays 16.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Blair, Denson, Grant, Hebard, Higginson, Leffler, Robertson, Smead, and Wilson.

Those who voted in the negative, were Messrs. Baker, Biggs, Booth, Campbell, Felkner, Hepner, Holliday, McCulloch, Morgan, Moss, Patterson, Quinton, Toole, Weld, Whitaker, and Lewis Speaker.

So the motion was lost.

Several amendments being made to said Bill, it was on motion of Mr. Toole, ordered to be engrossed for a third reading on to-morrow.

A message from the Council by Mr. Woods. their Secretary:

Mr. Speaker:—The Council have concurred in the Report of the Committee of conference appointed to confer as to the disagreement of the two Houses, on No. 28, H. R. File, "A bill for an act to amend an act organizing a Board of County Commissioners in each County.

I herewith present for your signature two enrolled Bills.

And then he withdrew.

The Speaker then signed said enrolled Bills.

No 99, H. R. File, "A bill for an act to relocate a part of a Territorial Road from Farmington to Dubuque.

No. 102, H. R. File, "A bill for an act to locate a Territorial Road from Charles Neally's to Iowa City," were severally read a third time, passed and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 100, H. R. File, "A bill for an act amendatory to the several acts in relation to Locks in Mill Dams," was read a third time.

On motion of Mr. Biggs,

Ordered, That said bill do lie upon the table until Monday next.

A motion was made by Mr. Baker to reconsider the vote of yesterday, given on the motion to postpone indefinitely No. 69, C. F., "A bill to incoporate the Iowa Lodge at Bloomington."

The motion was lost.

A motion was made by Mr. Biggs to reconsider the vote of yesterday, given on the motion to postpone indefinitely No. 105, H. R. File, "A bill for an act to change the time of holding the annual session of the Legislature," To which the House agreed.

A motion was then made by Mr. Patterson that said Bill do lie upon the table until the 4th of July next.

And the question being put—It was determined in the negative.

Yeas 9, Nays 16.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell. Hepner, Higginson, McCulloch, Patterson, Quinton, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Biggs, Blair, Denson, Felkner, Grant, Hebard, Holliday, Leffler, Morgan, Moss, Robertson, Smead, Toole, Weld, and Wilson.

So the motion to lay said bill upon the table was lost.

On motion of Mr. Biggs,

Ordered, That said bill be referred to the Committee on Territorial Affairs.

No. 103, H. R. File, "A bill to divorce Nicey Hull from her husband Charles C. Hull," was read a third time.

And the question being put, shall the bill pass? Was determined in the affirmative.

Yeas 18, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Grant, Hepner, Higginson, Leffler, McCulloch, Patterson, Quinton, Robertson, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Blair, Hebard, Holliday, Morgan, Moss, Weld and Wilson.

So the bill passed and title was agreed to.

Ordered, That the Clerk notify the Council accordingly.

No. 104, H. R. File, "A bill to authorize the County Commissioners of Delaware County to pay William Smith, Senr., William Jonas, and

Thomas Denson, for their services as Commissioners, to locate the County Seat of said county," was read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 89, C. F., "Joint Resolution, requesting our Delegate in Congress to use his influence with the Post Master General relative to the establishment of certain Post Offices," was read a third time.

On leave, and by the unanimous consent of the House, several slight amendments were made to said Resolution.

The same was then passed and its title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Leffler,

The House adjourned.

Thursday Morning, February 3, 1842.

Mr. Booth, from the Committee on Territorial Affairs, made the following report:

The Committee on Territorial Affairs to which was referred "A bill for an act to change the time of holding the annual Session of the Legislature," report that they have given the same due consideration, and a majority of the Committee recommend its indefinite postponement.

Mr. Booth, from the same Committee to which was referred No. 47, C. F., "A bill to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors," reported the same back to the House without amendment, and recommend its passage.

A Message from the Council by Mr. Woods their Secretary:

Mr. Speaker:—The Council have passed No. 78, H. R. File, "A Memorial to Congress for an appropriation to improve the Rapids in the Mississippi River."

No. 83, C. F., "A bill to incorporate the Cedar Rapids Manufacturing Company."

Also, with amendments, No. 72, H. R. File, "A bill to provide for opening and improving the Military Road,"

In which they ask the concurrence of the H. of R.

And then he withdrew.

Mr. Whitaker, from the Committee appointed to confer with a similar Committee on the part of the Council, in relation to the disagreement of the two Houses to the amendment made to No. 28, H. R. File, "A Bill for an act to amend an act entitled "an act organizing a Board of County Commissioners in each county," reported that said Committee have agreed to the striking out of the 7th Sect. of said bill, and ask to be discharged from the further consideration of the same.

Mr. Moss, from a select Committee, reported No. 115, H. R. File, "A bill to authorize James Leonard to keep a ferry across the Mississippi River at Charleston, in Jackson county," which was read a first time.

Mr. Hepner, from the Committee on Memorials, to which was referred, A Memorial for an appropriation to improve a Territorial Road from Burlingt n to the mouth of the Des Moines River."

"A Memorial for an appropriation of fifty thousand dollars, to improve the navigation of the Iowa and Cedar Rivers."

"A Memorial for an appropriation of ten thousand dollars to improve the Territ rial Road from Iowa City to Prairie Du Chien."

"A Joint Qesolution requesting our Delegate in Congress to procure an appropriation to improve the navigation of the Wapesipenecon and Maquoqueta Rivers," also,

A Joint Resolution, requesting our Delegate in Congress to procure an appropriation to improve the National Bridge across the Wapesipenecon River, also, to build one across the Maquoqueta River, Reported that said Committee had had the same under consideration, and instructed him to report the same without amendment, and recommend the indefinite postponement of each of the said Memorials, and ask to be discharged from the further consideration of the same.

Mr. Hepner from the Committee on enrollments, reported as correctly enrolled A bill to legalize the location of certain Territorial Roads therein named.

A bill to legalize the location of a certain Territorial Road in Washington county, also,

A Joint Resolution relative to admission into the Union.

The Speaker then signed said enrolled Bills and Resoulution.

Mr. Quinton, from a Select Committee, to which a certain petition was referred, reported, No. 116, H. R. File, "A bill for an act to locate a Territorial Road from Fairfield, in Jefferson county, to the Forks of Skunk River," which was read a first time.

On motion of Mr. Robertson,

Ordered, That the printing of Nos. 115 and 116, H. R. File, be dispensed with.

Mr. Denson, in accordance with previous notice, introduced

No. 117, H. R. File, "A bill to locate and establish a Territorial Road."

Mr. Denson, in accordance with previous notice, introduced

No. 118, H. R. File, "A bill to re-locate and re-establish a certain Territorial Road."

Said bills were each read a first time, and the printing of the same ordered to be dispensed with.

No. 62, H. R. File, "A bill for an act regulating Costs and Fees," together with the report made by the Select Committee, to which the same was referred, was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House for the consideration of said report. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Baker reported, that the Committee had, according to order, had said Report under consideration, and instructed him to report the same with sundry amendmen ts.

On motion of Mr. Patterson,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House resumed the consideration of the Report of the Select Committee, on No. 62, H. R. File, together with said bill, as reported by the Committee of the Whole House.

And the question being put,

Will the House concur in the report of the Committee?

It was decided in the affirmative.

A slight amendment being made to said bill,

A motion was made by Mr. Biggs, that the same be engrossed and read a third time on to-morrow.

And the question being put—was determined in the affirmative.

Yeas 15, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Denson, Felkner, Grant, Hebard, Leffler, Morgan, Moss, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

Those who voted in the negative, were Messrs. Baker, Blair, Booth, Campbell, Hepner, Higginson, Holliday, McCulloch, Patterson, Quinton, and Lewis, Speaker.

So the bill was ordered to be engrossed for a third reading on to-morrow.

A message from the Council by Mr. Woods, their Secretary:

Mr. Speaker:—The Council have passed

No. 93, C. F. "A bill to incorporate the Brighton Exporting and Importing Company."

No. 74, C. F. "A Memorial to Congress for a Donation of Lands to establish a Seminary of Learning at West Point, in Lee County."

No. 103, C. F. "A bill requiring the Miners' Bank of Dubuque to resume, and continue, specie payment, and for the relief of the debtors to this Bank, within this Territory.

The Council have also passed, with amendments,

No. 86, H. R. File, "A bill for an act to divorce Sarah Connelly from her husband William Connelly."

No. 87, H. R. File, "A bill for an act to establish a Territorial Road from Denson's Ferry, on the Wappesipenican river, towards Dubuque."

No. 15, H. R. File, "A bill for an act to amend an act, entitled An act regulating Criminal proceedings," passed, Jan. 4, 1839.

The Council have agreed to all the amendments made by the House of Representatives to No. 89, C. F. "Joint Resolution, requesting our Delegate in Congress to use his influence with the Post-master General relative to the establishment of certain post offices," except the 23rd clause, which they have stricken out.

In all of which they ask the concurrence of the House of Representatives.

And then he withdrew.

No. 85, H. R. File, "A bill for an act to locate certain Territorial Roads," was read a second time.

On motion of Mr. Robertson,

The House resolved itself into a Committee of the whole House on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Biggs reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with one amendment.

To which the House agreed.

On motion of Mr. Robertson,

The 3rd and 4th sections of said bill were stricken out.

A motion was made by Mr. Grant, to strike out the 1st and 2nd sections of said bill.

And the question being put—was determined in the negative.

Yeas 10, Nays 15.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Grant, Holliday, Leffler, Morgan, Porter, Robertson, & Whitaker.

Those who voted in the negative, were Messrs. Booth, Denson, Felkner, Hebard, Hepner, Higginson, McCulloch, Moss, Patterson, Quinton, Smead, Toole, Weld, Wilson, and Lewis Speaker.

So the motion was lost.

On motion of Mr. Moss,

Ordered, That said bill be engrossed and read a third time on tomorrow.

The House resumed the consideration of No. 106, H. R. File, "Joint Resolution, relative to the revision of the laws."

A motion was made by Mr. Baker, that said resolution be referred to a Select Committee.

The motion was lost.

On motion of Mr. Whitaker,

Ordered, That said resolution do lie upon the table.

No. 107, H. R. File, "A bill for an act to revive the twelfth section of an act establishing certain Territorial Roads therein named," was read a second time.

On motion of Mr. Quinton,

The blank in the bill was filled with the name of "Green B. Savery,"

The bill was then ordered to be engrossed for a third reading on tomorrow.

No. 108, H. R. File, "Memorial to Congress for an appropriation to improve certain mail routes in this Territory," was read a second time.

On motion of Mr. Toole,

Ordered, That said Memorial do lie upon the table.

No. 109, H. R. File, "A bill for an act to re-locate a part of a certain Territorial Road, in Washington county," was read a second time.

On motion of Mr. Baker,

Ordered, That the said bill be referred to a Select Committee.

Messrs. Baker, Higginson, and Holliday were appointed said Committee.

Mr. Baker, on leave, presented the remonstrance of sundry citizens

of Washington county, in relation to said road.

Ordered, That said remonstrance be referred to the Select Committee just appointed on the aforesaid bill.

A motion was made by Mr. Quinton, to take from the table No. 52, H. R. File, "A bill, making the Clerk of the Board of County Commissioners elective by the people."

To which the House agreed.

On motion of Mr. Quinton,

The House resolved itself into a Committee of the Whole House on on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Booth reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

A motion was made by Mr. Robertson, that said bill be engrossed for a third reading on to-morrow.

And the question being put, Shall the bill be engrossed for a third reading on to-morrow?

It was determined in the affirmative. Yeas 15, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Booth, Denson, Hepner, Holliday, McCulloch, Morgan, Moss, Quinton, Robertson, Smead, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Felkner, Grant, Hebard, Higginson, Leffler, Patterson, and Toole.

So the bill was ordered to be engrossed for a third reading on to-morrow.

No. 60, H. R. File, "A bill to amend an act, entitled An act establishing a certain Territorial Road therein named, being returned from the Council with amendments, was taken up, the same read, and severally concurred in by the House.

No. 72, H. R. File, "A bill to provide for opening and improving the National Road," being returned from the Council with an amendment was taken up, the same read, and disagreed to by the House.

No. 87. H. R. File, "A bill entitled an act establishing a Territorial Road, from Denson's Ferry, on the Wappesipenicon river, towards Dubuque," having been returned from the Council as amended, was taken up, the amendment read, and concurred in.

No. 15, H. R. File, "A bill for an act to amend an act entitled An act regulating Criminal Proceedings, being returned from the Council with sundry amendments, was taken up, and the first, second, third, fourth, and fifth amendments were severally read and disrgreed to by the House.

The sixth amendment was then read and concurred in.

No. 89, C. F. "Joint Resolution, requesting our Delegate in Congress to use his influence with the Post-master General, relative to the establishment of certain Post Offices," being returned from the Council with one of the amendments of the House disagreed to, was taken up, and being under consideration,

A motion was made by Mr. Denson, that the House insist upon the amendment.

To which the House agreed.

No. 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

The Report of the Committee of Conference, in relation to the disagreement of the two Houses, on the amendments made to No. 26, H. R. File, was taken up and concurred in by the House.

A motion was made by Mr. Higginson, that the House do now adjourn.

And the question being put—It was determined in the negative.

Yeas 7, Nays 16.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Hepner, Higginson, Holliday, Leffler, McCulloch, Smead, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Biggs, Blair, Booth, Denson, Felkner, Grant, Hebard, Moss, Patterson, Quinton, Robertson, Toole, Weld, Whitaker, and Wilson.

So the motion to adjourn was lost.

No. 110, H. R. File, "A bill to provide for an act to incorporate an Insurance Company, at the town of Farmington, Van Buren county," was read a second time.

On motion of Mr. Weld,

Ordered, That said bill be referred to a Select Committee, to be composed of the Delegations of Van Buren and Lee counties.

No. 111, H. R. File, "A bill to amend an act to punish for trespass upon school and other lands, approved, Jan. 17, 1840," was read a second time.

On motion of Mr. Weld,

The House resolved itself into a Committee of the Whole House on said biil. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Felkner reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments.

To which the House agreed.

A motion was made by Mr. Biggs to strike out the enacting clause of said bill.

The motion was lost.

A motion was made by Mr. Whitaker, that the House do now adjourn.

And the question being put—was determined in the negative.

Yeas 9, Nays 14.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Blair Denson, Morgan, Moss, Patterson, Robertson, Smead, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Biggs, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch,

Quinton, Toole, Weld, and Wilson.

So the motion to adjourn was lost.

A motion was made by Mr. Buker, to strike out the 3rd section of the aforesaid bill.

And after debate,

On motion of Mr. Patterson,

The House adjourned.

Friday Morning, February 4, 1842.

On motion of Mr. Biggs,

Resolved, That a Committee of three be appointed to enquire into and report to this House, the amounts annually allowed for printing the Laws and Journals, and other incidental printing for the Legislative Assembly; and if said allowances have been made in accordance with the Resolutions of the Legislative Assembly, fixing the compensation for public printing.

Messrs. Biggs, Leffler, and Patterson, were appointed said Committee.

Mr. Hebard, from the Committee on Engrossed Bills, report Nos. 52, and 62, H. R. File, as correctly engrossed.

Mr. Smead, on leave, introduced No. 119, H. R. File, "A Joint Resolution relative to the Miners' Bank of Dubuque," which was read a first time.

Mr. Felkner, from the Committee on Incorporation, reported No. 120, H. R. File, "A bill for an act to authorize Samuel Wells to build a Dam across Skunk river."

Mr. Felkner, from the Committee on Incorporations, reported

No. 121, H. R. File, "A bill for an act to authorize John R. Sloan to keep a Ferry across the Mississippi river."

Said bills were each read a first time, and the printing of the same ordered to be dispensed with.

A Message from the Council, by Mr. Woods, their Secretary—

Mr. Speaker—The Council have indefinitely postponed

No. 96, H. R. File, "A bill for an act to re-locate the County Seat of Lee county."

The Council have passed with amendments,

No. 88, H. R. File, "A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties and for other purposes."

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

Mr. Hepner, from the Committee on Enrollments, reported that they had presented to the Governor for his approval on the 3rd inst.,

An act to amend an act, entitled An act for opening and regulating Roads and Highways, approved Jan. 17, 1840;" and,

An act to re-locate a certain part of the Territorial Road from Burlington to the mouth of the Des Moines river."

No. 105, H. R. File, "A bill for an act to change the time of holding the annual session of the Legislative Assembly," together with the report of the Committee on Territorial Affairs, recommending the indefinite postponement of the same, was taken up, and the report concurred in, and the bill indefinitely postponed.

No. 47, C. F. "A bill to amend an act entitled An act in relation to the safe custody of persons arrested for crimes and misdemeanors," was read a second time.

Ordered, That said bill be read a third time on to-morrow.

The Report of the Committee on Memorials, made on yesterday morning, was taken up and concurred in by the House.

No. 70, C. F. "A bill to make certificates of purchase of lands from any land office in this Territory evidence of title in the purchaser," was read a second time.

On motion of Mr. Grant,

Ordered, That said bill be read a third time on to-morrow.

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute," was read a second time.

A slight amendment being made to said bill, a motion was made by Mr. Porter, that the same be engrossed for a third reading on to-morrow.

And the question being put—was determined in the affirmative,

Yeas 16, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Blair, Booth, Grant, Hebard, Higginson, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Biggs, Campbell, Denson, Felkner, Hepner, Holliday, Quinton, Weld, and Whitaker.

So the bill was ordered to be engrossed for a third reading on to-morrow.

The House resumed the consideration of No. 111, H. R. File, "A bill to amend an act to punish for trespass on School and other Lands."

The motion pending on the same being to strike out the third section; which motion was, on leave, withdrawn, and,

On motion of Mr. Baker,

Ordered, That said bill be referred to a Select Committee.

Messrs. Baker, Hepner, and Whitaker, were appointed said Committee.

No. 112, H. R. File, "A bill for an act to locate and establish a Territorial Road from Crawfordsville, in Washington county, to Smith's Mills, in Henry county," was read a second time.

On motion of Mr. Smead,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 115, H. R. File, "A bill to authorize James Leonard to estab-

lish and keep a Ferry across the Mississippi river, in Jackson county," was read a second time.

On motion of Mr. Moss,

Ordered, That said bill be engrossed for a third reading on to-morrow.

No. 116, H. R. File, "A bill for an act to locate a Territorial Road from Fairfield, in Jefferson county, to the forks of Skunk river, in Washington county," was read a second time.

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 117, H. R. File, "A bill to locate and establish a Territorial Road," was read a second time.

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 118, H. R. File, "A bill to re-locate and establish a certain Territorial Road," was read a second time.

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 85, H. R. File, "A bill for an act to locate certain Territorial Roads therein named," was read a third time.

And the question being put, Shall the bill pass?

It was determined in the affirmative—Yeas 16, Nays 10.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Higginson, Holliday, McCulloch, Moss, Patterson, Quinton, Toole, Weld, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Grant, Hebard, Leffler, Morgan, Porter, Robertson, Smead, and Whitaker.

So the bill passed.

Mr. Grant then asked and obtained leave to enter the following protest upon the Journal against the passage of said bill, to wit:

The undersigned protests against the passage of a bill, No. 85, H. R. File, for the following reasons:

1st. Because the bill purports to re-locate a Territorial Road running through the county of Clinton, for which there is no petition from any of the citizens of said county.

2d. Because there are only twenty-four petitioners for the re-location of said road, not one of whom resides in the county of Clinton, and there are thirty-three citizens remonstrating against the re-location of said road, of whom a considerable portion reside in the county of Clinton, and the balance of them in the county of Scott.

3d. Because the bill imposes an expenditure of money on the citizens of Clinton county for purposes entirely local, not only against the remonstrance of a portion of the citizens of said county, but that of their entire Delegation in this House.

JAMES GRANT.

No. 107, H. R. File, "A bill for an act to revive the twelfth section of an act, establishing certain Territorial Roads therein named," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Wilson,

Ordered, That No. 100 H. R. File, "A bill for an act amendatory to the several acts of this Territory in relation to Locks in Mill Dams," be taken from the table.

The bill was then taken from the table, and,

On motion of Mr. Whitaker,

Referred to a Select Committee.

Messrs. Whitaker, Wilson, and Campbell were appointed said Committee.

No. 88, H. R. File, "A bill to provide for the appointment of an Acting Commissioner, at Iowa City, defining his duties, and for other purposes," being returned from the Council with sundry amendments, and being under consideration,

A motion was made by Mr. Patterson, to amend the amendment of the Council to the first section, by filling the blank with the name of "Chauncey Swan."

And the question being put—It was decided in the affirmative.

Yeas 14, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Robertson, Smead, Toole, and Wilson.

So the amendment of the Council was amended.

The question then being on concurring in the amendment as amended: And being put—was determined in the affirmative.

The remaining amendments were then severally read and concurred in.

Ordered, That the Clerk notify the Council accordingly.

On motion of Mr. Whitaker,

Leave of absence was granted to Mr. Quinton.

A message from the Council, by Mr. Woods, their Secretary.

Mr. Speaker—The Council have passed—

No. 76, H. R. File, "A bill for an act to incorporate the town of Davenport.

No. 73, C. F. "A bill to authorize Ransom Long to keep a Ferry across the Mississippi river, opposite Salem, in Muscatine county.

No. 97, C. F. "A bill to authorize William Milligan and Daniel Brewer, to keep a Ferry at Wapello, in Louisa county.

No. 99, C. F. "A bill for an act, authorizing James Muir, a minor, to execute a Deed to Anson L. Deming and Jesse C. Smith.

No. 100, C. F. "A bill for an act to re-locate a Territorial Road from Farmington to the southern Territorial line.

No. 101, C. F. "A bill to re-locate a part of a Territorial Road, in Jefferson County.

They have passed, with amendments—

No. 84, H. R. File, "A bill for an act to divorce Sarah Wilson from her husband, John Wilson.

No. 63, H. R. File, "A bill for an act defining the jurisdiction of the Supreme and District Courts.

No. 10, H. R. File, "A bill to authorize William Smith and Vincent G. Smith, to keep a Ferry across the Mississippi river, in Jackson county.

No. 103, H. R. File, "A bill to divorce Nicey Hull from her husband, C. C. Hull.

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

Bills, &c., from the Council, of the following titles, to wit:

No. 74, C. F. "A Memorial for a donation of lands, to establish a Seminary of Learning at West Point in Lee county."

No. 76, "A bill concerning Oaths and Affidavits."

No. 83, "A bill to incorporate the Cedar Rapids Manufacturing Company;" and,

No. 90, "A Memorial to Congress for the relief of Jeremiah Smith, Jr.," were severally read a first time.

A motion was made by Mr. Weld that the House do now adjourn.

And the question being put—was determined in the affirmative.

Yeas 17, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Campbell, Denson, Hebard, Higginson, Holliday, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair, Booth, Felkner, Grant, Hepner, Leffler, and Toole.

So the House adjourned.

Saturday Morning, February 5, 1842.

Mr. Booth presented the petition of 200 citizens of Dubuque county, in relation to a Territorial Road from Dubuque to Fort Atkinson.

Ordered, That said petition be referred to a Select Committee.

The Speaker appointed Messrs. Booth, Hepner, and Hebard said Committee.

Mr. Biggs offered the following:

Resolved, That the following per diem be allowed the officers of this House, to be paid by the Secretary of the Territory, on the certificates of the Speaker:—Chief Clerk, four dollars; Assistant Clerk, three dollars; Sergeant-at-Arms, three dollars; Enrolling, Engrossing, and Recording Clerks, two dollars and fifty cents each; Door-keeper and Fireman, two dollars and fifty cents each; Assistant Messenger and Assistant Door-keeper, two dollars each.

On motion of Mr. Porter,

Ordered, That said Resolution do lie upon the table.

Mr. Leffler, from the Committee on the Judiciary, to which was re-

ferred No. 73. H. R. File, "A bill creating a permrnent School fund, and for other purposes," reported the same back with amendments.

Mr. Higginson, from the Committee on Expenditures, to which was referred the claim, and resolution authoring the payment of the same, of John H. McKenny, submitted a report, and recommended the indefinite postponement of the subject.

Mr. Whitaker, from the Committee appointed to examine the recording of the Journal, reported the same to be correct up to February 3rd, 1842.

Mr. Whitaker, from the Select Committee, to which the same was referred, reported No. 100, H. R. File, "A bill for an act amendatory to the several acts in relation to Locks in Mill Dams," back to the House with amendments.

Mr. Denson, from the Select Committee, to which was referred No. 90, H. R. File, reported No. 122, H. R. File, "A Bill for an act amendatory to an act, subjecting Real and Personal Estate to execution," which was read a 1st time.

Mr. Hepner, from the Committee on Memorials, to which was referred No. 114, H. R. File, "A Memorial to Congress, relative to the contiguous sections of Land to Iowa City," reported the same back to the House without amendment.

Mr. Grant gave notice, that he would, on some future day, introduce a bill to incorporate a Bank in Davenport, Scott county.

Mr. Weld, from the Select Committee, to which was referred No. 110, H. R. File, "A bill to provide for an act to incorporate an Insurance Company, at Farmington, in Van Buren county," reported the same back with sundry amendments.

Mr. Hebard, from the Committee on Engrossed Bills, reported Nos. 115, 117, and 118, H. R. File, as correctly engrossed.

Mr. Felkner, from a Select Committee, to which was referred a certain petition, reported No. 123, H. R. File, "A bill for an act to divorce Seth Baker from his wife Sally Baker," which was read a first time, and the printing dispensed with.

Mr. Hepner, from the Committee on Memorials, to which was referred a petition in relation to the improvement of Turkey River, and also, one in relation to the building of a bridge across Skunk River, reported the same back to the House without any action on the same.

Ordered, That the same do lie upon the table.

Mr. Hepner, from the Committee on Memorials to which was referred No. 27, C. F. "Memorial for the establishment of a Land Office at Marion, in Linn county.

No. 36, C. F. "Memorial for the establishment of a Land Office at Fairfield, in Jefferson county;" and,

No. 55, H. R. File, "A Memorial for a new Land District," reported the same back to the House without amendment.

Mr. Grant asked and obtained leave to withdraw from the House the petition of sundry citizens of Davenport, asking the incorporation of a company to construct a Canal around the Upper Rapids, in the Mississippi river.

Mr. Denson, in accordance with previous notice, introduced No. 124,

H. R. File, "A Bill to locate the seat of justice of the county of Buchanan," which was read a first time, and the printing of the same dispensed with.

Mr. Denson, on leave, reported No. 125, H. R. File, "A bill for an act amendatory to an act, regulating Mills and Millers," which was read a first time.

No. 74, C. F. "A Memorial to Congress for a Donation of Lands to establish a Seminary of Learning at West Point, in Lee County." was read a second time.

A motion was made by Mr Patterson, that said Memorial be read a third time on Monday next.

Pending which,

A motion was made by Mr. Toole, to refer said Memorial to the Committee on Memorials.

And the question being put—was determined in the negative.

Yeas 11, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Denson, Felkner, Grant, Morgan, Moss, Porter, Smead, Toole, and Whitaker.

Those who voted in the negative, were Messrs. Campbell, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Patterson, Robertson, Weld, Wilson, and Lewis, Speaker.

So the motion to commit was lost.

The question then recurring on the motion made by Mr. Patterson, that said Memorial be read a third time on Monday next.

And being put—Was determined in the affirmative.

No. 76, C. F. "A bill concerning Oaths and Affidavits," was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be read a third time on Monday next.

A Message from the Council by Mr. Woods their Secretary:

Mr. Speaker:—The Council have receded from their first and sixth amendments to No. 15, H. R. File, "A bill for an act to amend an act entitled An act regulating Criminal Proceedings," and insist on their fourth, fifth, and tenth, and have appointed Messrs. Hastings, Johnson, and Springer a Committee of Conference on the part of the Council, in relatiion to said disagreement.

The Council insist on their amendments made to No 72, H. R. File, "A bill to provide for opening and improving the National Road."

And also to their disagreement to the amendment by the House of Representatives to No. 89, C. F. "Joint Resolution requesting our Delegate in Congress to use his influence with the Post-master General for the establishment of certain Post Offices."

And then he withdrew.

No. 83, C. F. "A bill to incorporate the Cedar Rapids Manufactoring Company," was read a second time.

On motion of Mr. Whitaker,

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Grant reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with amendments.

To which the House agreed.

A motion was made by Mr. Higginson, that said bill be read a third time on Monday next.

And the question being put—Was determined in the negative.

Yeas 12, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell. Denson, Higginson, Leffler, McCulloch, Patterson, Porter, Robertson, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Felkner, Grant, Hebard, Hepner, Holliday, Morgan, Moss, Smead, Weld, and Whitaker.

So the motion was lost.

On motion of Mr. Higginson,

Ordered, That said bill be committed to the Committee on Incorporations.

Bills, &c., of the following titles, to wit:

No. 90, C. F. "A Memorial to Congress for the relief of Jeremiah Smith, Jr."

No. 120, H. R. File, "A bill for an act to authorize Samuel Wells to build a Dam across Skunk River;" and,

No. 121, H. R. File, "A bill for an act to authorize John R. Sloan te keep a Ferry across the Mississippi River;"

Were severally read a second time, and each ordered to be read a third time on Monday next.

No. 10, H. R. File, "A bill to authorize William Smith and Vincent G. Smith, to keep a Ferry across the Mississippi River, in Jackson county," having been returned from the Council with amendments, was taken up, the same read, and concurred in.

No. 63, H. R. File, "A bill for an act defining the jurisdiction of the Supreme and District Courts," being under consideration, as returned with amendments from the Council;

On motion, The same was concurred in by the House.

Bills from the Council of the following titles, to wit:

No. 73. A bill to authorize Ransom Long to keep a Ferry across the Mississippi River.

No. 93. A bill to incorporate the Brighton Exporting and Importing Company."

No. 97. A bill to authorize Wm. Millegan and Daniel Brewer, to keep a Ferry at Wappello, in Louisa county.

No. 99. A bill for an act authorizing James Muir, a minor, to execute a Deed to Anson L. Deming and Jesse C. Smith.

No. 100. A bill for an act to re-locate a Territorial Road from Farmington to the southern boundary line.

No. 101. A bill to re-locate a part of a Territorial Road in Jefferson county; and,

No. 103. A bill requiring the Miners' Bank of Dubuque to resume,

and continue specie payment, and for the relief of the debtors to the bank;

Were severally read a first time.

A motion was made by Mr. Grant, that there be a Committee of Conference appointed to confer with a similar Committee on the part of the Council in relation to the disagreement of the two Houses on No. 15, H. R. File, "A bill for an act to amend an act regulating Criminal Proceedings."

To which the House agreed.

Messrs. Grant, Leffler, and Hepner, were appointed said Committee.

No. 72, H. R. File, "A bill to provide for opening and improving the National Road," having been returned from the Council with their amendment insisted upon, and being under consideration,

A motion was made, that the House recede from their disagreement.

And the question being put—Was determined in the affirmative.

No. 89, C. F. "Joint Resolution, requesting our Delegate in Congress to use his influence with the Post-master General for the establishment of certain Post Offices," having been returned from the Council with their disagreement to the amendment of the House of Representatives insisted upon, and being consideration,

A motion was made, that the House do recede from their amendment.

To which the House agreed.

Bills of the following titles, to wit:

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute;"

No. 52, H. R. File, "A bill making the Clerk of the Board of Commissioners elective by the people;"

No. 112, H. R. File, "A bill for an act to locate and establish a Territorial Road from Crawfordsville, in Washington county, to Smith's mills, in Henry county;"

No. 115, H. R. File, "A bill for an act to authorize James Leonard to estab ish and keep a Ferry across the Mississippi river, in Jackson county;"

No. 116, H. R. File, "A bill to locate a Road from Fairfield to the forks of Skunk River;"

No. 117, H. R. File, "A bill to locate and establish a Territorial Road from William Clark's to Marion;"

No. 118, H. R. File, "A bill to re-locate and establish a Territorial Road from Marion to Ead's Grove;"

No. 70, C. F., "A bill to make certificates of purchase of Lands from any Land Office in this Territory evidence of title in the purchaser;"

Were severally reada third time passed and their titles agreed to.

Ordered, That the Clerk notify the Council accordingly.

No. 62, H. R. File, "A bill for an act to amend an act concerning Costs and Fees," was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative. Yeas 15, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair,

Denson, Felkner, Grant, Hebard, Leffler, Moss, Patterson, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

Those who voted in the negative were, Messrs. Booth, Campbell, Hepner, Higginson, Holliday, McCulloch, and Lewis, Speaker.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 47, C. F. "A bill to amend an act entitled An act in relation to the safe custody of persons arrested for Crimes and Misdemeanors," was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 14, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Booth, Felkner, Hebard, Higginson, Holliday, Leffler, Patterson, Robertson, Smead, Weld, Whitaker, and Wilson.

Those who voted in the negative, were Messrs. Campbell, Denson, Grant, Hepner, McCulloch, Moss, Toole, and Lewis, Speaker.

So the bill passed, and title was agreed to.

Ordered, That the Clerk notify the Council accordingly.

On motion of Mr. Biggs,

Leave of absence was granted to Mr. Baker until Wednesday next.

Mr. Hepner, from the Committee on Enrollments, reported as correctly enrolled—

"An act to amend an act, organizing a Board of County Commissioners in each county."

"An act to divorce Sarah Connelly from her husband, William Connelly."

"An act to locate and establish a Territorial Road from Denson's Ferry on the Wappesipenicon river, towards Dubuque."

"A Joint Resolution relative to admission into the Union;" and,

"An act to amend an act entitled "an act establishing a certain Territorial Road therein named.

The Speaker then signed said acts and resolutions.

On motion of Mr. Toole,

The House adjourned.

Monday Morning, February 7, 1842.

A message from the Council by Mr. Woods, their Secretary:

Mr. Speaker:—The Council have passed

No. 41, C. F. "A bill to revive and amend an act, to incorporate the Bloomington Insurance Company, approved, Jan. 13, 1842."

No. 85, C. F., "A bill to amend an act concerning Writs of Attachment."

No. 105, C. F., "A bill to authorize William Smith to construct a Dam across the Des Moines river, in Lee county."

No. 108, C. F., "A bill to incorporate the first Presbyterian Church of Fort Madison.

No. 111, C. F. "A bill to incorporate the first Methodist Episcopal Church at Marion."

No. 77, H. R. File, "A bill for an act for the encouragement of Agriculture."

No. 93, H. R. File, "A bill for an act to revive and establish a part of the Territorial Road from Keokuk, in Lee county, to Iowaville, on the Des Moines river."

No. 104, H. R. File, "A bill to authorize the County Commissioners of Delaware county, to pay Wm. Smith, sen'r., Wm. Jonas, and Thomas Denson for services as Commissioners to locate the county seat of said county."

No. 107, H. R. File, "A bill for an act to revive the twelfth section of an act establishing certain Territorial Roads therein named."

They have also passed, with amendments,

No. 83, H. R. File, "A bill to locate and establish a Territorial Boad from Marion, in Linn county, to the Indian boundary, in Benton county;" and,

No. 89, H. R. File, "A bill for an act to authorize William Pickerel and others to construct, keep, and maintain a Dam across Skunk river."

The Council have amended the amendment of the House of Representatives to

No. 88, H. R. File, "A bill to provide for the appointment of an Acting Commissioner at Iowa City, defining his duties, and for other purposes," by striking out the name of Chancey Swan, and inserting the name of Walter Butler.

They have also passed

No. 43, H. R. File, "A bill to amend an act to District the Territory of Iowa into Electoral Districts."

And have indefinitely postponed

No. 33, H. R. File, "A bill for the incorporation of Religious Societies."

In all of which they ask the concurrence of the House of Representatives.

And then he withdrew.

Mr. Toole presented the petition of sundry citizens of the counties of Des Moines and Louisa, praying that a certain portion of Des Moines county may be attached to Louisa county.

Ordered, That said petition be referred to the Committee on Townships and county boundaries.

On motion of Mr. Smead,

Ordered, That the Chief Clerk be directed to make up the per diem accounts of this House from the 6th December until the 18th inst., inclusive.

Mr. Grant, in accordance with previous, introduced

No. 126, H. R. File, "A bill to establish a Bank in the town of Davenport," which was read a first time by its title.

A motion was made by Mr. Leffler, that said bill be rejected.

And the question being put— was determined in the affirmative.

Yeas 21, Nays 2.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Higginson, and Robertson.

So the bill was rejected.

Mr. Hepner, from the Committee on Enrolled Bills, reported as correctly enrolled.

An act to divorce Sarah Wilson from her husband John Wilson;

An act to divorce Nicey Hull from her husband Charles C. Hull; and

An act to provide for opening and improving the National Road.

The Speaker then signed said entitled acts.

Mr. Booth, from the Committee to which was referred a certain petition, reported No. 127, H. R. File, "A bill to repeal a portion of an act to locate and establish a Territorial Road from Dubuque to Camp Atkinson," which was read a first time.

Mr. Toole, from the Select Committee to which was referred No. 17, C. F. "A bill to change the time of holding the District Court in the Second Judicial District," reported the same back to the House with one amendment.

Mr. Patterson, on leave, introduced No. 128, H. R. File, "A Joint Resolution, abolishing the office of Territorial Agent, and for other purposes," which was read a first time.

The House resumed the consideration of the report of the Committee on Expenditures, relative to the claim of John H. McKenny; and,

On motion of Mr. Patterson,

Ordered, That said report do lie upon the table.

No. 55, H. R. File, "A Memorial to Congress for a new Land District," was read a second time.

On motion of Mr. Felkner,

Ordered, That said memorial be engrossed, and read a third time on to-morrow.

No. 73, H. R. File, "A bill creating a permanent School Fund, and for other purposes," was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be engrossed for a third reading on to morrow.

No. 100, H. R. File, "A bill for an act amendatory to the several acts of this Territory in relation to Locks in Mill Dams," was read a second time.

On motion of Mr. Biggs,

A slight amendment was made to the 1st section of said bill.

The same was then ordered to be engrossed for a third reading on to-morrow.

No. 110, H. R. File, "A bill for an act to incorporate an Insurance Company at the town of Farmington, in Van Buren county," was read a second time.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the Whole House for the consideration of said biil. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hebard reported, that the Committee had. according to order, had said bill under consideration, and instructed him to report the same with two amendments.

A motion was made by Mr. Biggs, that the House disagree to the 1st amendment.

The motion was lost.

A motion was made by Mr. Weld, that the House disagree to the second amendment.

And the question being put—Was determined in the negative.

So the report of the Committee was concurred in.

A motion was made by Mr. Hepner, to amend said bill, by striking out of the last section the words "for any fraud or abuse of any of the provisions herein contained.

And the question being put—was determined in the negative.

Yeas 5, Nays 19.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative were, Messrs. Felkner, Grant, Hepner, Morgan, and Smead.

Those who voted in the negative, were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Hebard, Higginson, Holliday, Leffler, McCulloch, Moss, Patterson, Porter, Robertson, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

So the motion was lost.

On motion of Mr. Weld,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

On motion of Mr. Whitaker,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 114, H. R. File, "Memorial to Congress, relative to the contiguous sections of Land to Iowa City," was read a second time.

On motion of Mr. Moss,

The House resolved itself into a Committee of the Whole House for the consideration of said Memorial. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hepner reported, that the Committee had, according to order, had said Memorial under consideration, and instructed him to report the same with one amendment.

To which the House agreed.

On motion of Mr. Hebard,

Ordered, That said Memorial be referred to the Committee on the Judiciary, with instructions that the same be reported back on to-morrow morning.

No. 119, H. R. File, "Joint Resolution requiring the Miners' Bank of Dubuque to stop its discounts and issues while it continues to suspend specie payment," was read a second time.

On motion of Mr. Robertson,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 122, H. R. File, "A bill for an act to amend an act, subjecting Real and Personal estate to execution, approved, January 25, 1839," was read a second time.

A motion was made by Mr. Weld, that said bill be indefinitely postponed.

And the question being put—was determined in the affirmative.

Yeas 16, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Campbell, Grant, Hebard, Hepner, Leffler, Morgan, Moss, Patterson, Porter, Robertson, Smead, Weld, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Booth, Denson, Felkner, Higginson, Holliday, McCulloch, Toole, and Lewis, Speaker.

So the bill was indefinitely postponed.

No. 90, H. R. File, "A bill to provide for an act supplementary to an act, subjecting Real and Personal estate to execution," was read a second time.

A motion was made by Mr. Porter, that said bill be indefinitely postponed.

And the question being put—Was decided in the affirmative.

Yeas 13, Nays 11.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Blair, Booth, Felkner, Grant, Hebard, Hepner, Leffler, Morgan, Patterson, Porter, Smead, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Campbell, Denson, Higginson, Holliday, McCulloch, Moss, Robertson, Toole, Weld, and Whitaker.

So the bill was indefinitely postponed.

No. 123, H. R. File, "A bill for an act to divorce Seth Baker from his wife Sally Baker," was read a second time.

A motion was made by Mr. Morgan, to refer said bill to a Committee of the Whole House.

The motion was lost.

On motion of Mr. Felkner,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

A Message from the Council by Mr. Woods their Secretary:

Mr. Speaker:—The Council have passed—

No. 98, C. F. "A bill for an act to incorporate the first Methodist Episcopal Church of Fort Madison.

No. 106, C. F. "A bill relative to the survey of the town of Marion."

The Council have passed, with amendments,

No. 99, H. R. File, "A bill for an act to re-locate a part of a Territorial Road from Farmington to Dubuque."

They have concurred in the amendments made by the House of Representatives to Nos. 47 and 70, C. F.

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

No. 124, H. R. File, "A bill to locate the seat of justice in and for the county of Buchanan," was read a second time.

On motion of Mr. Denson,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

No. 125, H. R. File, "A bill for an act amendatory to an act, regulating Mills and Millers," was read a second time.

On motion of Mr. Whitaker,

The House resolved itself into a Committee of the whole House on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Leffler reported, that the Committee had, according to order, had said Bill under consideration, and instructed him to report the same with amendments.

A motion was made by Mr. Felkner, that said bill be indefinitely postponed.

And the question being put—was determined in the affirmative.

No. 27, C. F. "Memorial to Congress for the establishment of a Land Office at Marion, in Linn county," was read a second time.

On motion of Mr. Higginson,

Ordered, That said Memorial do lie upon the table.

No. 36, C. F. "Memorial to Congress for the establishment of a Land Office at Fairfield, in Jefferson county," was a second time.

On motion of Mr. Hepner,

Ordered, That said Memorial do lie upon the table.

No. 73, C. F. "A bill to authorize Ransom Long to keep a Ferry across the Mississippi river," was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be read a third time on to-morrow.

No. 93, C. F. "A bill to incorporate the Brighton Exporting and Importing Company," was read a second time.

On motion of Mr. Toole,

Ordered, That said bill do lie upon the table until Monday next.

No. 97, C. F. "A bill to authorize William Milligan and Daniel Brewer to keep a Ferry at Wapello, in Louisa county," was read a second time.

On motion of Mr. Toole,

Ordered, That said bill be referred to the Committee on Incorporations.

No. 99, C. F. "A bill for an act authorizing James Muier, a minor, to execute a Deed to Anson L. Deming and Jesse C. Smith," was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill be read a third time on to-morrow.

No. 100. C. F. "A bill for an act to re-locate a Territorial Road from Farmington to the southern boundary line," was read a second time.

On motion of Mr. Biggs,

Ordered, That said bill be read a third time on to-morrow.

No. 101. C. F. "A bill to re-locate a part of a Territorial Road in Jefferson county." was read a second time.

On motion of Mr. Whitaker,

Ordered, That said bill be read a third time on to-morrow.

No. 103. C. F. "A bill requiring the Miners' Bank of Dubuque to resume, and continue specie payment, and for the relief of the debtors to the Bank, within this Territory," was read a second time.

On motion of Mr. Grant,

The House resolved itself into a Committee of the Whole House on said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Morgan reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

The question was then put,

Will the House agree to the amendments made by the Committee of the Whole House to the 1st section of said bill?

It was determined in the negative—Yeas 7, Nays 16.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Campbell, Denson, Grant, Hepner, Holliday, Weld, and Whitaker.

Those who voted in the negative, were Messrs. Biggs, Blair, Booth, Felkner, Hebard, Higginson, Leffler, McCulloch, Morgan, Moss, Paterson, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

The remaining amendments were severally read and concurred in.

On motion of Mr. Biggs,

Ordered, That said bill do lie upon the table.

Bills, &c., of the following titles, to wit:

No. 120, H. R. File, "A bill for an act to authorize Samuel Wells to build a Dam across Skunk River."

No. 121, H. R. File, "A bill for an act to authorize John R. Sloan to keep a Ferry across the Mississippi river."

No. 74, C. F. "A Memorial for a donation of lands, to establish a Seminary of Learning at West Point, in Lee county."

No. 76, C. F. "A bill concerning Oaths and Affidavits."

No. 90, C. F. "A Memorial to Congress for the relief of Jeremiah Smith, Jr.;

Were severally read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 83, H. R. File, "A bill to establish a Territorial Road from Marion, in Linn county, to the Indian boundary line, in Benton county," having been returned from the Council with amendments, was taken up, the same read, and concurred in.

No. 88, H. R. File, "A Bill for an act appointing an Acting Commissioner at Iowa City, defining his duties, and for other purposes," having been returned from the Council with the amendment of the House amended, was taken up, and their amendment concurred in.

No 89, H. R. File, "A bill for an act to authorize William Pickerel and others, to construct, keep, and maintain, a Dam across Skunk river," being returned with amendments from the Council, was taken up, and the same read and concurred in by the House.

No. 99, H. R. File, "A bill for an act to locate a Territorial Road from Farmington to Dubuque," being returned from the Council with

amendments, was taken up, the same read, and concurred in.

Bills from the Council, of the following titles, to wit:

No. 41, "A bill to revive and amend an act to incorporate the Bloomington Insurance Company, approved, Jan. 13, 1840."

No. 87, "A bill to amend an act concerning Writs of Attachment."

No. 98, "A bill for an act to Incorporate the First Methodist Episcopal Church of Fort Madison."

No. 105, "A bill to authorize William Smith to construct a Dam across the Des Moines river, in Lee county;"

No. 106, "A bill relative to the survey of the town of Marion."

No. 108, "A bill for an act to incorporate the First Presbyterian Church of Fort Madison."

No. 111, "A bill to incorporate the First Methodist Episcopal Church at Marion;"

Were each read a first time.

On motion of Mr. Smead,

The House adjourned.

Tuesday Morning, February 8, 1842.

Mr. Felkner presented the claim of N. Jackson, editor of the "Iowa City Argus," for certain printing, and for newspapers furnished the members of this House during the present session.

Ordered, That said claim be referred to the Committee on Claims.

Mr. Felkner presented the account of the Post-master in this city for postage on letters and documents sent to and from the House of Representatives during the present session.

Ordered, That said account be referred to the Committee on Claims.

On motion of Mr. Whitaker,

Ordered, That no business of a general nature be introduced into this House after the 9th inst., and none of a local nature after the 14th inst.

Mr. Grant being in the Chair, officiating as Speaker,

Mr. Felkner offered the following:

Resolved, That the Hon. Warner Lewis be allowed the sum of three dollars per day, as Speaker of this House, during the present session.

And the question being put, Shall the Resolution pass?

It passed in the affirmative.

Mr. Robertson, from the Committee on Territorial and County Boundaries, submitted a Report in relation to a certain petition referred to that Committee on yesterday, asking the addition of a portion of Des Moines county to the county of Louisa; which report was adverse to the prayers of the petitioners.

The Report was concurred in.

Mr. Hepner, from the Committee on Enrollments, reported, that they had presented to the Governor, for his approval, on the 8th inst.

"An act to divorce Sarah Connelly from her husband, William Connelly;"

"An act to amend an act organizing a Board of County Commissioners in each county;"

"An act to amend an act, entitled An act establishing a certain Territorial Road therein named;"

"An act to locate and established a Territorial Road from Denson's Ferry, on the Wappesipenicon river, towards Dubuque;"

"Joint Resolution, relative to admission in the Union;"

"An act to divorce Sarah Wilson from her husband, John Wilson;"

"An act to provide for opening and improving the Military Road;"

And "An act to divorce Nicey Hull from her husband, Charles C. Hull."

Mr. Patterson, from the Committee of Conference, appointed to confer with a similar Committee on the part of the Council, on the subject of the disagreements to No. 25, H. R. File, "A bill to provide for levying a tax on real and personal property for road purposes," reported, that the Committee on the part of the Council have agreed to recede from the amendments of the Council to said bill.

The report was concurred in.

Mr. Hebard, from the Committee on Engrossed Bills, reported as correctly engrossed, Nos. 100, 110, and 124, H. R. File.

Mr. Morgan, from the Committee on the Judiciary, to which the same was referred, reported No. 114, H. R File, "Memorial to Congress relative to the contiguous sections of land to Iowa City" back to the House with amendments.

Mr. Hebard, from the Committee appointed to examine the laws relative to the organization of Townships, reported No. 129, H. R. File, "A bill for an act for the organization of Townships," which was read a first time by its title.

Mr. Denson, on leave, introduced No. 130, H. R. File, "A bill for an act to amend an act subjecting Real and Personal estate to execution," which was read a first time.

A motion was made by Mr. Robertson, to dispense with the printing of said bill.

And the question being put—Was determined in the affirmative.

Yeas 12, Nays 10.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Blair, Felkner, Grant, Hebard, Holliday, Leffler, Moss, Porter, Robertson, Smead, Toole, and Whitaker.

Those who voted in the negative were, Messrs. Biggs, Campbell, Denson, Hepner, Higginson, McCulloch, Morgan, Patterson, Weld, and Wilson.

So the printing was dispensed with.

A motion was made by Mr. Porter, to take from the table the res-

lution relative to the per diem pay of the officers of this House, offered by Mr. Biggs a few days since.

To which the House agreed.

Mr. Porter then offered the following as a substitute therefor, to wit:

Resolved, That the following per diem be allowed the officers of this House, to be paid by the Secretary of the Territory, on the certificate of the Speaker:—Chief Clerk, four dollars; Assistant Clerk, three dollars; Sergeant-at-Arms, three dollars; Enrolling, Engrossing, and Recording Clerks, three dollars each; Door-keeper and Assistant, three dollars each; Messenger and Assistant Messenger, three dollars each; and fireman, three dollars.

A motion was made by Mr. Hepner, to amend the substitute, by striking out the word "four" and inserting the word "six," so as to allow the Chief Clerk six dollars per day.

And the question being put—Was determined in the affirmative.

Yeas 12, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Campbell. Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the substitute was so amended.

A motion was made by Mr. Campbell, to amend the substitute further, by striking out the word "three," and inserting the word "five," so as to allow the Assistant Clerk five dollars per diem.

And the question being put—was determined in the affirmative.

Yeas 14, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Smead, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Moss, Porter, Robertson, Toole, and Wilson.

So the substitute was so amended.

A motion was then made by Mr. Porter to refer said resolution to the Committee on Claims.

And the question being put—Was determined in the negative.

Yeas 7, Nays 17.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Grant, Higginson, Moss, Porter, Robertson, Toole, and Wilson.

Those who voted in the negative, were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Hebard, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Smead, Weld, Whitaker, and Lewis, Speaker.

So the motion was lost.

The question then recurring on the adoption of the substitute:

And being put—was determined in the negative—Yeas 11, Nays 13.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs Booth, Campbell, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were Messrs. Biggs, Blair, Denson, Grant, Hebard, Higginson, Moss, Patterson, Porter, Robertson, Smead, Toole, and Wilson.

So the substitute was lost.

The question then recurring on the original resolution,

Mr. Biggs moved to amend the same by inserting the word "Messenger."

To which the House agreed.

A motion was made by Mr. Porter, to further amend, so as to allow all the officers under the Chief Clerk, three dollars per diem.

To which the House agreed.

A motion was then made by Mr. Hepner, to amend the resolution by striking out the word "four," and inserting the word "six," so as to allow the Chief Clerk six dollars per diem.

And the question being put—Was determined in the affirmative.

Yeas 14, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Smead, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were Messrs. Biggs, Blair, Grant, Hebard, Higginson, Moss, Porter, Robertson, Toole, and Wilson.

So the amendment was agreed to.

A motion was then made by Mr. Hepner to strike out the word "three" and insert the word "five" so as to allow the Assistant Clerk five dollars per diem.

And the question being put—It was decided in the affirmative.

Yeas 14, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Smead, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Moss, Porter, Robertson, Toole, and Wilson.

So the resolution was so amended.

The question then being put, Will the House adopt the resolution as amended? It was decided in the affirmative.

Yeas 14, Nays 10.

The Yeas and Nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Smead, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Moss, Porter, Robertson, Toole, and Wilson.

So the resolution was adopted as worded, in the following manner, to wit:

Resolved, That the following *per diem* be allowed the officers of this House, to be paid by the Secretary of the Territory, on the certificates of the Speaker:—Chief Clerk, six dollars; Assistant Clerk, five dollars; Sergeant-at-Arms, Enrolling, Engrossing, and Recording Clerks; Door-keeper, Assistant Door-keeper, Messenger, Assistant Messenger, and Fireman, three dollars each.

On motion

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 17, C. F. "A bill to change the time of holding the District Court in the Second Judicial District," was read a second time.

On motion of Mr. Robertson,

Ordered, That said bill be read a third time on to-morrow.

No. 41, C. F., "A bill to revive and amend an act to incorporate the Bloomington Insurance Company," approved, January 13, 1840, was read a second time.

On motion of Mr. Moss,

Ordered, That said bill be laid upon the table until to-morrow.

No. 87, C. F. "A bill to amend an act concerning Writs of Attachment," was read a second time.

On motion of Mr. Grant,

Ordered, That said bill be referred to the Committee on the Judiciary.

No. 98, C. F. "A bill for an act to incorporate the First Methodist Episcopal Church of Fort Madison," was read a second time.

A motion was made by Mr. Weld, that said bill be indefinitely postponed.

And the question being put—was determined in the negative.

Yeas 11, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Denson, Grant, Hebard, Hepner, Holliday, Leffler, Morgan, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair, Booth, Campbell, Felkner, Higginson, McCulloch, Moss, Patterson, Porter, Robertson, Smead, and Wilson.

So the motion to postpone was lost.

On motion of Mr. Weld,

Ordered, That said bill do lie upon the table.

No. 105, C. F. "A bill to authorize William Smith to construct a Dam across the Des Moines river," was read a second time.

A motion was made by Mr. Patterson, that said bill be read a third time on to-morrow. Pending which,

A motion was made by Mr. Biggs, that said bill be indefinitely postponed.

And the question being put—Was determined in the affirmative.

No. 106, C. F. "A bill relative to the survey of the town of Marion," was read a second time.

On motion of Mr. Denson,

Ordered, That said bill be read a third time on to-morrow.

No. 108, C. F. "A bill for an act to incorporate the First Presbyterian Church of Fort Madison," was read a second time.

On motion of Mr. Hepner,

Ordered, That said bill do lie upon the table.

No. 111, C. F. "A bill to incorporate the First Methodist Episcopal Church at Marion," was read a second time.

On motion of Mr. Whitaker,

Ordered, That said bill do lie upon the table.

No. 127, H. R. File, "A bil for an act repealing a portion of an act to locate and establish a Territorial Road from Dubuque to Camp Atkinson," approved Jan. 13, 1841, was read a second time.

On motion of Mr. Booth,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 128, H. R. File, "Joint Resolution, abolishing the office of Territorial Agent, and for other purposes," was read a second time.

A motion was made by Mr. Moss, to refer said resolutian to a Committee of the Whole House.

The motion was lost.

On motion of Mr. Felkner,

Ordered, That said resolution be laid upon the table.

A message from the Council, by Mr. Woods, their Secretary.

Mr. Speaker—The Council have passed—

No. 40, C. F. "A bill to authorize Boards of Commissioners to appoint Agents to dispose of Real Estate;"

No. 79, C. F. "A bill amendatory of an act to regulate Ferries, approved, December 20, 1838."

No. 86, C. F. "A bill for an act to amend an act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings."

No. 96, C. F. "A bill to incorporate the City of Keosauqua;"

No. 110, C. F. "A bill to incorporate the Vestry of Trinity Parish, Davenport;"

No. 112, C. F. "A bill to authorize David G. Bates and John Forbes to keep a Ferry across the Mississippi river, in Jackson county;"

No. 118, C. F. "A bill for an act to divorce John E. Ely from Minerva Ely, his wife."

Thu Council have receded from their amendments made to No. 25, H. R. File, "A bill for an act to provide for levying a Tax for Road purposes."

I herewith present for your signature, two enrolled bills and a Joint Resolution.

And then he withdrew.

The Speaker then signed said acts and resolution.

No. 55, H. R. File, "A Memorial for a new Land District," and,

No. 73, H. R. File, A bill creating a permanent School Fund, and for other purposes,', were each read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 100, H. R. File, "A bill for an act amendatory to the several acts in relation to Locks in Mill Dams," was read a third time.

And the question being put, Shall the bill pass?

It passed in the negative—Yeas 6, Nays 18.

Those who voted in the affirmative were, Messrs. Denson Grant, Porter. Smead, Toole, and Wilson.

Those who voted in the negative, were Messrs. Biggs, Blair, Booth, Campbell, Felkner, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Robertson, Weld, Whitaker, and Lewis, Speaker.

So the bill was lost.

No. 110, H. R File, "A bill for an act to incorporate an Insurance Company at Farmington, in Van Buren county," was read a third time, and the question being put, Shall the bill pass?

It was determined in the negative—Yeas 12, Nays 12.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Biggs, Booth, Campbell, Higginson, Holliday, McCulloch, Patterson, Robertson, Toole, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Blair, Denson, Felkner, Grant, Hebard, Hepner, Leffler, Morgan, Moss, Porter, Smead, and Wilson.

So the bill was lost.

No. 119 H. R. File, "Joint Resolution, requiring the Miners' Bank of Dubuque to stop its discounts and issues while it continues to suspend specie payment," was read a third time.

And the question being put on its passage,

It passed in the affirmative—Yeas 18, Nays 6.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Campbell, Denson, Felkner, Grant, Hebard, Holliday, Leffler, Moss, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

Those who voted in the negative, were, Booth, Hepner, Higginson, McCulloch, Morgan, and Lewis, Speaker.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 123, H. R. File, "A bill for an act to divorce Seth Baker from Sally Baker," was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 15, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Booth, Campbell, Denson, Felkner, Hebard, Hepner, Leffler, McCulloch, Patterson, Porter, Robertson, Smead, Toole. Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Higginson, Holliday, Morgan, Moss, Weld, and Wilson.

So the bill passed, and its title agreed to.

Ordered, That the Clerk acquaint the Council accordingly.

Bills of the following titles, to wit:

No. 124, H. R. File, "A bill to locate the Seat of Justice in and for the county of Buchanan;"

No. 73, C. F. "A bill to authorize Ransom Long to keep a Ferry across the Mississippi river, opposite Salem, in Muscatine county;"

No. 99, C. F. "A bill for an act, authorizing James Muir, a minor, to execute a Deed to Anson L. Deming and Jesse C. Smith."

No. 100, C. F. "A bill for an act to re-locate a Territorial Road from Farmington to the Southern Territorial line;" and,

No. 101. C. F. "A bill to re-locate a part of a Territorial Road in Jefferson county."

Were severally read a third time, and passed.

Ordered, That the Clerk notify the Council accordingly.

Bills from the Council, of the following titles, to wit:

No. 40, "A bill to authorize Boards of Commissioners to appoint Agents to dispose of Real Estate;"

No. 79, A bill amendatory of an act to regulate Ferries," approved December 20, 1838.

No. 86, A bill for an act to amend an act to provide for the appointment of Justices of the Peace, to prescribe their powers and duties, and regulate their proceedings;"

No. 96, "A bill to incorporate the city of Keosauque;"

No. 110, "A bill to incorporate the Vestry of Trinity Parish, Davenport;"

No. 112, "A bill to authorize David G. Bates and John Forbes to keep a Ferry across the Mississippi river, in Jackson, county;" and

No. 118, "A bill for an act to divorce John E. Ely from Minerva Ely;" were severally read a first time.

On motion of Mr. Smead,

The House adjourned.

Wednesday Morning, February 9, 1842.

Mr. Felkner presented the petition of sundry citizens of Johnson county, praying the re-location of a portion of the Territorial Road from Iowa City to Burlington.

On motion of Mr. Felkner,

Ordered, That said petition be referred to a Select Committee.

Messrs. Felkner, Blair, and Toole, were appointed said Committee.

Mr. Hepner, from the Committee on Enrolled Bills, reported Nos. 77, 107, 93, 10, 83, 63, 104, 43, 99, 89, 76, and 88, as correctly enrolled.

The Speaker then signed said bills.

Mr. Booth, from a Select Committee, to which was referred a certain petition, reported No. 131, H. R. File, "A bill for an act to establish an Insurance Company in the city of Dubuque," which was read a first time by its title.

Mr. Hepner, from the Committee on Memorials, reported Nos. 2,

and 32, C. F. and Nos. 66, 80, H. R. File, back to the House without amendment, and recommended the passage of the same.

Mr. Morgan, from the Committee on the Judiciary, to which was referred certain petitions and remonstrances relative to the laws regulating Blacks and Mulattoes, submitted the following report:

That they have considered the subject as set forth both in the petitions and remonstrances, and are of opinion that it would be inexpedient, if not dangerous, to have any additional legislation on the subject.

The existing law is, in the opinion of your Committee, essential to the protection of the white population, against an influx of runaway slaves and out-cast blacks, from adjoining States. And your Committee are also of opinion that said law is already sufficiently liberal in its provisions, respecting such blacks and mulatoes as may choose to make a home in our Territory. So far, then, from recommending any alteration in our law on this subject, giving still greater liberty and protection to blacks and mulatoes, your Committee think that an amendment to the law, prohibiting, positively, their settlement among us, would approach more nearly the true policy of our Territory. But this course your Committee do not now feel themselves fully instructed to recommend.

Your Committee refrain from any discussion of this subject, as it is one which has already created a dangerous exitement throughout the States of the Union; and your Committee, deprecating all such excitement as dangerous to the interests and happiness of society, deem it most prudent to meet the first outbursts of the spirit of fanaticism among us, with a respectful silence, rather than run the risk of increasing its fury by discussion and formal opposition.

Your Committee, therefore, recommend that no legislative action be taken in regard to the prayers of the petitioners, and ask to be discharged from the further consideration of the subject.

Mr. Grant, on leave introduced No. 132, H. R. File, "A Memorial to Congress for an appropriation for Agricultural purposes," which was read a first time.

Ordered, That the 44th rule be suspended, and the Memorial read a second time now.

The Memorial was then read a second time, and on motion, the 44th rule was again suspended, and the Memorial read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Denson, on leave, introduced No. 133, H. R. File, "A bill relative to the navigation of the Maquoketa river," which was read a first time.

A motion was made by Mr. Grant, to re-consider the vote of yesterday, given on the passage of No. 110, H. R. File, "A bill to provide for an act to incorporate an Insurance Company at the town of Farmington, in Van Buren county."

To which the House agreed.

The question then being put, Shall the bill pass?

It passed in the affirmative.—Yeas 16, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Booth, Campbell, Denson, Grant, Hebard, Higginson, McColloch, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair, Felkner, Hepner, Holliday, Leffler, Morgan, Moss, and Wilson.

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

Ordered, That the Clerk acquaint the Council therewith.

A motion was made by Mr. Smead to re-consider the vote of yesterday, given on the adoption of the resolution relative to the pay of the officers of this House.

And the question being put—Was determined in the affirmative.

Yeas 15, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Campbell, Denson, Grant, Hebard, Higginson, Leffler, Moss, Patterson, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative, were, Beoth, Felkner, Hepner, Holliday, McCulloch, Morgan, Weld, Whitaker, and Lewis, Speaker.

So the vote was re-considered.

The Resolution then being before the House,

Mr. Porter moved to amend the same by striking out the word "six," and inserting the word "five," allowing the Chief Clerk five dollars per diem.

And the question being put—It was decided in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Hebard, Higginson, Leffler, Morgan, Moss, Patterson, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative, were, Messrs. Hepner, Holliday, McCulloch, Weld, Whitaker, and Lewis, Speaker.

So the amendment was agreed to.

A motion was made by Mr. Porter, to amend further, by striking out the word "five," and inserting the word "four," so as to allow the Assistant Clerk four dollars per diem.

And the question being put—Was determined in the affirmative.

A motion was made by Mr. Grant, to amend the resolution so as to allow the Door-keeper, Assistant Door-keeper, Messenger, Assistant, Messenger, and Fireman, $2.50 each.

A motion was made by Mr. Hepner, to amend said motion, so as to include the Sergeant-at-Arms.

The motion was lost.

A motion was made by Mr. Hebard to strike out the word "three" wherever it occurred in said resolution, and insert $2.50.

The motion was lost.

The question was then put on the motion to amend, made by Mr. Grant, and determined in the negative.—Yeas 4, Nays 20.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Grant, Patterson, and Smead.

Those who voted in the negative, were, Messrs. Blair. Booth, Campbell, Denson, Felkner, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Morgan, Moss, Porter, Robertson, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

So the motion to amend was lost.

The question then being on the adoption of the resolution.

It passed in the affirmative—Yeas 21, Nays 3.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Hepner, Higginson, Holliday, Leffler, Morgan, Moss, Porter, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Hebard, McCulloch, and Patterson.

So the resolution was adopted as amended.

A motion was made by Mr. Porter, to dispense with the printing of No 133, H. R. File.

And the question being put—It was determined in the affirmative.

Yeas 12, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Blair, Grant, Hebard, Higginson, Holliday, Leffler, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

Those who voted in the negativa, were, Messrs. Biggs, Campbell, Denson, Felkner, Hepner, McCulloch, Morgan, Moss, Patterson, Weld, and Lewis, Speaker.

So the printing was dispensed with.

On motion of Mr. Wilson,

Resolved, That the Committee on the Militia, to which was referred a bill amendatory of an act to organize, discipline, and govern the Militia, be instructed to report to this House by the 12th inst.

The report of the Committee on the Judiciary in relation to No. 114, H. R. File, "Memorial to Congress relative to the contiguous sections of land to Iowa City," was taken up, and concurred in, and the Memorial read a second time.

On motion of Mr. Felkner,

Ordered, That said Memorial be referred to a Select Committee.

Messrs. Felkner, Hebard, and Hepner, were appointed said Committee.

No. 130, H. R. File, "A bill for an act to amend an act, subjecting Real and Personal estate to execution," was read a second time.

On motion of Mr. Leffler,

Ordered, That said bill be indefinitely postponed.

No. 40, C. F. "A bill to authorize Boards of Commissioners to appoint Agents to dispose of Real Estate," was read a second time.

On motion of Mr. Felkner,

The House resolved itself into a Committee of the Whole House for the consideration of said biil. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Hepner reported, that the Committee had. according to order, had said bill under consideration, pun instructed him to report the same without amendment.

To which the House agreed.

On motion of Mr. Moss,

Ordered, That said bill be referred to a Select Committee.

Whereupon, Messrs. Moss, Whitaker, and Felkner were appointed said Committee.

No. 79, C. F., "A bill amendatory of an act to regulate Ferries," was read a second time.

On motion of Mr. Grant,

Ordered, That said bill be referred to the Committee on the Judiciary.

No. 86, C. F., "A bill for an act to amend an act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," was read a second time.

On motion of Mr. Patterson,

Ordered, That ssid bill be referred to the Committee on the Judiciary.

No. 96, C. F. "A bill to incorporate the City of Keosauque," was read a second time.

On motion of Mr. Weld,

Ordered, That said bill be referred to a Select Committee.

Messrs. Weld, Hepner, and Higginson, were appointed said Committee.

No. 110. C. F. "A bill to incorporate the Vestry of Trinity Parish, Davenport," was read a second time.

On motion of Mr. Whitaker,

Ordered, That said bill do lie upon the table.

No. 112, C. F., "A bill to authorize David G. Bates and John Forbes, to keep a Ferry across the Mississippi river, in Jackson county," was read a second time.

Ordered, That said bill be read a third time on to-morrow.

No. 118, C. F. "A bill for an act to divorce John E. Ely from his wife, Minerva Ely," was read a second time.

On motion of Mr. Whitaker,

Ordered, That said bill be referred to a Select Committee.

Messrs. Whitaker, Smead, and Robertson were appointed said Committee.

Mr. Hebard asked and obtained leave to introduce this afternoon, "A bill to incorporate an Insurance Company at Burlington."

No. 127, H. R. File, "A bill for an act repealing a portion of an act to locate and establish a Territorial Road from the town of Dubuque to Camp Atkinson," was read a third time, and passed.

Orderd, That the Clerk acquaint the Council therewith.

No. 17, C. F. "A bill to change the time of holding the District Courts in the Second Judicial District," was read a third time.

On motion of Mr. Grant,

Ordered, That said bill be referred to a Select Committee, with instructions to report as soon as possible.

Messrs. Grant, Moss, and Toole, were appointed said Committee.

No. 41, C. F. "A bill to revive and amend an act to incorporate the Bloomington Insurance Company," was read a third time.

On motion of Mr Moss,

Ordered, That said bill be indefinitely postponed.

No. 106, C. F. "A bill relative to the survey of the town of Marion," was read a third time, and passed.

Ordered, That the Clerk notify the Council accordingly.

Mr. Grant, from the Select Committee to which was referred No. 17, C. F., reported the same back to the House with amendments, which was read a second time.

On motion of Grant,

Ordered, That the 44th rule be suspended, and the bill be read a third thime.

Said bill was then read a third time, and passed.

On motion of Mr. Grant,

The title of said bill was amended so as to read "A bill to change the time of holding the District Court in the second and third Judicial Districts."

Ordered, That the Clerk acquaint the Council of the passage of said bill.

On motion of Mr. Biggs,

The House adjourned.

Thursday Morning, February 10, 1842.

A message from the Council by Mr. Woods, their Secretary.

Mr Speaker—The Council have passed

No. 113, C. F. "A Joint Resolution, for the purchase of books for the Territorial Library."

No. 115, C. F. "A bill for an act to amend an act regulating Criminal Proceedings."

No. 116, C. F. "A bill for an act amending an act, regulating Practice in the District Courts in this Territory."

No. 117, C. F. "A bill to amend an act, entitled An act to prevent and punish Gaming."

No. 119, C. F. "An act to incorporate the town of Fort Madison."

No. 61, C. F. "A bill for an act to authorize the appointment of a County Agent in and for the county of Johnson."

No. 55, H. R. File, "A Memorial for a new Land District."

No. 112, H. R. File, "A bill for an act to locate and establish a Territorial Road from Crawfordsville, in Washington county, to Smith's Mill, in Henry county."

No. 132, H. R. File, "A Memorial to Congress for the benefit of Agriculture."

The Council have passed, with amendments:

No. 42, H. R. File, "A bill for an act to amend an act establishing the office of Judge of Probate."

And have indefinitely postponed,

No. 124, H. R. File, "A bill to locate the Seat of Justice in and for the county of Buchanan."

I herewith present for your signature an enrolled Bill and two Memorials.

And then he withdrew.

The Speaker then signed said bill and memorials.

Mr. Toole presented the account of Wm. Crum, editor of the Iowa City Standard, for newspapers furnished, and printing done, for the House of Representatives during the present session.

Ordered, That said account be referred to the Committee on Claims.

Mr. Higginson offered the following:

Resolved, That the Select Committee, to whom was referred a Resolution in relation to the price of printing be instructed to report to this House on day after to-morrow.

A motion was made by Mr. Hepner, that said resolution do lie upon the table.

The motion was lost.

The question then being put, Will the House adopt the resolution?

It was decided in the affirmative.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 79, C. F. "A bill amendatery of an act to regulate Ferries," reported the same back to the House, and recommended the passage of the same.

Mr. Felkner presented the account of John Hawkins, Esq., for administering the oath of office to the several members, which was referred to the Committee on Expenditures.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 87, C. F. "A bill to amend an act concerning Writs of Attachment," reported the same back to the House, and recommended the indefinite postponement of the bill.

Mr. Whitaker, from the Select Committee, to which was referred No 118, C. F. "A bill for an act to divorce John E. Ely from Minerva Ely," reported the same back, and recommended its passage.

Mr. Moss, from the Select Committee to which was referred No. 40, C. F., "A bill to authorize Boards Commissioners to appoint Agents to dispose of Real Estate," reported the same back, together with No. 134, H. R. File, as a substitute for the same

Mr. Weld, from the Select Committee, to which was referred No. 96, C. F. "A bill to incorporate the city of Keosauque," reported the same back to the House without amendment, and recommended its passage.

Mr. Felkner, from the Select Committee, to which certain petitions were referred, reported No. 135, H. R. File, "A bill for an act to relocate a part of a Territorial Road from Iowa City to Burlington," which was read a first time.

Ordered, That the printing of said bill be dispensed with.

Mr. Hepner, from the Committee on Enrolled Bills, reported, that the Committee had presented to the Governor for his approval, on the 9th inst.,

"An act to amend an act entitled an act in relation to the safe custody of persons arrested for crimes and misdemeanors;"

"An act to make certificates of purchase of lands from any Register or Receiver of any Land Office in this Territory, evidence of title in the purchaser;"

A Joint Resolution, requesting our Delegate in Congress to use his influence with the Post-master General for the establishment of certain post offices;"

An act defining the jurisdiction of the Supreme and District Courts;"

"An act to revive the twelfth section of an act, establishing certain Territorial Roads therein named;"

"An act to amend an act, to District the Territory of Iowa into Electoral Districts;"

"An act to authorize the County Commissioners of Delaware county to pay Wm. Smith, sen'r., Wm. Jonas, and Thomas Denson for their services as County Commissioners, to locate the county seat of said county;"

"An act appointing an Acting Commissioner at Iowa City, defining his duties, and for other purposes;"

An act to authorize William Smith and Vincent Smith to keep a Ferry across the Mississippi river, in Jackson county;"

"An act to authorize the establishment of certain Dams across Skunk river;"

"An act to revive and re-establish a part of the Territorial road from Keokuk, in Lee county, to Iowaville, on the Des Moines river;"

"An act to re-locate a part of the Territorial Road from Farmington to Dubuque;"

"An act to locate and establish a Territorial Road from Marion, in Linn county, to the Indian boundary, in Benton county;" and

"An act to incorporate the town of Davenport."

No. 66, H. R File, "Memorial to Congress for the establishment of a National Armory on Rock Island, and for other purposes," was read a second time.

On motion of Mr. Robertson,

Ordered, That said Memorial be engrossed, and read a third time on to-morrow.

No. 80, H. R. File, "A Memorial to Congress, asking for the resurvey of the route of the Iowa River Canal," was read a second time.

A motion was made by Mr. Whitaker, that said Memorial be indefinitely postponed.

And the question being put—was determined in the affirmative.

Yeas 13, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Campbell, Hebard, Hepner, Holliday, Leffler, McCulloch, Morgan, Moss, Smead, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Booth, Denson,

Felkner, Grant, Higginson, Robertson, Toole, Weld, and Wilson.

So the Memorial was indefinitely postponed.

A message, in writing, from the Governor, by the hand of O. H. W. Stull, Secretary:

EXECUTIVE OFFICE, IOWA CITY, 9th February, 1842.

To the Speaker of the House of Representatives:

I return to the House of Repoesentatives, in which it originated, an act entitled "An act, appointing an Acting Commissioner at Iowa City, defining his duties, and for other purposes," which has been presented to me for approval and signature. It creates an office and appoint an individual by name to fill it, it provides a salary for him and defines his duties. The act of Congress entitled "An act to divide the Territory of Wisconsin and establish the Territory Government of Iowa," contains the following provisions: "The Governor shall nominate and by and with the advice and consent of the Legislative Council shall appoint all judicial officers, justices of the peace, sheriffs, and militia officers, except those of the staff, *and all civil officers not herein provided for.*" Of this latter description, I take the office to be, whose appointment as Commissioner this act assumes to make. I consider it, therefore, manifestly in conflict with that provision of the Organic Law, to which I have referred, and for that reason, cannot approve it.

JOHN CHAMBERS.

A call of the House was desired by five members; and the roll being called, those who failed to answer to their names, were, Messrs. Patterson and Porter.

The Sergeant-at-Arms was then directed to require the attendance of the absentees.

After a short time, the absentees appearing, a further call of the House was, on motion, suspended.

The question then being put on the passage of the act just returned from the Governor, by the constitutional majority.

It passed in the negative—Yeas 13, Noes 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Toole, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, and Wilson.

Two-thirds not voting therefor, the bill was not passed.

On motion of Mr. Whitaker,

Ordered, That the said act be referred to the Committee on Public Buildings, with instructions to report on to-morrow.

Mr. Grant, on leave, made the following report:

The Committee of Conference, to which was referred No. 15, H. R. File, "A bill for an act to amend an act, regulating Criminal Proceedings, have had a conference, and agreed to make the following report:

The Committee recommend that the Council recede from all their

amendments, excepting the tenth section, and that the House concur in the amendment of the Council to strike out that section.

No. 129, H. R. File, "A bill for an act for the organization of Township," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Morgan reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

A motion was made by Mr. Biggs, that the House disagree to the amendments made by the Committee to the 24th section.

To which the House agreed.

The remaining amendments were then severally concurred in.

Several amendments being made to said bill,

A motion was made by Mr. Toole, that the 44th rule be suspended and the bill be read a third time now.

To which the House agreed.

The bill was then read a third time, and passed.

Ordered, That the Clerk notify the Council accordingly.

No. 133, H. R. File, "A bill relative to the navigation of the Maquoqueta river," was read a second time.

A motion was made by Mr. Moss, to refer said bill to the Committee on the Judiciary.

The motion was lost.

On motion of Mr. Denson,

Ordered, That said bill be engrossed, and read a third time on to-morrow.

The report of the Committee on Incorporations, made on yesterday, relative to certain petititions concerning a Ferry at Wapello, and also in relation to No. 97, C. F. "A bill to authorize William Milligan and Daniel Brewer to keep a Ferry at Wapello, in Louisa county," recommending the indefinite postponement of said bill, was taken up, and concurred in by the House.

No. 2, C. F., "Resolution requesting our Delegate to procure the survey of certain Islands in the Mississippi river," was read a second time.

On motion of Mr. Patterson,

Ordered, That said resolution be read a third time on to-morrow.

No. 32, C. F. "Memorial to Congress for an appropriation to complete the Nation Road from Dubuque to the southern boundary of the Territory, via Iowa City," was read a second time

A motion was made by Mr. Felkner, that said resolution be read a third time on to-morrow.

The motion was lost.

A motion was was made by Mr. Toole, that said Memorial be indefinitely postponed.

And the question being put—It was decided in the negative.

On motion of Mr. Robertson.

Ordered, That said Memorial be read a third time on Monday next.

No. 112, C. F. "A bill to authorize David G. Bates and John Forbes, to keep a Ferry across the Mississippi River, in Jackson county," was read a third time, and passed.

Ordered, That the Clerk notify the Council of the passage of said bill.

No. 42, H. R. File, "A bill for an act to amend an act, establishing the Court of Probate," being returned from the Council amended was taken up, the amendments read, and concurred in.

Bills, &c., from the Council, of the following titles:

No. 61, "A bill for an act to authorize the appointment of a County Agent in and for the county of Johnson."

No. 113. "A Joint Resolution for the purchase of books for the Territorial Library."

No. 115, "A bill for an act to amend an act, regulating Criminal Proceedings."

No. 116, "A bill for an act amending an act, regulating Practice in the District Courts of this Territory."

No. 117, "A bill to amend an act entitled An act to prevent and punish Gaming."

No. 119, "A bill to incorporate the town of Fort Madison."

Were severally read a first time.

Mr. Biggs, from the Committee on Claims, to which was referred the account of James M. Hawkins, P. M. of this City, for postage charged on letters and documents sent to and from the House of Representatives during the session, reported, that they had had the same under consideration, and recommend the allowance of said charge, and that it be included in the appropriation bill.

The report was concurred in.

Mr. Biggs also made the following report:

The Committee on Claims, to which was referred the claim of N. Jackson, report, that they have investigated the same, and believe the sum of two hundred and fifteen dollars is due said Jackson, and recommend an appropriation of that sum for his benefit, and ask to be discharged from the further consideration of the subject.

On motion of Mr. Weld,

Ordered, That said report do lie upon the table.

A motion was made by Mr. Moss, to re-consider the vote of yesterday, given on the indefinite postponement of No. 41, C. F. "A bill to revive an act to incorporate an Insurance Company at Bloomington."

To which the House agreed.

The bill then being on its passage, the question was put, Shall the bill pass? It passed in the affirmative.

Ordered, That the Clerk notify the Council therewith.

On motion of Mr. Patterson,

The House adjourned.

Friday Morning, February 11, 1842.

Mr. Porter presented the petition of sundry citizens of the counties of Henry and Jefferson, in relation to a certain Territorial Road within said counties.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Felkner presented the petition of sundry citizens of Washington county, praying that a certain portion of said county may be attached to Johnson county.

Ordered, That said petition be referred to the Committee on Townships and County Boundaries.

Mr. Felkner presented the petition of sundry citizens of Johnson county, in relation to the Territorial Road from Iowa City to Burlington.

Ordered, That said petition be referred to the Committee on Roads and Highways.

Mr. Hebard presented the account of Jesse Williams for Maps and Books furnished, one to each House of the Legislative Assembly, at the session of 1840–41; which was referred to the Committee on Claims.

Mr. Biggs submitted the following report.

The Committee on Claims, to which was referred the account of William Crum, for newspapers furnished H. R., and other printing, report, that they have examined said account, and find said Crum entitled two hundred and eighty-seven dollaars for newspapers. The other items in the account the Committee think inadmissable.

Mr. Hepner, from the Committee on Public Buildings, to which was referred "An act to provide for the appointment of an Acting Commissioner at Iowa City, and for other purposes," reported the same back to the House with amendments.

Mr. Biggs, from the Select Committee appointed to examine the amount annually allowed for Public Printing submitted a report, which was read, and five hundred copies of the same ordered to be printed.

Said report reads as follows:

The Committee, to which was referred a resolution of this House, directing an inquiry into the "amount annually allowed for printing the Laws and Journals, and the Incidental Printing for the Legislative Assembly. and whether said allowances have been made in accordance with the resolutions of the Legislative Assembly, fixing the compensation for Public Printing," ask leave to report:

That they have had the matter, so referred, under their careful consideration, and that sufficient documents and vouchers are not within the reach of your committee to enable them to make a full and satisfactory exhibit of the matter under consideration.

The first branch of the enquiry, requiring a report of the amount allowed annually for printing, show the following result:

FOR THE SESSION OF 1838–'39.

To James Clarke & Co.,		
For Incidental Printing,	$2,285 75	
Newspapers furnished Legislature,	780 00	
		$3,065 75
To John H. McKenny,		
For printing Journals of the House of Representatives,	$1,265 00	
		$1,265 00
To Secretary of the Territory,		
For publication of Proclamation and other notices by the Executive and Secretary of the Territory,	$275 00	
		$275 00
The Russell & Reeves,		
For publishing the Laws, ("*a balance*")	$3,943 00	
For printing Journal of Council,	826 75	
		4,769 75
To James G. Edwards,		
For Incidental Printing,	$917 36	
Nepspapers, &c.,	84 00	
Publishing the act defining the duties of Justices of the Peace and Constables,	225 00	
		1,226 36
Total for the first session of the Legislature,		$10,601 86

SESSION OF 1839–'40.

To James G. Edwards,		
For Incidental printing,	$2,505 00	
Newspapers,	650 00	
Printing Journal H. of Representatives,	1,000 00	
Printing Council Journal,	800 00	
Balance on Journal, (allowed in 1841,)	275 10	
		$5,230 10
John H. McKenny,		
For Daily Journal of H. Representatives,	1,166 82	
Incidental printing, including newspapers	2,149 08	
Printing of the laws of this session, to be paid "by the Secretary of the Territory," the prices paid by Congress for similar work —amount actually paid not stated,		$3,315 90

EXTRA SESSION—1840.

James G. Edwards,		
For incidental printing,	$583 00	
Newspapers,	150 00	
		$7,38 00

John H. McKenny,		
For newspapers,	$150 00	
Incidental printing,	190 00	
Daily Journal of H. of Representatives,	399 25	
Governor's Message,	30 00	
Laws passed at extra session, to be paid by "Secretary of Territory" such prices as are paid by Congress for similar work. No documents showing the amount paid,		769 25
Total for the year 1840, (except the publication of the laws of the Regular and Extra Session,)		$10,048 25

SESSION OF 1840–'41.

James G. Edwards,		
For newspapers and incidental printing for the Council,	638 00	$638 00
John H. McKenny,		
For newspapers,	$634 00	
Printing bills, daily Journal, &c.,	2,917 96	
Printing the Laws, paid by the Secretary of the Territory,	1,300 00	$4,851 96
Total am't for 1841, (not including Journals,)		$5,489 96

In proceeding with the investigation required by the second branch of the resolution, the committee find that a resolution was passed at each session of the Legislative Assembly, fixing the compensation for printing at "the like prices allowed for work by Congress;" but they find insuperable difficulties in ascertaining the amount of work done in some instances, and the amount paid in others.

Your committee are of opinion, that, at the prices fixed, the amount for printing the first volume could not have exceeded $3.239 36. Yet it will be seen by the above exhibit, that $3.943 00 was appropriated to satisfy "a balance" supposed to be due for that object—what was the whole sum allowed for that work the committee have been unable to ascertain; but this "balance" exceeds the amount your committee believe to have been due for the whole of said work; the sum of $703 64.

Being unable to obtain a copy of the Journal of the first Council, an estimate cannot be made upon it, but it is presumed that it will bear the same proportion to the amount paid, as is found to exist between the correct estimate and amount allowed for the printing of the Journal of the House of Representatives of the same year.

The sum allowed for House Journal, first session,	$1,265 00
Estimated at Congress prices,	418 66
Amount allowed for printing Journals of both Houses, session 1839–'40.	$2,075 00

Estimate at Congress prices, 640 33

The committee have not been able to find any statement of the amount paid for printing the laws of this session, the same remark will apply to the laws passed at the extra session.

There was allowed and PAID for printing the laws of

1840–'41. $1,300 00

Estimated at Congress prices, 501 61

Though your committee have bestowed considerable attention to the above estimates with a view to their correctness, yet they are free to admit the possibility of some inaccuracies on account of a lack of full information of all the facts connected with the various questions arising in the course of the investigation, and they would not recommend any action in the premises that would, in the least, affect any just claim. They would, however, recommend the passage of a resolution directing the Secretary to delay further payment on any claims for printing heretofore done until the claimant shall make the proper statements showing the correctness and legality of his claim.

The committee believe that as strict regard should be paid to economy in the disbursement of funds apprpriated by Congress to defray the Legislative expenses of the Territory, as if that fund was raised by a tax on the people. Whenever the expenditures are likely to exceed the amount appropriated, and this excess has unfortunately occurred each year of our Territorial existence, and we have the mortification to see a Territorial debt yearly accumulating, without a reasonable prospect of its liquidation by Congressional appropriation. And should Congress adhere to the course heretofore pursued in refusing the means for the payment of this continually increasing burden of debt until Iowa becomes a State, its assumption by the State Government will be inevitable, and the people subjected at the very commencement of their independent form of government, not only to be taxed to defray the legitimate expenses of their State Government, but to pay for the extravagance practised while under a Territorial form.

Mr. Biggs, from the same Committee, reported No. 136, H. R. File, Joint Resolution, in relation to the claims of James G. Edwards and others," which was read a first time.

Mr. Patterson, from the Committee on Roads and Highways, reported No. 137, H. R. File, "A bill for an act to re-locate and mark out a portion of the Territorial Road from Farmington to Prairie du Chien," which was read a first time.

On motion of Mr. Booth,

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time, and passed.

Ordered, That the Clerk notify the Council of the passage of said bill.

A motion was made by Mr. Moss, to suspend the 44th rule, and the bill reported by the Committee on Public Buildings, with amendments, relative to the appointment of an Acting Commissioner at Iowa City," be read a second and third time now.

To which the House agreed.

The bill was then read a second and third time, and passed.

Ordered, That the Clerk notify the Council accordingly.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SAEAKER:—The Council have passed,

No. 104, C. F. "A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases.

No. 122, C. F. "A Joint Resolution, relative to steam boat Canal around Lower Rapids of Mississippi."

No. 133, C. F. "A Joint Resolution to Congress for an appropriation to erect a bridge across the South Fork of the Maquoketa river, where the Military Road crosses the same."

No. 123, H. R. File, "A bill for an act to divorce Seth Baker from Sally Baker."

No. 121, H. R. File, "A bill for an act to authorize John R. Sloan to keep a Ferry across the Mississippi river."

They have passed, with amendments,

No. 52, H. R. File, "A bill making Clerks of Boards of County Commissioners elective by the people."

No. 120, H. R. File, "A bill for an act to authorize Samuel Wells to build a Dam across Skunk river."

The Council have concurred in the report of the Committee of Conference, appointed on the part of the Council, on the disagreement of the two Houses on No. 15, H. R. File, "A bill for an act to amend an act regulating Criminal Proceedings."

I herewith present for your signature, four enrolled bills.

And then he withdrew.

The Speaker then signed said enrolled bills.

Mr. Felkner, from the Select Committee, to which the same was referred, reported No. 114, H. R. File, "Memorial to Congress relative to the contiguous sections of land to Iowa City," back to the House with amendments.

The Report of the Committee on the Judiciary, recommending the indefinite postponement of No. 87, C. F. "A bill to amend an act concerning Writs of Attachment," was taken up and concurred in.

So the bill was indefinitely postponed.

No. 61, C. F. "A bill for an act to authorize the appointment of a County Agent in and for the county of Johnson," was read a second time.

A motion was made by Mr. Moss, to lay said bill upon the table.

A motion was made by Mr. Felkner, that said bill be read a third time on to-morrow.

And the question being put—Was determined in the negative.

Yeas 11, Nays 13.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Biggs, Booth, Denson, Felkner, Higginson, Holliday, McCulloch, Patterson, Robertson, Toole, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Blair, Campbell, Grant, Hebard, Hepner, Leffler, Morgan, Moss, Porter, Smeed, Weld, Whitaker, and Wilson.

So the motion was lost.

On motion of Mr. Patterson,

Ordered, That said bill do lie upon the table until Monday next.

No. 79, C. F. "A bill amendatory of an act to regulate Ferries," approved Dec. 20, 1838, was read a second time.

On motion of Mr. Robertson,

Ordered, That the said bill be read a third time on to-morrow.

No. 96, C. F. "A bill to incorporate the City of Keosauque," was read a second time.

On motion of Mr. Whitaker,

Ordered, That said bill be read a third time on to morrow.

No. 113, C. F. "A Joint Resolution for the purchase of books for the Territorial Library," was read a second time.

On motion of Mr. Grant,

Ordered, That said resolution be indefinitely postponed.

No. 115, C. F. "A bill for an act to amend an act, regulating Criminal Proceedings," was read a second time.

On motion of Mr. Grant,

Ordered, That said bill be referred to the Committee on the Judiciary.

No. 116, C. F. "A bill for an act amending an act, regulating practice in the District Courts of this Territory," was read a second time.

On motion ofMr. Moss,

Ordered, That said bill be referred to the Cmmittee on the Judiciary.

No. 117, C. F. "A bill to amend an act entitled an act to prevent and punish Gaming," was read a second time.

On motion of Mr. Toole,

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Smead reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

To which the House agreed.

A motion was made by Mr. Porter, to strike out the works "one moiety thereof to the use of the person complaining and the other moiety," in the 1st section of said bill.

To which the House agreed.

A motion was made by Mr. Moss, to amend said bill by adding the following, to wit:

"And it shall be the duty of all constables to make complaint of all offences against this act coming within their knowledge."

A motion was made by Mr. Biggs, to amend the amendment, by inserting the words, "and attorneys at law," after the word "Constables." To which the House agreed.

A motion was then made by Mr. Moss, to further amend the same by inserting the word "Surveyors."

And the question being put—was determined in the negative.

Yeas 5, Nays 18.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Higginson, Holliday, Moss, Weld, and Wilson.

Those who voted in the negative were, Messrs. Biggs, Blair, Booth, Campell, Denson, Felkner, Hebard, Hepner, Leffler, McCulloch, Morgan, Patterson, Porter, Robertson, Smead, Toole, Whitaker, and Lewis, Speaker.

So the amendment to the amendment was disagreed to.

The question was then put on the adoption of the amendment, as amended, and decided in the negative. Yeas 7, Nays 16.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Blair, Booth, Hepner, McCulloch, Moss, Whitaker, and Wilson.

Th ose who voted in the negative were, Messrs. Biggs, Campbell, Denson, Felkner, Hebard, Higginson, Holliday, Leffler, Morgan, Patterson, Porter, Robertson, Smead, Toole, Weld, and Lewis, Speaker.

So the amendment was lost.

On motion of Mr. Robertson,

Ordered, That said bill be read a third time on to-morrow.

No 118, C. F. "A bill for an act to divorce John E. Ely from Minerva Ely," was read a second time.

On motion of Mr. Whitaker,

Ordered, That said bill be read a third time on to-morrow.

No. 119, C. F. "A bill for an act to incorporate the town of Fort Madison," was read a second time.

On motion of Mr. Patterson,

Ordered, That said bill be read a third time on to-morrow.

No. 131, H. R. File, "A bill for an act to establish an Insurance Company at Dubuque," was read a second time.

On motion of Mr. Booth,

The House resolved itself into a Committee of the Whole House on said bill. After some time spent therein,

Mr Speaker resumed the Chair, and Mr. Robertson reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

To which the House agreed.

On motion of Mr. Wilson,

Ordered, That said bill be engrossed for a third reading on to-morrow.

Mr. Hebard, in accordance with previous notice, introduced No. 138, R. File, "A bill for an act to establish the Des Moines Insurance Company, at Burlington," which was read a first time.

Ordered, That the 44th rule be suspended, and the bill be read a second time now.

Said bill was then read a second time, and ordered to be engrossed and read a third time on to-morrow.

Mr. Morgan, from the Committee on Engrossed Bills, reported Nos. 66 and 133, H. R. File, as correctly engrossed.

No. 134, H. R. File, "A bill for an act to authorize Boards of Commissioners to appoint Agents to dispose of Real Estate," was read a second time.

On motion of Mr. Higginson,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 135, H. R. File, "A bill for an act to re-locate a part of the Territorial Road from Iowa City to Burlignton," was read a second time.

On motion of Mr. Felkner,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 2, C. F. "Resolution requesting our Delegate to procure to surxey of certain Islands in the Mississippi river;" and,

No. 66, H. R. File, "Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes;"

Were each read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 133, H. R. File, "A bill relative to the navigation of the Maquoqueta River," was read a third time.

A motion was made by Mr. Moss, that said bill be committed to the Committee on the Judiciary.

And the question being put—It was decided in the negative.

Yeas 7, Nays 15.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Blair, Hebard, Hepner, Leffler, Morgan, and Moss.

Those who voted in the negative, were, Messrs. Denson, Felkner, Grant, Higginson, Holliday, McCulloch, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

So the motion to commit was lost.

The question was then put, Shall the bill pass?

And determined in the affirmative.

The Report of the Committee of Conference, made on yesterday in relation to No. 15, H. R. File, was taken up and concurred in.

No. 52, H. R. File, "A bill making the Clerk of the Board of County Commissioners elective by the people," having been returned from the Council with amendments, was taken up, the same read, and concurred in.

No. 120, H. R. File, "A bill for an act to authorize Samuel Wells to build a Dam across Skunk river," being returned from the Council with amendments, was taken up, the amendments read, and concurred in by the House.

No. 104, C. F. "A bill for an act to provide for the appointment of Masters in Chancery, and to prescribe their duties in certain cases;"

And "No. 122, C. F. "A Joint Resolution, relative to a steam boat Canal around the Lower Rapids of the Mississippi river;"

Were each read a first time.

No. 123, C. F. "A Joint Resolution for an appropriation to build a Bridge across the South Fork of the Maquoqueta river, where the Military Road crosses the same," was read a first time.

A motion was made by Mr. Denson, that the 44th rule be suspended, and the resolution be read a second time now.

The motion was lost.

Mr. Hepner, from the Committee on Enrollments, reported, Nos. 42, and 112, H. R. File, as correctly enrolled.

The Speaker then signed said enrolled bills.

On motion

The House adjourned.

Saturday Morning, February 12, 1842.

Mr. Porter, from the Committee on Roads and Highways, reported No. 139, H. R. File, "A bill to re-locate that part of the Territorial Road from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Skunk River, and Jefferson, in Henry county," which was read a first time.

Ordered, That the printing of said bill be dispensed with.

Mr. Hepner, from the Committee on Enrollments, reported, that the Committee had presented to the Governor, for his approval, on the 10th inst.,

"An act concerning Oaths and Affidavits;"

"A Memorial for a donation of land, to establish a Seminary of Learning at West Point in Lee county;" and

"A Memorial to Congress for the relief of Jeremiah Smith, Jr.

Mr. Hepner also reported, as correctly enrolled, Nos. 25, 52, 120, 121, and 123, H. R. File.

The Speaker then signed said bills.

Mr. Morgan, from the Joint Committee on Printing, reported No. 140 H. R. File, "A bill for an act, fixing the prices of printing done for the Legislative Assembly," which was read a first time.

Mr. Higginson, from the Committee on Expenditures, reported, No. 141, H. R. F. "A bill to provide for the compensation of the members, officers, and printers of the Legislative Assembly, and for other purposes," which was read a first time by its title.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 86, C. F. "A bill for an act to amend an act, to provide for the appointing of Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," reported the same back with sundry amendments.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 116, C. F. "A bill for an act amending an act, regulating Practice in the District Courts of this Territory," reported the same back to the House, and recommended the indefinite postponement of the bill.

Mr. Whitaker, from the Committee appointed to examine the recording of the Journals, reported the same to be correct up to Feb. 9th.

Mr. Morgan, from the Committee on Military Affairs, to which was referred No. 92, H. R. File, "A bil' amendatory of an act entitled

An act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840, and further amendatory of an act entitled An act to organize, discipline, and govern the Militia of this Territory, approved January 4, 1839," reported the same back to the House, together with a report recommending the indefinite postponement of said bill.

Said report reads as follows:

The Committee on Military Affairs, to whom was referred "A bill amendatory of an act entitled An act to organize, discipline, and govern the Militia of this Territory, approved July 31, 1840, and further amendatory of an act entitled An act to organize, discipline, and govern the Militia of this Territory, approved January 4, 1839, ask leave to report—

That they have carefully considered the same, and recommend its rejection, for the following reasons:

1st. Because it contemplates an entire change in the Militia System which prevails throughout the Union.

2d. Because, by compelling officers only, to drill, and leaving privates of companies, &c., free of duty, and free of all compulsory provisions, it is contrary to the spirit and discipline which govern the U. S. Army, the rules and regulations of which which apply, in certain cases, to the Militia of the United States. Your Committee therefore deem the provisions of this bill in direct conflict with the spirit and nature of this important part of our system of government.

3d. Because, in the opinion of your Committee, the drilling of officers together and alone, would inspire them with neither pride nor patriotism—sentiments essential to the character of an officer, and necessary to his usefulness as such;—and in this respect the bill would be worse than abortive in its operation. Your Committee cannot perceive where the feeling is to come from, that would give interest, instruction or usefulness to such a drill. Such drills are not known to the discipline which governs the army of the U. States, nor are they known to the military discipline which prevails in any country. If so, there would be no necessity for standing and drilled armies, but all dependence could be made upon a small squad of drilled officers, who should possess all the practical military knowledge in the country, and who, under such a system, would be compelled to depend for aid upon the raw and undrilled recruits which they might pick up in any part of the country.

Your Committee freely admit, that, although our present system is, in itself, a good one, yet, in its operation and results, it is, from extraneous circumstances, inefficient. But this inefficiency, as your Committee believe, is to be remedied, not by altering the system, but by seeking or awaiting a change in the circumstances which now embarrass it. If the drilling of merely the militia officers of the Territory would be of service to even the officers themselves, your Committee would have no objection to recommending the passage of the bill—but for the reasons before suggested, your Committee do not believe that in this respect it would be of service, but on the contrary would fail entirely of its object, and would, in addition, operate unjustly and une-

qually, by compelling one class of citizens to bear arms while it exempts others.

Another objection to the bill, or a reason for its postponement, is, that it contemplates so material a change in the military system at the present time, where there is every probability of a speedy change of our present form of government. Your Committee would submit the question, whether it would not be more prudent to leave the regulation of so important a matter to the future authorities of the State?

Your Committee, as individual members, have never received any suggestions or instructions from their constituents as to a change in the present system, and as it is one of importance to every citizen of the Territory, your Committee would also submit the question, whether it would not be proper first to give the people an opportunity to make up their minds on the subject, so that next year they may instruct their representatives.

This course your Committee deem it proper to recommend, in justice and in deference to the opinions of the people.

Individually, your Committee are opposed to the change proposed in the bill, and for the reasons before stated. They believe that officers would receive neither pleasure nor profit from such a system. They believe, too, that by exempting citizens from military service they would soon forget, through inaction, the duty which they owe their country. Your Committee do not think it good policy to hold out to any class of citizens any inducement to seek ease in exemption from important and essential duties. And although the present system, by reason of unfortunate circumstances, is, to some extent, unfortunate in its operation, yet it is at least attended with the good result of reminding our citizens of their duty—and when these unfortunate circumstances shall have been removed, your Committee doubt not our citizens will perform their duty under the present system with pride and pleasure.

At present there are no public arms in the Territory, and consequently no encouragement for the organization of volunteer corps. So long as this state of things prevails, so long will there be a lack of military pride and military feeling among our people. But when this difficulty shall be removed, a sufficient inducement will be offered to volunteer companies to organize, and the public parades of these, will, in their turn, infuse a spirit of military feeling throughout the great mass of community, and thus be attended with the happiest results.

For these reasons your Committee report the bill back to the House without amendment, and recommend its rejection. And your Committee now ask to be discharged from the further consideration of the subject.

Mr. Weld, from the Select Committee, to which was referred the petitions of sundry citizens of Van Buren county, relating to the Dams in the Des Moines river, reported, that they have had the subject under consideration, and find that the petitioners are a minority of the voters of said county, and therefore think legislation upon the subject inexpedient, and ask to be discharged from a further consideration of the same.

The report was concurred in.

Mr. Felkner, from the Committee on Incorporations, to which was referred No. 83, C. F. "A bill to incorporate the Cedar Rapids Manufactoring Company," reported the same back with amendments.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 115, C. F. "A bill for an act to amend an act regulating Criminal Proceedings," reported the same back to the House with amendments.

A motion was made by Mr. Porter, to re-consider the vote of yesterday, given on laying No. 61, C. F. "A bill for an act to authorize the appointment of a County Agent in and for the county of Johnson" upon the table until Monday next.

To which the House agreed.

A motion was made by Mr. Porter, that said bill be read a third time on Monday next.

And the question being put—Was determined in the affirmative.

Yeas 13, Nays 9.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Booth, Denson, Felkner, Hebard, Higginson, Holliday, McCulloch, Patterson, Porter, Robertson, Smead, Toole, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Campbell, Grant, Hepner, Leffler, Moss, Weld, Whitaker, and Wilson.

So the bill was ordered to a third reading on Monday next.

A Message from the Council, by Mr. Woods, their Secretary:

Mr. Speaker—The Council have agreed to the amendments made by the House of Representatives to No. 17, C. F. "A bill to change the time of holding the District Courts in the second and third Judicial Districts.

They have passed—

No. 130, C. F. "A bill for the relief of James Davis, former sheriff of Museatine county;"

No. 131, C. F. "A bill for the re-location of the Territorial Road established from Davenport to Marion."

No. 128, C. F. "A bill relative to the survey of the town of Salem."

The have passed, with amendments—

No. 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people of the Territory of Iowa upon the subject of the formation of a State Constitution," &c.

No. 62, H. R. File, (with amendments) "A bill for an act to amend an act concerning Costs and Fees."

They have passed—

No. 127, C. F. "A bill to divorce James V. Hill from his wife Eliza Hill."

And then he withdrew.

The report of the Committee on Claims, relative to the account of W. Crum, was taken up, and being under consideration, was,

On motion of Mr. Weld,

Laid upon the table.

No. 124, C. F. "A bill for an act to provide for the appointment of

Masters in Chancery, and to prescribe their duties in certain cases," was read a second time.

Ordered, That said bill be referred to the Committee on the Judiciary.

No. 122, C. F. "A Joint Resolution, relative to Steam Boat Canal around the Lower Rapids in the Mississippi River," was read a second time.

On motion of Mr. Patterson,

Ordered, That said resolution be read a third time on Monday next.

No. 123, C. F. "A Joint Resolution to Congress, for an appropriation to erect a bridge across the South Fork of the Maquoqueta river, where the Military Road crosses the same," was read a second time.

A motion was made by Mr. Denson, that said resolution be read a third time on Monday next.

The motion was lost.

A motion was made by Mr. Felkner, that said resolution be laid upon the table.

The motion was lost.

A motion was made by Mr. Whitaker, that said resolution be indefinitely postponed.

And the question being put—It was decided in the affirmative.

Yeas 12, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs, Biggs, Campbell, Hebard, Hepner, Leffler, McCulloch, Morgan, Moss, Patterson, Smead, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Booth, Denson, Felkner, Grant, Higginson, Holliday, Robertson, Toole, Weld, and Lewis, Speaker.

So the resolution was indefinitely postpened.

No. 114, H. R. File, "Memorial Congress, relative to the contiguous sections of land to Iowa City," was read a second time.

A motion was made by Mr. Hepner, that said Memorial be engrossed and read a third time on Monday next.

And the question being put—It was determined in the affirmative.

Yeas 14, Nays8 .

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Booth, Campbell, Felkner, Hebard, Hepner, Holliday, McCulloch, Morgan, Patterson, Robertson, Toole, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Denson, Grant, Higginson, Leffler, Moss, Smead, and Wilson.

So the Memorial was ordered to be engrossed for a third reading on Monday.

Bills of the following titles, to wit:

No. 79, C. F. "A bill amendatory of an act to regulate Ferries," approved December 20, 1838.

No. 96, C. F. "A bill to incorporate the city of Keosauque;"

No. 117, C. F. "A bill to amend an act entitled An act to prevent and punish Gaming."

No. 119, C. F. "A bill to incorporate the town of Fort Madison."

No. 131, H. R. File, "A bill for an act to establish an Insurance Company in the city of Dubuque."

No. 134, H. R. File, "A bill for an act to authorize Boards of Commissioners to appoint Agents to dispose of Real Estate."

No 135, H. R. File, "A bill to re-locate a part of the Territorial Road from Iowa City to Burlington;" and,

No. 138, H. R. File, "A bill for an act to establish the Des Moines Insurance Company at Burlington;"

Were severally read a third time, and passed.

Ordered, That the Council be notified of the passage of said bills.

No. 118, C. F. "A bill for an act to divorce John E. Ely from Minerva Ely," was read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 12, Nays 8.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Booth, Campbell, Denson, Felkner, Grant, Higginson, McCulloch, Patterson, Robertson, Smead, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Hebard, Hepner, Holliday, Leffler, Morgan, Toole, and Wilson.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 62, H. R. File, "A bill to amend an act concerning Costs and Fees." being returned from the Council with sundry amendments, was taken up, the same read, and severally concurred in by the House.

Bills from the Council of the following titles, to wit:

No. 127, "A bill to divorce James V. Hill from his wife Eliza Hill;"

No. 128, "A bill relative to the survey of the town of Salem;"

No. 130, "A bill for the relief of James Davis, former Sheriff of Muscatine county;" and

No. 131, "A bill for the re-location of a portion of the Territorial Road established from Davenport to Marion;"

Were severally read a first time.

On motion of Mr. Higginson,

The House adjourned.

Monday Morning, February 14, 1842.

Mr. Robertson presented the petition of sundry citizens of Clinton county, praying that the present name of the county seat of said county (Vandenburg) may be changed to "De Witt."

On motion of Mr. Robertson,

Ordered, That said petition be referred to the Delegation from Scott and Clinton counties.

Mr. Baker presented the petition of Clarissa Welch, praying to be divorced from her husband Samuel Welch.

Ordered, That said petition be referred to a Select Committee.

Whereupon, Messrs. Baker, Toole, and Blair were appointed said Committee.

Mr. Baker presented the petition of sundry citizens of Washington county, in relation to a certain Territorial Road, running through said county.

Ordered, That said petition be referred to those gentlemen who compose the Committee last appointed.

Mr. Higginson presented the petition of Rebecca Fisher, praying to be divorced from her husband, John Fisher.

Ordered, That said petition be referred to a Select Committee.

Messrs Higginson, Smead, and Robertson were appointed said Committee.

Mr. Hepner, from the Committee on Enrollments, reported, that the Committee had presented to the Governor, for his approval on the 12th inst.,

An act to authorize Ranson Long to keep a Ferry across the Mississippi river, in Muscatine county;"

"An act to re-locate a Territorial Road from Farmington to the Missouri line;"

"An act to authorize James Muir, a minor, to execute a Deed to Anson L. Deming and Jesse C. Smith;" and

An act to locate a part of the Territorial Road in Jefferson county."

Mr. Toole, from the Committee on Enrollments, reported Nos. 15, and 62, H. R. File, as correctly enrolled.

The Speaker then signed said enrolled bills.

Mr. Toole, on leave, reportod No. 142, H. R. File, "A bill for an act to vacate the survey and plat of a part of the town of Black-Hawk, in Louisa county," which was read a first time.

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

Mr. Booth, on leave, introduced No. 143, H. R. File, "A Resolution for the relief of Walter Butler," which was read a first time.

Ordered, That the 44th rule be suspended, and the resolution be read a second time now.

The resolution was then read a second time, and a motion was made by Mr. Biggs, to amend the same by inserting the following proviso, to wit:

"*Provided*, said Butler shall furnish the Secretary of the Territory a suitable room for storing the Legislative furniture during the next recess of the Legislature."

And the question being put—Was determined in the affimative.

Yeas 17, Nays 6.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Hebard, Higginson, Leffler, McCulloch, Morgan, Moss, Quinton, Robertson, Smead, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Baker, Hepner, Holliday, Patterson, Toole, and Weld.

So the Resolution was so amended.

Ordered, That the 44th rule be again suspended, and the resolution be read a third time now.

The resolution then being read a third time, the question was put, Shall the Resolution pass? It passed in the affirmative.

Yeas 18, Nays 6.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Higginson, Holliday, McCulloch, Morgan, Patterson, Quinton, Robertson, Smead, Toole, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair, Hebard, Hepner, Leffler, Moss, and Wilson.

So the resolution was passed.

Ordered, That the Clerk notify the Council therewith.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER:—The Council have passed—

No. 55, H. R. File, "A bill to authorize Joseph Stevens to build a Dam across Skunk River;"

No. 173, H. R. File, "A bill to re-locate a Territorial Road in Clayton county;"

No. 116, H. R. File, "A bill to locate a road from Fairfield to the Forks of Skunk River;"

No. 127, H. R. File, "A bill for an act repealing a portion of an act to locate and establish a Territorial Road from the town of Dubuque to Camp Atkinson," approved January 13th, 1841.

No. 80, C. F. "A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials, and for other purposes;"

No. 109, C. F. "A bill to incorporate the Iowa City Fire Engine Company;"

No. 124, C. F. "A bill for an act to authorize William H. Lloyd to keep a Ferry at Lloyd's Ford, on Skunk River;"

No. 134, C. F. "A Memorial to Congress, praying an appropriation for the compensation of James M. Morgan;"

No 135, C. F. "A bill to amend an act to incorporate the town of Bloomington;"

The Council have passed, with amendments, the following bills:

No. 23, H R. File, "A bill for an act to provide for receiving the proportion of money to which Iowa will be entitled under the Distribution Law;"

No. 85, H. R. File, "A bill for an act to establish a Territorial Road from Bellview to Tipton;"

No. 101, H. R. F. "A Resolution, authorizing pay to John Lurton and Hawkins Taylor;"

No. 102, R. File, "A bill for an act to locate and establish a Territorial Road from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county;"

No. 110, H. R. File, "A bill for an act to incorporate an Insurance Company at the town of Farmington, Van Buren county;"

In which they ask the concurrence of the House of Representatives.

I herewith present, for your signature, four enrolled bills.

And then he withdrew.

The Speaker then signed said enrolled bills.

Mr. Baker, from the Select Committee, to which the subject was referred, reported No. 144, H. R. File, "A bill for an act to punish for trespass upon School Lands," which was read a first time.

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a 2d and 3d time, a motion was made by Mr Baker to amend the same, by adding the following proviso to the 3rd section—"Provided said settlers injure the value of said land."

To which the House agreed.

The question then being put, Shall the bill pass?

It passed in the affirmative—Yeas 17, Nays 6.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Blair, Booth, Denson, Hebard, Hepner, Higginson, Holliday, Leffler, McColloch, Morgan, Patterson, Quinton, Robertson, Smead, Toole, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Campbell, Moss, Weld, Whitaker, and Wilson.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people upon the subject of the formation of a State Constitution," &c., having been returned from the Council with amendments, and being under consideration, all the amendments were concurred in, excepting the one made to the fifth section, which was amended by striking out the words "six months," and inserting the words "twelve months."

Ordered, That the Clerk notify the Council therewith.

No. 32, C. F. "Memorial to Congress for an appropriation to complete the National Road from Dubuque to the southern boundary line," was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 61, C. F. "A bill for an act to authorize the appointment of a County Agent in and for the county of Johnson," was read a 3d time.

A motion was made by Mr. Moss, that the same do lie upon the table.

The motion was lost.

The question then being put! Shall the bill pass?

It passed in the affirmative.

No. 93, C. F. "A bill to incorporate the Brighton Exporting and Importing Company," was read a third time.

The question then being put, Shall the bill pass?

It passed in the negative—Yeas 8, Nays 16.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth,

Higginson, Holliday, Quinton, Robertson, Toole, and Weld.

Those who voted in the negative, were, Messrs. Biggs, Blair, Campbell, Denson, Felkner, Hebard, Hepner, Leffler, McCulloch, Morgan, Moss, Patterson, Smead, Whitaker, Wilson, and Lewis, Speaker.

So the bill was lost.

No. 122, C. F. "A Joint Resolution, relative to a Steam Boat Canal around the Lower Rapids, in the Mississippi," was read a third time.

The question being put, Shall the bill pass?

It passed in the affirmative—Yeas 15, Nays 9.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Higginson, Holliday, McCulloch, Patterson, Quinton, Robertson, Smead, Weld, Whitaker, Wilson, and Lewis, Speaker.

Th ose who voted in the negative were, Messrs. Biggs, Blair, Felkner, Hebard, Hepner, Leffler, Morgan, Moss, and Toole.

So the resolution passed, and its title agreed to.

Ordered, That the Clerk notify the Council of the passage of the same.

On motion of Mr. Morgan,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The Report of the Committee on Military Affairs, recommending the rejection of No. 92, H. R. File, "A bill amendatory of the several acts, organizing the Militia of this Territory," was taken up, and being under consideration,

A motion was made by Mr. Morgan, to amend said report so as to recommend the indefinite postponement of the bill.

To which the House agreed.

The question then being on concurring in the report of the Committee, as amended. And after debate, was put, and determined in the negative—Yeas 11, Nays 13.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Biggs, Booth, Denson, Holliday, McCulloch, Morgan, Patterson, Quinton, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair. Campbell, Felkner, Hebard, Hepner, Higginson, Leffler, Porter, Robertson, Smead, Toole, Weld, and Wilson.

So the report of the Committee was not concurred in.

On motion of Mr. Hebard,

Ordered, That said bill be referred to a Select Committee.

Messrs. Hebard, Felkner, and Hepner were appointed said Committee.

A Message from the Council, by Mr. Woods, their Secretary:

Mr. Speaker:—The Council have passed

No. 133, H. R. File, "A bill relative to the navigation of the Maquoketa River;"

No. 50, C. F. "A bill for an act supplementary to an act, regulating Marriages, approved January 6th, 1840;"

No. 121, C. F. "A bill for an act to amend an act, relative to Wills and Testaments, &c.

No. 129, C. F. "A bill to establish certain Territorial Roads;"

The Council have passed, with amendments,

No. 129, H. R. File, "A bill for an act for the organization of Townships."

The Council have concurred in the amendment made by the House of Representatives to No. 117, C. F. "A bill to amend an act entitled An act to prevent and punish Gaming."

The Council have disagreed to the amendment of the House to the amendment of Council to No. 95, H. R. File, "An act to provide for the expression of the people," &c.

The Council have also passed, with amendments,

No. 142, H. R. File, "A bill for an act to vacate the survey and plat of a part of the town of Black-Hawk, in Louisa county;" and,

No. 143, H. R. File, "A Resolution for the relief of Walter Butler."

In all of which they ask the concurrence of the House of Representatives. And then he withdrew.

No. 139, H. R. File, "A bill to re-locate that part of the Territorial Road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Skunk River and Jefferson, in Henry county," was read a second time.

A motion was made by Mr. Hebard, to amend the bill by striking out the word "Skunk" wherever it occurs, and inserting the word "Checauque."

And the question being put—It was decided in the affirmative.

Yeas 13, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Booth, Denson, Hebard, Higginson, Leffler, Morgan, Porter, Smead, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Baker, Blair, Campbell, Felkner, Hepner, Holliday, McCulloch, Patterson, Quinton, Robertson, and Toole.

So the amendment was agreed to.

On motion of Mr. Hebard,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr. Hebard, from the Committee on engrossed bills, reported No. 114, H. R. File, as correctly engrossed.

No. 140, H. R. File, "A bill for an act, fixing the prices of Printing done for the Legislative Assembly," was read a second time.

On motion of Mr. Morgan,

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Toole reported, that the Committee had. according to order, had said bill under consideration, and instructed him to report the same sundry amendments, and ask the concurrence of the House.

A call of the House was desired by five members, and the roll being called, those who failed to answer to their names, were, Messrs. Grant and Moss.

The Sergeant-at-Arms was then directed to require the attendance of the absentees. After a short time, the absentees appearing, a further call of the House, was, on motion, suspended.

On motion of Mr. Leffler,

Ordered, That said bill do lie upon the table until to-morrow morning.

No. 141, H. R. File, "A bill to provide for the compensation of the members, officers, and printers of the Legislative Assembly, and for other purposes," was read a second time.

A motion was made by Mr. Biggs to lay said bill upon the table until to-morrow afternoon.

The motion was lost.

A motion was made by Mr. Campbell, that the House do now adjourn.

And the question being put—Was determined in the negative.

Yeas 10, Nays 16.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Campbell, Hebard, Higginson, Holliday, Moss, Porter, Quinton, Toole, Weld, and Wilson.

Those who voted in the negative, were, Messrs. Baker, Biggs, Blair, Booth, Denson, Felkner, Grant, Hepner, Leffler, McCulloch, Morgan, Patterson, Robertson, Smead, Whitaker, and Lewis, Speaker.

So the motion was lost.

A motion was then made by Mr. Patterson, to refer said bill to a Committee of the Whole House.

The motion was lost.

Mr. Baker, on leave, introduced No. 145, H. R. File, "A Bill for an act to divorce Clarissa Welch from her husband Samuel C. Welch;"

Also—No. 146, H. R. File, "A bill for an act to re-locate a part of a Territorial Road, in Washington county."

Said bills were each read a first time, and the printing of the same dispensed with.

Mr. Biggs, on leave, introduced No. 147, H. R. File, "A bill for an act to change the names of certain towns and rivers," which was read a first time.

Mr. Robertson, on leave, introduced No. 148, H. R. File, "A bill for an act to change the name of the town of Vandenburg, in Clinton county, to that of "De Witt," which was read a first time.

A motion was made by Mr. Robertson, to dispense with the printing of said bill.

And the question being put—Was determined in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs, Biggs, Blair, Felkner, Grant, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Booth,

Campbell, Denson, Hebard, Hepner, Holliday, McCulloch, Morgan, Patterson, Qninton, and Weld.

So the printing of said bill was dispensed with.

Mr. Hepner, from the Committee on Enrolled Bills, reported, that the Committee had presented to the Governor, for his approval, on this day—

"An act to amend an act, entitled An act regulating Criminal Proceedings;" and,

"An act to amend an act concerning Costs and Fees."

Mr. Higginson, from a Select Committee, reported No. 149, H. R. File, "A bill for an act to divorce Rebecca Fisher from her husband John Fisher," which was read a first time.

On motion of Mr. Whitaker,

Ordered, That the printing of said bill be dispensed with.

A motion was made by Mr. Whitaker, to dispense with the printing of No. 147, H. R. File. To which the House agreed.

A motion was made by Mr. Baker, that the 44th rule be suspended, and No. 145, H. R. File, "A bill for an act to divorce Clarissa Welch from her husband Samuel C. Welch," be read a second time now.

To which the House agreed.

The bill was then read a second time, and a motion was made by Mr. Baker, to again suspend the 44th rule, and the same be read a third time now. The motion was lost.

A motion was then made by Mr. Baker, that said bill be engrossed and read a third time on to-morrow.

And the question being put—It was determined in the affirmative.

Yeas 16, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Higginson, Holliday, McCulloch, Patterson, Porter, Quinton, Robertson, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Hepner, Leffler, Morgan, Moss, Weld, and Wilson.

So the bill was ordered to be engrossed for a third reading on to-morrow.

A Message from the Council, by Mr. Woods, their Secretary:

Mr. Speaker—The Council have passed

No. 126, C. F. "A bill for an act for the re-location of a part of a Territorial Road, from Iowa City to Prairie du Chien;"

No. 132, C. F. "A bill relative to the Davenport Institute;"

No. 133, C. F. "A bill relative to the officers of the Legislative Assembly;"

No. 181, H. R. File, "A bill for an act for the relief of the Poor;"

The Council have rejected

No. 144, H. R. File, "A bill for an act to punish for trespass on School and other lands;"

And have passed, with amendments,

No. 82, H. R. File, "A bill for an act to authorize the establishment of Poor Houses." In which the concurrence of the House of Representatives is requested.

And then he withdrew.

A motion was made by Mr. Higginson, that the House do now adjourn.

And the question being put—Was determined in the affirmatve.

Yeas 15, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Blair, Denson, Felkner, Grant, Hebard, Higginson, Holliday, Leffler, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Baker, Biggs, Booth, Campbell, Hepner, McCulloch, Morgan, Moss, Patterson, Quinton, and Lewis, Speaker.

So the House adjourned.

Tuesday Morning, February 15, 1842.

Mr. Hepner, from the Committee on Enrolled Bills, reported Nos. 127, 133, and 137, H. R. File, as correctly enrolled.

The Speaker then signed said enrolled bills.

Mr. Hebard, from the Committee on Engrossed Bills, reported No. 139, H. R. File, as correctly engrossed.

No. 95, H. R. File, "A bill for an act to provide for the expression of the opinion of the people relative to the formation of a State Constitution," &c., being returned from the Council with the amendment of the House of Representatives to the amendment of the Council disagreed to, was taken up and being under consideration,

A motion was made by Mr. Leffler, that the House insist upon their amendment—requiring a residence of twelve months in the Territory to become a member of said Convention.

And the question being put—It was decided in the affirmative.

Yeas 15, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Biggs, Blair, Felkner, Grant, Hebard, Higginson, Leffler, Morgan, Moss, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

Those who voted in the negative were, Messrs. Baker, Booth, Campbell, Denson, Hepner, Holliday, McCulloch, Patterson, Quinton, Weld, and Lewis, Speaker.

So the amendment of the House was insisted upon.

A motion was made by Mr. Grant, to take from the table No. 140, H. R. File, "A bill for an act, fixing the prices of printing done for the Legislative Assembly." The motion was lost.

No. 141, H. R. File, "A bill for an act to provide for the compensation of the members, officers, and printers, of the Legislative Assembly, and for other purposes," was read a second time.

A motion was made by Mr. Booth, that said bill be referred to a Committee of the Whole House.

And the question being put—It was determined in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the motion was agreed to, and

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Weld reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same with sundry amendments.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER—The Council have passed,

No. 137, C. F. "A bill for an act to provide for assessment and collection of Taxes, from the town of Zarahamla, in Lee county;"

They have rejected No. 73, H. R. File, "A bill creating a permanent School Fund, and for other purposes."

And have receded from their disagreement to the amendment of the Council to No. 95, H. R. File, "An act to provide for the expression of the opinion of the people, relative to the formation of a State Constitution," &c. In which they ask the concurrence of the House of Representatives.

I herewith present, for your signature, two enrolled bills.

And then he withdrew.

The Speaker then signed said enrolled bills.

On motion of Mr. Whitaker,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House resumed the consideration of No. 141, H. R. File, "A bill for an act to provide for the compensation of the members, officers, and printers of the Legislative Assembly," as reported by the Committee of the Whole House.

The first amendment to the fifth section being read, the question was put, Will the House concur in the amendment made by the Committee to the fifth section? and decided in the negative.

Yeas 11, Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Booth, Campbell, Denson, Hebard, Hepner, Leffler, McCulloch, Morgan, Patterson, Quinton, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Felkner, Grant, Higginson, Holliday, Moss, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Wilson.

So the amendment was not concurred in.

The amendment to the 10th section was then read and concurred in.

The question was then put on concurring in the amendment to the 13th section, allowing Van Antwerp and Hughes, for papers furnished the House of Representatives, $491 00.

And determined in the affirmative.—Yeas 24, Nays 1.

YEAS—Messrs. Blair, Booth, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Quinton, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

NAYS—Mr. Biggs.

So the amendment was concurred in.

The 14th section was then read, allowing N. Jackson, for papers furnished the House of Representatives, $215 00.

And the question being put on concurring in the same,

Was determined in the affirmatives—Yeas 25, Nays 0.

YEAS—Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch. Morgan, Moss, Patterson, Porter, Quinton, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

So the amendment made by the Committee was concurred in.

The amendments made to the 15th and 20th sections were then read and concurred in.

The amendment made by the Committee to the 18th section, allowing J. T. Fales, for preparing the Journal of the House of Representatives for publication, $350 00, was then read. and the question on concurring in said amendment being put, was decided in the affirmative.

Yeas 20, Nays 5.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Quinton, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Grant, Hebard, Higginson, Porter, and Robertson.

So the amendment was agreed to.

Several amendments being read and concurred in, the question was put, on concurring in the amendment made to said bill by the addition of a section, allowing the Secretary of the Territory for fuel and candles furnished the Executive office—$46.

And determined in the affirmative.—Yeas 23, Nays 3.

YEAS—Messrs. Baker, Blair, Booth, Campbell, Denson, Felkner, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

NAYS—Messrs. Biggs, Grant, and Quinton.

So the amendment was agreed to.

The next additional section, allowing Walter Butler for wood, &c. was read and concurred in.

The question was then put, on concurring in the amendment, allow-

ing Wm. Abbey, (Fireman) for cutting wood for the use of this House —$30; and determined in the affirmative—Yeas 14, Nays 12.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Higginson, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Grant, Hebard, Leffler, Moss, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

So the amendment was concurred in.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER:—The Council have reconsidered their vote of yesterday, on refusing to pass No. 66, H. R. File, "Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes," and have passed said Memorial.

The Council have passed—

No. 22, C. F. "A bill to amend the Militia Law;"

No. 62, C. F. "A bill to provide for the inspection of beef, pork, and flour, in this Territory;"

No. 125, C. F. "A bill for an act to amend an act, relative to Divorce, Alimony, and for other purposes;"

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

The House again resumed the consideration of No. 141, H. R. File.

A motion was made by Mr. Weld, to amend the 14th section by striking out $215, and inserting $430, so as to allow N. Jackson 430 dollars for newspapers, &c., during the session.

And the question being put—It was decided in the negatve.

Yeas 9, Nays 17.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Denson, Felkner, Holliday, Patterson, Quinton, Toole, Weld, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Booth, Campbell, Grant, Hebard, Hepner, Higginson, Leffler, McCulloch, Morgan, Moss, Porter, Robertson, Smead, Whitaker, and Wilson.

So the motion was lost.

A motion was then made by Mr. Weld, to amend by adding an entire section allow N. Jackson and Wm. Crum 250 dollars each for printing the abstracts of the proceedings of the Legislative Assembly.

On motion of Mr. Morgan,

The amendment was amended, so as to include "Messrs. Van Antwerp & Hughes."

The question was then put on the amendment as amended, and decided in the negative—Yeas 5, Nays 21.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Baker, Holliday, Quinton, Toole, and Weld.

Those who voted in the negative, were, Messrs. Biggs, Blair, Booth, Campbell, Denson, Felkner, Grant, Hebard, Hepner, Higginson, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Whitaker, Wilson, and Lewis, Speaker.

So the amendment was lost.

A motion was made by Mr. Leffler, that the 44th rule be suspended and the bill be read a third time now.

To which the House agreed.

The bill was then read a third time; and the quuestion being put, Shall the bill pass?

It was determined in the affirmative—Yeas 21, Nays 5.

YEAS—Messrs, Baker, Blair, Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Moss, Patterson, Qninton, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

NAYS—Messrs. Biggs, Grant, Hebard, Higginson, and Porter.

So the bill passed and the title was agreed to.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Grant, from the Committee on the Judiciary, to which was referred No. 104, C. F. "A bill for an act to provide for the appointment of Masters in Chancery," &c., reported the same back to the House, and recommended the indefinite postponement of the bill.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER—The Council have passed, with amendments, No. 71, H. R. File, "A bill for an act to amend an act, subjecting Real and Personal Estate to execution."

I herewith present, for your signature, two enrolled bills and a joint resolution and memorial to Congress.

And then he withdrew.

The Speaker then signed said entitled bills, resolution, and memorial.

A motion was made by Mr. Felkner, to take from the table No. 80, C. F. "A bill authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials and for other purposes."

To which the House agreed.

The bill was then taken up and read a first time.

On motion of Mr. Felkner,

Ordered, That the 44th rule be suspended and the bill be read a second time now.

The bill was then read a second time, and on motion of Mr. Biggs, the 44th rule was again suspended and the bill read a third time and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 140 H. R. File, "A bill for an act fixing the prices of printing done for the Legislative Assembly," being the order of the day, was taken up, and being under consideration as reported by the Committee of the Whole House with admendments.

A call of the House was desired by five members and the roll being called, those who failed to answer to their names, were, Messrs. Booth, and Morgan.

The Sergeant-at-Arms was then directed to require the attendance of the absentees. After a short time, the absentees appearing a further call of the House was, on motion, suspended.

The 1st amendment to the 1st section then being read,

A motion was made by Mr. Leffler, to strike out "$4.50," and insert $3.26.

And the question being put—It was decided in the negative.

Yeas 12, Nays 14.

YEAS—Messrs. Baker, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

NAYS—Messrs. Biggs, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

So the motion was lost.

A motion was then made by Mr. Leffler, to strike out $4.50 and insert $4.00.

And the question being put—Was decided in the negative.

Yeas 13, Nays 13.

YEAS—Messrs. Blair, Denson, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

NAYS—Messrs. Baker, Biggs, Booth, Campbell, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

So the motion was lost.

The question then being put on concurring in the amendment made by the Committee—It was determined in the negative.

Yeas 13, Nays 13.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robeetson, Smead, Toole, Whitaker, and Wilson.

So the amendment was disagreed to.

The question was then taken on the amendment to the 12th line, allowing for the printing of the Journal of the Council per page $2.00.

And determined in the negative—Yeas 13, Nays 13.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

NAYS—Messes. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smeak, Toole, Whitaker, and Wilson.

So the amendment was not concurred in.

The question was then put on the amendment to the 13th line, allowing for the printing of the Journal of the House of Representatives, per page, $2.25, and determined in the negative.

Yeas 13, Nays 13.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

The question next recurred on concurring in the amendment to the 14th line, allowing for printing fifty copies of any bill or memorial, in pica type, per page, $3.00.

And being put—It was decided in the negative—Yeas 12, Nays 14.

YEAS—Messrs. Baker, Booth, Campbell, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Denson, Grant, Hebard Higginson, Leffler, Moss, Porter, Robertson, Smead. Toole, Whitaker, and Wilson.

So the amendment was disagreed to.

The question was then put on concurring in the amendment to the 15th line, and determined in the negative—Yeas 12, Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair. Denson, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

So the amendment was not concurred in.

The question was then taken, on concurring in the amendment to the 17th line, allowing for printing reports, &c., per page, octavo form, $2.00, and determined in the negative—Yeas 13, Nays 13.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

So the amendment was disagreed to.

The second section was then read, and concurred in.

A motion was made by Mr. Lewis, that said bill be indefinitely postponed.

And the question being put—Was determined in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the bill was indefinitely postponed.

On motion of Mr. Felkner,

No. 143, H. R. File, as amended by the Council, was taken up, the amendments read, and concurred.

On motion of Mr. Toole,

No 142, H. R. File, as amended by the Council, was taken from the table, the amendments read and concurred in by the House.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER:—The Council have passed, with amendments, No. 134, H. R. File, "A bill for an act to authorize Boards of Commissioners to appoint Agents to dispose of Real Estate."

In which they ask the concurrence of the House of Representatives.

And then he withdrew.

No. 82, H. R. File, being returned from the Council with amendments, was taken up, the same read, and concurred in.

No. 85, H. R. File, having been returned from the Council, amended, was taken up, and the amendment being read,

A motion was made by Mr. Moss, that the House disagree to the same. To which the House agreed.

No. 71, H. R. File, as amended by the Council, was taken up, the amendments read, and severally disagreed to by the House.

No. 129, H. R. File, having been returned from the Council with amendments, was taken up, the same read, and serverally concurred in.

Nos. 23, 101, 102, 110, and 134, H. R. File, having been returned from the Council amended, were taken up, the amendments to each severally read and concurred in by the House.

On motion of Mr. Patterson,

The House adjourned until 7 o'clock, this evening.

7 O'CLOCK, P. M.

No. 114, H. R. File, "A Memorial to Congress, relative to the contiguous sections of land to Iowa City.

No. 139, H. R. F. "A bill to re-locate that portion of the Territorial Road from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county;"

And, No. 145, H. R. File, "A bill for an act to divorce Clarissa Welch from her husband Samuel C. Welch;" were severally read a third time, and passed.

Ordered, That the Clerk notify the Council therewith.

No. 149, H. R. File, "A bill for an act to divorce Rebecca Fisher from her husband John Fisher," was read a third time.

Pending the question on the passage of said bill,

A call of the House was desired by five members; and the roll being called, those who failed to answer to their names, were, Messrs. Biggs, Blair, Campbell, Leffler, Smead, and Wilson.

The Sergeat-at-Arms was then directed to require the attendance of the absentee. After some time, the absentees appearing, a further call of the House was, on motion, suspenped.

The question was then put, Shall the bill pass?

It passed in the affirmative—Yeas 16, Nays 10.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Higginson, Holliday, McColloch, Patterson, Porter, Quinton, Robertson, Smead, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Hepner, Leffler, Morgan, Moss, Weld, and Wilson.

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

Ordered, That the Clerk notify the Council therewith.

A motion was made by Mr. Robertson, to re-consider the vote given on the disagreement of the House to the amendment of the Council to No. 85, H. R. File. To which the House agreed.

The question was then taken on concurring in the amendment made by the Council, and determined in the negative.

Mr. Weld, on leave, offered the following:

Resolved, That the Select Committee, to whom was referred the petition of George Collins, of Des Moines county, praying a divorce from his wife, be instructed to report to this House, by bill or otherwise, on to-morrow.

Ordered, That said resolution do lie upon the table.

No. 136, H. R. File, "Joint Resolution in relation to the claims of James G. Edwards and others," was read a second time.

A motion was made by Mr. Hepner to lay said resolution upon the table. And the question being put—It was decided in the affirmative.

Yeas 15, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Toole, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, and Wilson.

So the resolution was laid upon the table.

No. 146, H. R. File, "A bill for an act to re-locate a part of a Territorial Road, in Washington county," was read a second time.

Ordered, That the 44th rule be suspended, and the bill be read a time now.

The bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 147, H. R. File, "A bill for an act to change the names of certain towns and rivers," was read a second time.

On motion of Mr Patterson,

The House resolved itself into a Committee of the Whole House for the consideration of said bill. After some time spent therein,

Mr. Speaker resumed the Chair, and Mr. Whitaker reported, that the Committee had. according to order, had said bill under consideration, and instructed him to report the same with amendments.

To which the House agreed.

Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 148, H. R. File, "A bill for an act to change the name of the town of "Vandenburg," in Clinton county, to that of "De Witt," was read a second time.

Ordered, That the 44th rule be suspended, and the bill be read a third time now.

The bill was then read a third time, and passed.

Ordered, That the Clerk notify the Council therewith.

No. 83, C. F. "A bill for an act to incorporate the Cedar Rapids Manufactoring Company," was read a second time, together with the report of the Committee on Corporations.

A motion was made by Mr. Moss, that said bill be indefinitely postponed.

And the question being put—It was decided in the negative.

Yeas 7, Nays 18.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Blair, Grant, Hebard, Holliday, Leffler, Moss, and Whitaker.

Those who voted in the negative, were, Messrs. Baker, Biggs, Booth, Campbell, Denson, Felkner, Hepner, Higginson, McCulloch, Morgan, Patterson, Porter, Quinton, Robertson, Smead, Toole, Wilson, and Lewis, Speaker.

So the motion was lost.

The Report of the Committee was then concurred in, and the bill ordered to a third reading on to-morrow.

Mr. Hebard, from the Select Committee, to which was referred No. 92, H. R. File, "A bill for an act to amend the several acts relative to the organization of the Militia of this Territory," reported the same back to the House with amendments.

No. 86, C. F. "A bill for an act to amend an act to provide for the appointing Justices of the Peace, to prescribe their powers and duties, and to regulate their proceedings," was taken up, as reported by the Committee on the Judiciary, with amendments, and being under consideration, the report was concurred in, and the bill ordered to a third reading on to-morrow.

The report of the Committee on the Judiciary, in relation to No. 115, H. R. File, was taken up, and concurred in, and,

On motion of Mr. Moss,

The 44th rule was suspended, and the bill read a third time, and passed.

Ordered, That the Clerk notify the Council therewith.

On motion of Mr. Biggs,

The House adjourned until to-morrow morning at 9 o'clock.

Wednesday Morning, February 16, 1842.

On motion of Mr. Leffler,

Ordered, That the 44th rule be suspended for the remainder of the session.

A call of the House was desired by five members, and the roll being called, those who failed to answer to their names, were, Messrs. Booth, Campbell, Hebard, Hepner, McCulloch, Morgan, Moss, Porter, and Wilson.

The Sergeant-at-Arms was then directed to require the attendance of the absentees. After a short time, the absentees appearing, a further call of the House was, on motion, suspended.

Mr. Weld, on leave, introduced No. 150, H. R. File, "A Joint Reso-

lution, to remove the seat of government to Mount Pleasant until the Capitol at Iowa City is finished," which was read a first time.

Ordered, That the resolution be read a second time now.

The resolution was then read a second time, and, on motion of Mr. Grant, the word "temporary" was inserted in the same.

A motion was then made by Mr. Felkner, to lay the resolution upon the table.

And the question being put—It was determined in the negative.

Yeas 13, Nays 13.

Those who voted in the affirmative, were, Messrs. Baker, Booth, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Moss, Robertson, Toole, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Campbell, Grant, Hebard, Higginson, Leffler, Patterson, Porter, Quinton, Smead, Weld, and Wilson.

So the motion was lost.

A motion was made by Mr. Porter, to amend the resolution by inserting the following proviso, to wit:

Provided, That the citizens of Mount Pleasant will furnish buildings, rent free." To which the House agreed.

A motion was made by Mr. Booth, to lay the resolution upon the table until Saturday next.

And the question being put—It was determined in the affirmative.

Yeas 13, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Denson, Felkner, Hepner, Higginson, Holliday, McCulloch, Morgan, Moss, Robertson, Toole, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Campbell, Grant, Leffler, Patterson, Porter, Quinton, Smead, Weld, Whitaker, and Wilson.

So the resolution was laid upon the table until Saturday next.

The report of the Committee on the Judiciary, recommending the indefinite postponement of No. 104, C. F. "A bill for an act for the appointment of Masters in Chancery, and to prescribe their duties in certain cases," was taken up and concurred in.

So the bill was indefinitely postponed.

Mr. Toole, from the Committee oh Enrollments, reported Nos. 55, 81, 95' 116, and 142, H. R. File, as correctly enrolled.

The Speaker then signed said enrolled bills.

Mr. Hepner, from the Committee on Enrollments, reported that they had presented to the Governor, for his approval, on the 15th inst.,

"An act to authorize David G. Bates and John Forbes to establish and keep a Ferry across the Mississippi river;"

"A Resolution, requesting our Delegate to procure the survey of certain Islands in the Mississippi river;"

"An act relative to the survey of the town of Marion;"

"An act to revive and amend an act to incorporate the Bloomington Insurance Company;"

Also, on this day—

"An act to locate and establish a Territorial Road from Crawfordsville, in Washington county, to Smith's Mills, in Henry county;"

"An act to divorce Seth Baker from Sally Baker;"

"An act to provide for levying a tax on real and personal property, for road purposes;"

"An act making the Clerk of the Board of County Commissioners elective by the people;"

"An act to authorize Samuel Wells to build a dam across Skunk river;"

"An act to authorize John R. Sloan to keep a Ferry across the Mississippi River;"

"An act repealing a portion of an act to locate and establish a Territorial Road from Dubuque to Camp Atkinson;"

"An act to amend an act, establishing the Court of Probate;"

"An act relative to the navigation of the Maquoqueta river;" and,

"An act to divorce John E. Ely from Minerva Ely."

No. 92, H. R. File, "A bill amendatory of the several acts relative to the organization of the Militia of this Territory," was read a second time.

A motion was made by Mr. Quinton, that said bill be indefinitely postponed.

And the question being put—It was determined in the negative.

Yeas 11, Nays 14.

YEAS—Messrs. Baker, Biggs, Denson, Holliday, McCulloch, Morgan, Moss, Patterson, Quinton, Whitaker, and Lewis, Speaker.

NAYS—Messrs. Blair, Campbell, Felkner, Grant, Hebard, Hepner, Higginson, Leffler, Porter, Robertson, Smead, Toole, Weld, and Wilson.

So the motion was lost.

A motion was made by Mr. Quinton, to strike out the 8th section of said bill.

And the question being put—It was decided in the negative.

Yeas 12, Nays 13.

The yeas and nays being desired by two members:

Those who voted in the affirmative, were, Messrs. Biggs, Denson, Felkner, Holliday, McCulloch, Morgan, Moss, Patterson, Porter, Quinton, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Blair, Campbell, Grant, Hebard, Hepner, Higginson, Leffler, Robertson, Smead, Toole, Weld, and Wilson.

So the motion was lost.

Ordered, That the bill be read a third time now.

The bill was then read a third time.

And the question being put, Shall the bill pass?

It passed in the affirmative—Yeas 14, Nays 11.

YEAS—Messrs. Blair, Campbell, Felkner, Grant, Hebard, Hepner, Higginson, Leffler, Porter, Robertson, Smead, Toole, Weld, and Wilson.

NAYS—Messrs. Baker, Biggs, Denson, Holliday, McCulloch, Morgan, Moss, Patterson, Quinton, Whitaker, and Lewis, Speaker.

So the bill passed, and the title being read, a motion was made by

Mr. Quinton, to amend the same, so as to read, "A bill to abolish the Militia System, and to prevent the collection of taxes."

And the question being put—It was determined in the negative.

Yeas 8, Nays 17.

The yeas and nays being desired by two members:

Those who voted in the affirmative, were, Messrs. Baker, Biggs, Denson, Holliday, Morgan, Moss, Quinton, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Blair, Campbell, Felkner, Grant Hebard, Hepner, Higginson, Leffler, McCulloch, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, and Wilson. So the motion to amend the title was lost.

Mr. Grant, on leave, reported No. 151, H. R. File, "A Resolution for the meeting of the Legislative Assembly at Davenport," which was read a first time.

A motion was made by Mr. Hepner, to lay said resolution upon the table. Pending which,

A call of the House was had, and the absentees sent for. After a short time, a further call of the House was, on motion, suspended.

The question then being put—It was decided in the affirmative.

Yeas 15, Nays 11.

YEAS—Messrs. Baker, Blair, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Moss, Patterson, Quinton, Toole, and Lewis, Speaker.

NAYS—Messrs. Biggs, Grant, Hebard, Higginson, Leffler, Porter, Robertson, Smead, Weld, Whitaker, and Wilson.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER:—The Council have passed,

No. 115, H. R. File. "A bill for an act to authorize James Leonard to establish and keep a Ferry across the Mississippi river at the town of Charleston, in Jackson county;"

No. 139, C. F. "A bill to re-locate a part of a Territorial Road in Louisa county;"

No. 141, C. F. "A bill for an act to amend an act, entitled An act to provide for the erection of a Penitentiary," &c., approved January 15, 1841.

The Council have agreed to the amendments made by the House of Representatives to No. 115, C. F. "A bill supplemental to an act regulating Criminal Proceedings."

The Council insist upon their amendment to No. 71, H. R. File, "A bill for an act to amend an act, subjecting Real and Personal Estate to execution." In which they ask the concurrence of the H. of R.

The Council have passed, with amendments, No. 131, H. R. File, "A bill for an act to establish an Insurance Company in the city of Dubuque."

The Council have postponed, until the sixth of December, 1842, No. 138, H. R. File, "A bill for an act to establish the Des Moines Insurance Company, at the city of Burlington."

And then he withdrew.

Mr. Lewis, on leave, introduced No. 152, H. R. File, "A resolution to provide for the meeting of the Legislative Assembly at Iowa City," which was read a first and second time.

A motion was made by Mr. Felkner, to strike out the proviso in the resolution. And, after debate, Mr. Biggs moved the previous question.

The question was then put, Shall the main question be now put?

And determined in the affirmative.

The question was then put, on striking out the proviso in the resolution, and determined in the negative.

A motion was then made by Mr. Leffler, to strike out the words "Iowa City," and insert the word "Burlington."

Mr. Booth called for a division of the question.

The question then recurring on striking out "Iowa City," and being put—It was decided in the affirmative—Yeas 14, Nays 12.

YEAS—Messrs. Biggs, Blair, Campbell, Grant, Hebard, Hepner, Leffler, McCulloch, Morgan, Porter, Smead, Weld, Whitaker, and Wilson.

NAYS—Messrs. Baker, Booth, Denson, Felkner, Higginson, Holliday, Moss, Patterson, Quinton, Robertson, Toole, and Lewis, Speaker.

So "Iowa City" was stricken out; and, after debate,

The previous question was called for, and the question being put, Shall the main question be now put?—It was determined in the affirmative.

The question was then put, on inserting the words "the City of Burlington," in said resolution, and determined in the negative.

Yeas 12, Nays 14.

YEAS—Messrs. Blair, Campbell, Grant, Hebard, Hepner, Leffler, Morgan, Porter, Smead, Weld, Whitaker, and Wilson.

NAYS—Messrs. Baker, Biggs, Booth, Denson, Felkner, Higginson, Holliday, McCulloch, Moss, Patterson, Quinton, Robertson, Toole, and Lewis, Speaker.

So the motion to insert Burlington, was lost.

A motion was then made, by Mr. Patterson, to fill the blank with "Fort Madison."

A motion was made by Mr. Wilson, to amend the motion by inserting "Mount Pleasant."

Pending which, the previous question was called for;

And the question being put, Shall the main question be put now?

It was determined in the affirmative.

The previous question, being to insert "Fort Madison," was then put, and decided in the affirmative—Yeas 15, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Booth, Campbell, Denson, Felkner, Hebard, McCulloch, Patterson, Porter, Quinton, Smead, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Grant, Hepner, Higginson, Holliday, Leffler, Morgan, Moss, Robertson, and Toole.

So the blank was filled with the words "Fort Madison," requiring the Legislative Assembly to meet at said place, at their next session, and until the public buildings are finished at Iowa City."

A motion was made by Mr. Robertson, that said resolution be indefinitely postponed.

And the question being put—It was determined in the affirmative.

Yeas 14, Nays 12.

YEAS—Messrs. Biggs, Blair, Booth, Denson, Felkner, Hepner, Higginson, Holliday, Morgan, Moss, Quinton, Robertson, Smead, and Toole.

NAYS—Messrs. Baker, Campbell, Grant, Hebard, Leffler, McCulloch, Patterson, Porter, Weld, Whitaker, Wilson, and Lewis, Speaker.

So the resolution was indefinitely postponed.

The report of the Committee on the Judiciary, in relation to No. 116, C. F. "A bill for an act amending an act regulating Practice in the District Courts," recommending the indefinite postponement of the same, was taken up, and concurred in.

So the bill was indefinitely postponed.

No. 127, C. F. "A bill to divorce J. V. Hill from his wife Eliza Hill, was read a second and third time.

The question then being put, Shall the bill pass?

It passed in the affirmative—Yeas 12, Nays 10.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Baker, Campbell, Denson, Felkner, Grant, Higginson, Leffler, McCulloch, Patterson, Quinton, Smead, and Whitaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Hebard, Hepner, Holliday, Morgan, Moss, Toole, Weld, and Wilson.

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

Ordered, That the Clerk acquaint the Council therewith.

Mr. Hepner, from the Committee on Enrollments, reported that they had presented to the Governor for his approval, on this day;

"An act for the relief of the Poor;"

"An act to locate a Road from Fairfield to the Forks of Skunk river;"

An act to vacate the survey and plat of a part of the town of Toolsborough, in Louisa county;"

"An act to provide for the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a State Constitution and Government, and to enable them to form a Constitution for the State of Iowa;"

"An act to authorize Joseph Stevens to build a Dam across Skunk river."

An act to amend an act entitled An act to prevent and punish Gaming;"

"An act to re-locate a Territorial Road in Clinton county;"

"An act amendatory of an act, to regulate Ferries," approved Dec. 20th, 1838;"

A Joint Resolution relative to Steam Boat Canal around the Lower Rapids of the Mississippi;"

"A Memorial to Congress for an appropriation to complete the National Road from Dubuque to the Southern Boundary of the Territory, via Iowa City," &c.

On motion of Mr. Whitaker,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

No. 128, C. F. "A bill relative to the survey of the town of Salem," was read a second time.

On motion of Mr. Grant,

The bill was amended by inserting after the word "Salem," the words "Muscatine county." The same was then read a third time, and passed.

Ordered, That the Clerk notify the Council therewith.

No. 130, C. F. "A bill for the relief of James Davis, former of Muscatine county," was read a second and third time and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 131, C. F. "A bill for the re-location of a portion of the Territorial Road from Davenport to Marion," was read a second time.

On motion of Mr. Higginson,

Ordered, That said bill be indefinitely postponed.

No. 86, C. F. "A bill for an act to amend an act to provide for the appointing Justices of the Peace, to prescribe their powers, and to regulate their proceedings;" and,

No. 83, C. F. "A bill to incorporate the Cedar Rapids Manufactoring Company," were each read a third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 71, H. R. File, having been returned from the Council with their amendments insisted upon, and being under consideration,

A motion was made by Mr. Biggs, that the House do insist upon their disagreement. To which the House agreed.

On motion of Mr. Baker,

Messrs. Baker, Biggs, and Porter, were appointed a Committee of Conference in relation to said disagreement.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER—The Council have passed

No. 37, H. R. File, "A bill to incorporate the Mount Pleasant Literary Institute."

I herewith present for your signature, three enrolled bills.

And then he withdrew.

The Speaker then signed said enrolled bills.

No. 131, H. R. File, being returned from the Council amended, was taken up, the amendments read, and concurred in.

No. 22, C. F. "A bill to amend the Militia Law;" and,

No. 50, C. F. "A bill for an act supplementary to an act, regulating Marriages;" were each read a first time.

No. 62, C. F. "A bill to provide for the inspection of beef, pork, and flour in this this Territory," was read a first and second time.

On motion of Mr. Biggs,

The House resolved itself into a Committee of the Whole House on said bill. After some time spent therein.

Mr. Speaker resumed the Chair, and Mr. Baker reported, that the Committee had, according to order, had said bill under consideration, and instructed him to report the same without amendment.

To which the House agreed.

On motion of Mr. Hebard,

Ordered, That said bill be laid upon the table.

No. 129, C. F. "A bill to establish certain Territorial Roads," was read a first time.

On motion of Mr. Higginson,

Ordered, That said bill be rejected.

No. 109, C. F. "A bill to incorporate the Iowa City Fire Engine Company," was read a first time, and, on motion of Mr. Biggs, laid upon the table.

No. 121, C. F. "A bill for an act to amend an act, relative to Wills and Testaments," &c. was read a first and second time.

On motion of Mr. Biggs,

Ordered, That said bill do lie upon the table until the first day of December next.

No. 124, C. F. "A bill for an act to authorize William H. Lloyd to keep a Ferry at, Lloyd's Ford, on Skunk river," was read a first and second time.

A motion was made by Mr. Whitaker, that said bill be indefinitely postponed.

And the question being put—It was determined in the affirmative.

Yeas 17, Nays 6.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative were, Messrs. Baker, Biggs, Blair, Denson, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, Leffler, Morgan, Moss, Robertson, Toole, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Campbell, McCulloch, Patterson, Quinton, Smead, and Weld.

So the bill was indefinitely postponed.

No. 125, C. F. "A bill for an act to amend an act relative to Divorce, Allimony, and for other purposes," was read a first and second time.

A motion was made by Mr. Grant, that said bill be indefinitely postponed.

And the question being put—It was determined in the negative.

Yeas 13, Nays 13.

Yeas—Messrs. Biggs, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Leffler, Moss, Porter, Robertson, Smead, and Wilson.

Nays—Messes. Baker, Booth, Campbell, Denson, Hepner, McCulloch, Morgan, Patterson, Quinton, Toole, Weld, Whitaker, and Lewis, Speaker.

So the motion was lost.

A motion was then made by Mr. Higginson to lay said bill upon the table, until the 4th of July next.

And the question being put—It was determined in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Biggs, Blair, Felkner, Grant, Hebard, Higginson, Holliday, Leffler, Moss, Porter, Quinton, Robertson, Smead, and Wilson.

Those who voted in the negative, were, Messrs. Baker, Booth, Campbell, Denson, Hepner, McCulloch, Morgan, Patterson, Toole, Weld, Whitaker, and Lewis, Speaker.

So the bill was laid on the table.

A motion was made by Mr. Denson, to take from the table No. 27. C. F. "A Memorial to Congress for the establishment of a Land Office at Marion, in Linn county." The motion was lost.

No. 126, C. F. "A bill for the re-location of a part of a Territorial Road from Iowa City to Prairie du Chien;" and,

No. 132, "A bill relative to the Davenport Institute," were each read a first, second, and third times, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 132, C. F. "A bill relative to officers of the Legislative Assembly," was read a first, second, and third times.

A motion was made by Mr. Quinton, to lay said bill upon the table until the first Monday in December next.

And the question being put—It was determined in the negative.

Yeas 6, Nays 20.

YEAS—Messrs. Baker, Blair, Campbell, Hepner, Holliday, and Quinton.

NAYS—Messrs. Biggs, Booth, Denson, Felkner, Grant, Hebard, Higginson, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

So the motion was lost.

The question was then put, Shall the bill pass?

It passed in the affirmative—Yeas 19, Nays 7.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Booth, Felkner, Grant, Hebard, Higginson, Leffler, McCulloch, Morgan, Moss, Patterson, Porter, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Blair, Campbell, Denson, Hepner, Holliday, and Quinton.

Mr. Porter, on leave, reported No. 153, H. R. File, "A Joint Resolution, repealing the third section of an act, fixing the time of the annual meeting of the Legislative Assembly," which was read a first time.

No. 134, C. F. "A Memorial to Congress, for an appropriation for the compensation of James M. Morgan," was read a first, second, and third times, and passed.

Ordered, That the Clerk notify the Council therewith.

No. 135, C. F. "A bill to amend an act to incorporate the town of Bloomington," was read a first time.

On motion of Mr. Biggs,

Ordered, That the House refuse to entertain said bill, on account of the deficiency of an enacting clause.

Ordered, That the Clerk notify the Council accordingly.

No. 137, C. F. "A bill for an act to provide for the assessment and collection of Taxes from the town of Zarahamla, in Lee county;" and,

No. 139, C. F. "A bill to re-locate a part of a Territorial Road in Lonisa county," were severally read a first, second, and third time, and passed.

Ordered, That the Clerk notify the Council therewith.

No. 141, C. F. "A bill for an act to amend an act, to provide for the erection of a Penitentiary," &c., was read a first time.

On motion of Mr. Patterson,

Ordered, That the bill be read a second time now.

The bill was then read a second time, and, on motion of Mr. Whitaker, laid upon the table until to-morrow.

On motion of Mr. Porter,

The House adjourned until 7 o'clock, this evening.

7 O'CLOCK, P. M.

A Message from the Council, by Mr. Woods, their Secretary:

Mr. SPEAKER:—The Council have passed, with amendments,

No. 141, H. R. File, "A bill for an act to provide for compensation of member, officers, and printers of the Legislative Assembly, and other purposes."

The Council have passed—

No. 92, H. R. F. "A bill amendatory of an act to organize, discipline, and govern the Militia of this Territory," &c.,

No. 142, C. F. "Joint Resolution relative to the printing of the Laws of the present session;"

No. 139, H. R. File, "A bill to re-locate that portion of the Territorial Road from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county;"

No. 146, H. R. File, "A bill for an act to re-locate a part of a Territorial Road, in Washington county;"

No. 114, H. R. File, "Memorial to Congress, relative to the contiguous sections of land to Iowa City;"

No 145, H. R. File, "A bill for an act to divorce Clarissa Welch from her husband Samuel C. Welch;"

No. 149, H. R. File, "A bill for an act to divorce Rebecca Fisher from her husband John Fisher;"

No. 148, H. R. File, "A bill for an act to change the name of the town of Vandenburg, in Clinton county, to that of "De Witt;"

No. 135, C. F. "A bill to amend an act to incorporate the town of Bloomington;"

The Council have passed, with amendments—

No. 147, H. R. File, "A bill for an act to change the names of certain Towns and Rivers;"

In all of which they ask the concurrence of the House of Representatives.

I herewith present, for your signature, four enrolled bills.

And then he withdrew.

The Speaker then signed said enrolled bills.

No. 141, H. R. File, "A bill for an act to provide for compensation of members, officers, and printers of the Legislative Assembly, and for other purposes," having been returned from the Council with amendments, was taken up, and being under cousideration,

A motion was made by Mr. Grant, to amend the 16th section, by

striking out "$2,674 44," and inserting "$2,196 00."

And the question being put—It was decided in the negative.

Yeas 12, Nays 14.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

Those who voted in the negative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

So the motion to amend was lost.

The question was then taken on concurring in the amendment made by the Council, and determined in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker,and Lewis,Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the amendment made by the Council was concurred in.

The amendment to the 17th section, striking out $150, and inserting $350, allowing J W. Woods $350 for overseeing, &c., the printing of the Journal of the Council, was then read and concurred in.

The amendment to the 19th section was also read and concurred in.

The amendment to the 20th section then being read, allowing W. W. Coriell, for printing the Journal of last session of the House of Representatives, $900 00.

The question was then put, Will the House concur in the amendment of the Council? it was decided in the affirmative.

Yeas 14, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the amendment was concurred in.

The amendment to the 21st section, allowing Russell & Hughes $750 for printing the Journal of the Council of the last session," being read, the question was put, Will the House agree to the amendment of the Council to the 21st section? and decided in the affirmative.

Yeas 14, Nays 12.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the amendment was concurred in.

The amendments to the 22d and 25th sections were then read and concurred in.

The amendment to the 33d section, allowing N. Jackson, for papers furnished the Council, $118, then being read,

A motion was made by Mr. Felkner, to amend the same, by striking out the name of "N. Jackson," and inserting the name of E. M. Burt."

And the question being put—It was determined in the negatve.

The amendment of the Council was then concurred in.

The amendment to the 37th section, allowing B. W. Gillock $26 for services rendered the Secretary of the Territory," was read, and

A motion was made by Mr. Felkner, to amend the same by adding the following: "To W. S. Gilbert, the sum of $12, for four days' work, assisting the Enrolling and Engrossing Clerks."

And the question being put—It was determined in the negative.

The question then recurring on the amendment of the Council, and being put—It was decided in the negative—Yeas 13, Nays 13.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld,and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, Whitaker, and Wilson.

So the amendment was disagreed to.

The amendment to the 39th section, allowing Morgan Reno 76 dollars for services rendered the Secretary, fuel and candles furnished the Library, being read, the question was put on concurring in the same, and decided in the affirmative—Yeas 20, Nays 6.

Yeas—Messrs. Baker, Blair, Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Porter, Quinton, Robertson, Smead, Toole, Weld, Whitaker, and Lewis, Speaker.

Nays—Messrs. Biggs, Grant, Hebard, Higginson, Moss, and Wilson.

A motion was made by Mr. Leffler, to re-consider the vote given on disagreeing to the amendment to the 37th section.

To which the House agreed.

The question then recurred on concurring in the amendment.

And being put—It was decided in the affirmative—Yeas 22, Nays 4.

The yeas and nays being desired by two members,

Those who voted in the affirmative were Messrs. Baker, Blair, Booth, Campbell, Denson, Felkner, Hebard, Hepner, Higginson, Holliday, Leffler, McCulloch, Morgan, Patterson, Porter, Quinton, Robertson, Smead, Toole, Weld, Wilson, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Grant, Moss, and Whitaker.

The amendment to the 44th section, allowing E. J. Darken for making abstracts of the Journal of the Council for the printers, $75, being under consideration,

The question was put—Will the House concur in the amendment of the Council to the 44th section, and determined in the affirmative.

Yeas 14, Nays 12.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the amendment was agreed to.

The remaining amendments were then severally read and concurred in.

Ordered, That the Clerk acquaint the Council accordingly.

No. 147, H. R. File, as amended by the Council, was taken up, the amendments read, and concurred in.

No. 135, C. F. "A bill to amend an act to incorporate the town of Bloomington," was read a first, second, and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 142, C. F. "Joint Resolution, relative to the printing of the Laws of the present session," was read a first and second time.

Mr. Grant offered a substitute for said resolution.

And the question being, Shall the substitute be adopted?

It was determind in the negative—Yeas 10, Nays 16.

The yeas and nays being desired by two members.

Those who voted in the affirmative were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Porter, Robertson, Toole, and Wilson

Those who voted in the negative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Moss, Patterson, Quinton, Smead, Weld, Whitaker, and Lewis, Speaker.

So the substitute was not adopted.

Mr. Quinton moved to fill the blank in the resolution from the Council with the words "Van Antwerp and Hughes."

And the question being put—It was decided in the affirmative.

A motion was made by Mr. Booth to strike out of the 2d resolution the word "twelve," and insert the word "eleven," so as to allow the printers eleven hundred dollars for printing the Laws of the present session.

A motion was made by Mr. Higginson, to amend the amendment so as to allow the printers 15 per cent. above Congress prices.

On which the main question was called for; and the question was then put. Shall the main question be now put?

It was decided in the affirmative—Yeas 14, Nays 12.

YEAS—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

NAYS—Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the previous question was ordered, and being put—It was decided in the affirmative.

A motion was made by Mr. Booth, to strike out of the 3d resolution $455, and insert $500, being the amount allowed the Secretary for indexing and distributing the laws.

And the question being put—It was decided in the affirmative.

Yeas 15, Nays 11.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, Leffler, McCulloch, Morgan, Patterson, Quinton, Weld. Whitaker, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the amendment was agreed to.

Mr. Leffler then offered a substitute for the Joint Resolution.

And the question being put, Will the House adopt the substitute?

It was determined the negative—Yeas 12, Nays 14.

Yeas—Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

Nays—Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

So the substitute was lost.

The original resolutions were then read a third time. And the question being put, Shall the resolutions pass?

They passed in the affirmative—Yeas 14, Nays 12.

The yeas and nays being desired by two members,

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Denson, Felkner, Hepner, Holliday, McCulloch, Morgan, Patterson, Quinton, Weld, Whitaker, and Lewis, Speaker.

Those who voted in the negative were, Messrs. Biggs, Blair, Grant, Hebard, Higginson, Leffler, Moss, Porter, Robertson, Smead, Toole, and Wilson.

So the resolutions were passed.

No. 50, C. F. "A bill supplementary to an act, regulating Marriages," was read a second and third time, and passed.

No. 22, C. F. "A bill to amend the Militia Laws," was read a second and third time, and passed.

No. 36, C. F. "Memorial for the establishment of a Land Office at Fairfield, in Jefferson county," was read a second and third time.

And the question being put, Shall the Memorial pass?

It passed in the affirmative—Yeas 17, Nays 8.

Yeas—Messrs. Baker, Biggs, Blair, Booth, Denson, Higginson, Holliday, Leffler, McCulloch, Morgan, Patterson, Porter, Quinton, Smead, Whitaker, Wilson, and Lewis, Speaker.

Nays—Messrs. Felkner, Grant, Hebard, Hepner, Moss, Robertson, Toole, and Weld.

So the Memorial passed.

No. 27, C. F. "Memorial to Congress for the establishment of a Land Office at Marion, Linn county," was read a second and third time.

And the question was then put, Shall the memorial pass?

It passed in the affirmative—Yeas 22, Nays 3.

Yeas—Messrs. Baker, Biggs, Blair, Booth, Denson, Grant, Hebard, Higginson, Holliday, Leffler, McCulloch, Morgan, Patterson, Porter, Quinton, Robertson, Smead, Toole, Weld, Whitaker, Wilson, and Lewis, Speaker.

NAYS—Messes. Felkner, Hepner, and Moss.
So the Memorial passed.
Ordered, That the Clerk acquaint the Council accordingly.
On motion,
The House adjourned until to-morrow morning at 9 o'clock.

Thursday Morning, February 17, 1842.

Mr. Toole, from the Committee on Enrollments, reported Nos. 23, 66, 83, 101, 115, 134, 129, 143, H. R. File, as correctly enrolled.

The Speaker then signed said enrolled bills.

Mr. Whitaker, from the Committee on Records, reported the Journal to be correctly recorded up to the 15th inst.

Mr. Biggs, from the Committee of Conference on the disagreement between the two Houses on the amendments of the Council to No. 39, H. R. File, "A Memorial to Congress for the establishment of Mail Routes in this Territory," reported, that the Committee, on the part of the Council, have agreed to recede from all of said amendments.

The report was concurred in.

Mr. Grant, from the Committee on the Judiciary, to whom was referred No. 16, C. F. "A bill for an act to attach the Indian Country west and north, to the several organized counties of this Territory which it adjoins, for judicial purposes," reported the same back to the House, and recommended the indefinite postponement of the same.

Mr. Grant, from the Committee on the Judiciary, to which was referred the petition of Ithiel Corbit, praying a law to be passed, authorizing the County Commissioners of Jackson county, to compensate him for a portion of his claim upon which the county seat of said county was located," reported the same back to the House without any definite action upon the same.

Mr. Grant, from the same Committee, reported back the petition of sundry citizens of Scott county.

Mr. Booth, from Committee on Public Buildings, to which was referred No. 3, C. F. "A bill supplementary to an act providing for the appointing of an Acting Commissioner at Iowa City," reported the same back to the House and recommended its passage.

On motion of Mr. Booth,
Ordered, That said bill be read a third time now.
The bill was then read a third time, and passed.
Ordered, That the Clerk acquaint the Council accordingly.

A motion was made by Mr. Quinton, to re-consider the vote of yesterday, given on laying on the table No. 125, C. F. "A bill amending the act relative to Divorce, Alimony, and for other purposes."

To which the House agreed.

The bill was then read a second time.

A motion was made by Quinton, to strike out the 5th section of said bill. And the question being put—It was determined in the affirmative.

Yeas 16, Nays 4.

The yeas and nays being desired by two members,

Those who voted in the affirmative were, Messrs. Biggs, Booth, Felkner, Grant, Hebard, Hepner, Higginson, Holliday, McCulloch, Moss, Patterson, Quinton, Robertson, Toole, Wilson, and Lewis, Speaker.

Those who voted in the negative, were, Messrs. Baker, Campbell, Weld, and Whitaker.

So the 5th section was stricken out.

The bill was then passed, and the title agreed to.

Ordered, That the Clerk notify the Council accordingly.

Mr. Grant in the Chair, officiating as Speaking, Mr. Wnitaker offered the following, which was unanimously adopted:

Resolved, That a vote of thank be given to the Honorable WARNER LEWIS, for the able and iupartial manner in which he has discharged the duties of Speaker of this House during the present session.

Mr. Hepner, from the Committee on Enrollments, made the following report:

The Joint Committee on Enrollments, presented to his Excellency the Governor, on the 17th inst., for his approval—

A Memorial to Congress for the establishment of a National Armory at Rock Island, and for other purposes;

An act to authorize Boards of Commissioners to appoint Agents to dispose of Real Estate;

A Resolution for the relief of Walter Butler;

An act to locate and establish a Territorial Road, from Charles Nealy's, in Muscatine county, to Iowa City, in Johnson county;

A Resolution for the relief of John Lorton and Hawkins Taylor;

An act to provide for receiving the portion of money to which Iowa will be entitled under the Distribution act;

An act to authorize James Leonard to establish and keep a Ferry across the Mississippi river, at the town of Charleston, in Jackson county;

An act for the organization of Townships; and,

An act to authorize the establishment of Poor Houses.

After a recess of half an hour, the House resumed its session, and Mr. Booth offered the following:

Resolved, That a vote of thanks be given to Joseph T. Fales, as Chief Clerk, and Lemuel Parkhurst, as Assistant Clerk of this House, for the able and skilful manner in which they have discharged the duties of their respective offices during the present session.

Which was adopted without a dissenting voice.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER—The Council have concurred in the amendments made by the House of Representatives to No. 3, C. F. "An act to be entitled An act supplementary to an act, providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a Territorial Agent, and for other purposes."

They have concurred in the amendment made to No. 25, C. F. "A bill for an act to amend an act relative to Divorce, Allimony, and for other purposes."

They have concurred in the amendment to No. 132, C. F. "A bill relative to the Davenport Institute."

The Council have disagreed to all the amendments to No. 86, C. F. "A bill for an act to amend an act to provide for the appointment of Justices of the Peace, &c., and desire a conference, and have appointed Messrs. Johnson, Hall, and Hastings a Committee on the part of the Council.

The Council have agreed to the amendments made by the House of Representatives to No. 128, C. F. "A bill relative to the survey of the town of Salem."

The Council have agreed to the amendments made by the House of Representatives to No. 142, C. F. "Joint Resolution relative to the printing of the Laws of the present session.

The Council have agreed to the amendment by the House of Represen-atives to No. 83, "A bill to incorporate the Cedar Rapids Manufactoring Company.

The Council have passed No. 138, C. F. "A bill for an act to repeal an act, to create the office of Superintendent of Public Instruction."

No. 40, C. F. "A bill to provide for the keeping Stallions and Jacks."

No. 149, C. F. "A bill supplemental to an act relative to incorporated religious societies."

No. 82, C. F. "An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases.

No. 135, H. R. File, "A bill to re-locate a part of the road from Iowa City to Burlington.

They have passed, with amendments, No. 91, H. R. File, "A resolution authorizing the payment of money to James F. Hanby.

In all of which the concurrence of the House of Representatives is requested. And then he withdrew.

No. 91, H. R. File, "A Resolution authorizing the payment of money to James F. Hanby," being returned from the Council amended, was taken up, the amendment read, and concurred in by the House.

No. 82, C. F. "A bill to repeal an act to regulate the mode of petitioning the Legislature in certain cases," was read a first and second time.

A motion was made by Mr. Grant, to lay said bill on the table.

The motion was lost.

The bill was then read a third time. And the question being put, Shall the bill pass? It passed in the affirmative—Yeas 15, Nays 7.

The Yeas and Nays being desired by two members.

Those who voted in the affirmative, were, Messrs. Baker, Booth, Campbell, Felkner, Hebard, Hepner, McCulloch, Morgan, Moss, Patterson, Porter, Quinton, Robertson, Smead, and Whitaker.

Those who voted in the negative, were, Messrs. Grant, Higginson, Holliday, Toole, Weld, Wilson, and Lewis, Speaker.

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

Ordered, That the Clerk acquaint the Council therewith.

No. 138, C. F. "A bill for an act to repeal an act, to create the office of Superintendent of Public Instruction," was read a first and second time.

On motion of Mr. Whitaker,

The bill was read a third time, and passed.

No. 149, C. F. "A bill supplemental to an act relative to incorporated religious Societies," was read a first and second time.

On motion of Mr. Weld,

The bill was read a third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

No. 150, C. F. "A bill to provide for the keeping of Stallions and Jacks," was read a first and second time.

A motion was made by Mr. Weld, that the House do go into a Committee of the Whole House on said bill. The motion was lost.

A motion was made by Mr. Baker, that said bill be indefinitely postponed.

And the question being put—It was determined in the negative.

Yeas 9, Nays 12.

The yeas and nays being desired by two members:

Those who voted in the affirmative, were, Messrs. Baker, Grant, Higginson, Holliday, Quinton, Smead, Toole, Whitaker, and Wilson.

Those who voted in the negative, were, Messrs. Booth, Campbell, Felkner, Hebard, Hepner, McCulloch, Morgan, Moss, Patterson, Robterson, Weld, and Lewis, Speaker.

Two slight amendment being made to said bill, it was read third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Quinton,

Ordered, That there be appointed a Committee of Conference to confer with a similar Committee on the part of the Council in relation to the disagreement of the two Houses to No. 86, C. F. "A bill to amend an act to provide for the appointment of Justices of the Peace," &c.

Whereupon, Messrs. Quinton, Grant, and Booth, were appointed said Committee.

On motion of Mr. Higginson,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

Mr. Toole, from the Committee on Enrolled Bills, reported Nos. 37, 55, 71, 91, 110, 141, 145, and 147, H. R. File, as correctly enrolled.

The Speaker then signed said enrolled bills.

Mr. Hepner, from the Committee on enrollments, made the following report:

The Committee on enrollments presented to his Excellency on the 17th, inst., for his approval—

An act to divorce James N. Hill, of Linn county, from his wife Eliza Hill.

An act supplemental to an act regulating Criminal Proceedings;

An act authorizing the reduction of the minimum price of the unsold lots in Iowa City, and for their sale for work and materials, and for other purposes;

An act to provide for the assessment and collection of taxes from the town of Zarahamla, in Lee county.

An act relative to officers of the Legislative Assembly;

A Memorial to Congress, praying an appropriation for the compensation of James M. Morgan;

An act to incorporate the town of Fort Madison;

An act for the re-location of a part of the Territorial Road from Iowa City to Prairie du Chien;

An act to re-locate a part of a Territorial Road, in Louisa county;

A Message from the Council, by Mr. Woods, their Secretary:

Mr. Speaker—The Council have refused to appoint a Committee of Conference as to the disagreeing vote of the two Houses to No. 71, H. R. File, "A bill for an act to amend an act, subjecting real and personal estate to execution.

The Council have passed—

No. 148, C. F. "A bill to revive a part of the Territorial Road from Moscow, via Rochester, to Marion, in Linn county."

The Council have passed—

No. 151, C. F. "A Joint Resolution, relative to compensating Gilbert and Ruggles," &c.

In which they ask the concurrence of the House of Representatives.

The Council have concurred in the amendments made by the House of Representatives to No. 49, C. F. "A bill to provide for the keeping of Stallions and Jacks." And then he withdrew.

A motion was made by Mr. Grant, that the House do recede from their disagreement to the amendments to No. 71, H. R. File.

To which the House agreed.

No. 151, C. F. "A Resolution, allowing compensation to Gilbert & Ruggles," was read a first and second time.

A motion was made by Mr. Higginson, to lay said Resolution upon the table. The motion was lost.

The Resolution was then read a third time, and passed.

Ordered, That the Clerk acquaint the Council accordingly.

No. 148, C. F. "A bill to locate a certain Territorial Road in Muscatine county," was read a first, second, and third time, and passed.

Ordered, That the Clerk notify the Council therewith.

On motion of Mr. Booth,

The House adjourned until 7 o'clock this evening.

7 O'CLOCK, P. M.

Mr. Hepner, from the Committee on Enrollments, made the following report:

The Committee on Enrollments presented to his Excellency, the Governor, for his approval on the 17th inst.,

An act amendatory of an act to organize, discipline, and govern the Militia;

A Memorial to Congress for an appropriation to improve the Rapids in the Mississippi river;

An act to re-locate a part of a Territorial Road, in Washington county;

An act to divorce Rebecca Fisher from her husband John Fisher;

An act to incorporate an Insurance Company at the town of Farmington, in Van Buren county;

An act to incorporate the Mount Pleasant Literary Institute;

An act to re-locate a part of a Territorial Road from Iowa City to Burlington;

An act to change the name of "Rising Sun," to "Pittsburgh;"

A resolution, authorizing the payment of money to James F. Hanby;

An act to divorce Clarissa Welch from her husband John C. Welch;

An act to change the name of the town of Vandenburg, in Clinton county, to that of De Witt;

An act to provide for compensation of members, officers, and printers of the Legislative Assembly, and for other purposes;

A Memorial for a new Land District;

A Memorial to Congress for the benefit of Agriculture;

An act to re-locate that portion of the Territorial Road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson, in Henry county:

A Memorial to Congress relative to the contiguous sections to Iowa City;

A Memorial for a new Land District;

A Memorial for a new Land District;

A Memorial for a new Land District;

An act to amend the Military Law;

An act supplementary to an act regulating Marriages, approved Jan. 6th, 1840.

An act relative to the Davenport Institute;

An act for the relief of James Davis, former Sheriff of Muscatine county;

An act relative to the survey of the town of Salem, in Muscatine county;

An act for the establishment of an Insurance Company at the city of Dubuque.

Messrs. Bainbridge and Leffler, a Committee from the Council, being announced, informed the House that the Council had no further business before them, and were now ready to adjourn *sine die*.

On motion of Mr. Grant,

Ordered, That a Committee be appointed to wait upon the Council, and inform that body, that the House had no further business before them, and are now ready to adjourn, *sine die*.

Messrs. Grant and Booth were appointed said Committee.

A Message from the Council, by Mr. Turner, their Sec'y pro. tem.

Mr. Speaker—The Council have passed—

A Joint Resolution, authorizing the payment of money to O. H. W. Stull, Secretary of the Territory. And then he withdrew.

The resolution just received from the Council was then read a first, second, and third time, and passed.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Grant, from the Committee appointed to wait upon the Council, reported, that they had performed their duty, in accordance with the order made by the House.

On motion of Mr. Morgan,

Resolved. That a Committee be appointed to act in conjunction with a similar Committee on the part of the Council, with instructions to wait upon his Excellency, the Governor, and inform him, that the two Houses of the Legislative Assembly have no further business before them, and that if his Excellency have no further communications to make, both branches of the Legislature stand ready to adjourn *sine die*.

Messrs. Morgan and Roberts were appointed said Committee.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER:—I herewith present, for your signature, fourteen enrolled bills and resolutions.

The Council have appointed Messrs. Springer and Bainbridge a Committee on the part of the Council, to act in conjunction with a similar Committee on the part of the House of Representatives, to wait upon his Excellency, the Governor, and inform him that both branches of the Legislative Assembly are prepared to adjourn *sine die*, unless he has some further communications to make to them.

And then he withdrew.

The Speaker then signed said enrolled bills and resolutions.

On motion of Mr. Weld,

The House adjourned until to-morrow morning, at 7 o'clock.

Friday Morning, February 18, 1842.

A Message from the Council, by Mr. Woods, their Secretary:

MR. SPEAKER—I herewith present, for your signature,

A Memorial for the establishment of a Land Office at Marion, in Linn county; and,

An act to amend an act, to incorporate the town of Bloomington.

And then he withdrew.

The Speaker then signed said Memorial and Act.

Mr. Morgan, from the Joint Committee, appointed to wait upon his Excellency, the Governor, and inform him that the two Houses are now ready to adjourn *sine die*, reported, that they had performed their duty, and that the Governor had no further communications to make to either branch of the Legislative Assembly.

On motion of Mr. Biggs,

Ordered, That this House do now adjourn, *sine die*.

The Speaker then arose and addressed the House as follows:

GENTLEMEN—Our session has at length come to a close; and notwithstanding the great anxiety that we have awaited its approach, in order that we might again return to our homes, I can assure you, gentlemen, it brings to me feelings of gloom and sadness.

The association with those over whom I have had the honor to preside, I shall, in after days, recur to with pleasure; and the kindness, and ready disposition you have manifested in overlooking my errors, I shall ever remember with gratitude.

It is true, that in our debates, some warmth of temper has been occasionally exhibited; but permit me to say, gentlemen, that I leave you all in friendship, and that spirit, I hope, exists with you all.

It was not my intention to have said anything more than to have adjourned this House; but the unanimous adoption of the flattering resolution, tendering me your thanks for my humble services, would not, in justice to you, and my own feelings, permit me to say less.

Gentlemen, permit me to bid you farewell; and may you all arrive in safety to the bosom of your friends.

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