

**JOURNAL**

OF THE

**CONVENTION**

FOR THE

**FORMATION OF A CONSTITUTION**

FOR THE

**STATE OF IOWA,**

BEGUN AND HELD AT IOWA CITY, ON THE FIRST MONDAY OF OCTOBER, EIGHTEEN HUNDRED AND FORTY-FOUR.

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1845.

JOURNAL

OF THE CONVENTION.

MONDAY MORNING, OCT. 7, 1844.

THE Convention to form a Constitution for the future State of Iowa, met at the Capitol in Iowa City, on Monday the seventh day of October, A. D. 1844, and was called to order by Gen. F. Gehon, and on his motion Ralph P. Lowe, of Muscatine was appointed President *pro tem*.

On motion of Mr. Hepner,  
James W. Woods was appointed Secretary *pro tem*.

On motion of Mr. Clarke,  
Frederick M. Irish was appointed Sergeant-at-Arms *pro tem*.

On motion of Mr. Fletcher,  
The Rev. Mr. SNETHEN, opened the Convention by prayer.

On motion of Mr. Lucas,  
The Secretary proceeded to call the Counties, when the following persons presented their credentials and took their seats.

*From the County of Lee*—CHARLES STALEY, ALEXANDER KERR, DAVID GALLAND, C. J. PRICE, JAMES MARSH, JOHN THOMPSON, HENRY M. SALMON, O. S. X. PECK.

*From the County of Des Moines*—JAMES CLARKE, HENRY ROBINSON, JOHN D. WRIGHT, SHEPHERD LEFFLER, ANDREW HOOTEN, ENOS LOWE, JOHN RIPLEY.

*From the County of Van Buren*—ELISHA CUTLER, JR., JOHN DAVIDSON, PAUL BRATTAIN, DAVID FERGUSON, GIDEON S. BAILEY, JOHN HALL, JR., THOMAS CHARLTON.

*From the County of Jefferson*—ROBERT BROWN, HARDIN BUTLER, S. S. ROSS, JAMES I. MURRAY.

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*From the County of Henry*—JOSEPH C. HAWKINS, GEORGE HOBSON,  
JOHN H. RANDOLPH, JONATHAN C. HALL.

*From the County of Washington*—WM. R. HARRISON.

*From the County of Louisa*—JOHN BROOKBANK. WM. L. TOOLE,  
WRIGHT WILLIAMS.

*From the County of Muscatine*—JONATHAN E. FLETCHER, RALPH P.  
LOWE, ELIJAH SELLS.

*From the County of Johnson*—ROBERT LUCAS, SAMUEL H. McCRORY.

*From the County of Linn*—THOS. J. MCKEAN, SAMUEL W. DURHAM,  
LUMAN M. STRONG.

*From the County of Scott*—JAMES GRANT, ANDREW W. CAMPBELL.

*From the County of Clinton*—LYMAN EVANS, RALPH R. BENEDICT.

*From the County of Jones*—JOHN TAYLOR.

*From the County of Jackson*—JOSEPH S. KIRKPATRICK, WM. MOR-  
DAN, RICHARD B. WYCKOFF.

*From the counties of Du Buque, Delaware, Buchanan, Blackhawk, Clay-  
ton and Fayette*—FRANCIS GEHON, EDWARD LANGWORTHY, THEOPHI-  
LUS CRAWFORD, STEPHEN HEMPSTEAD, SAML. B. OLMSTED, MICHAEL  
O'BRIEN.

*From the County of Wapello*—WM. H. GALBRAITH, WM. W. CHAP-  
MAN.

*From the County of Davis*—J. C. BLANKINSHIP, SAML. W. McATEE.

*From the County of Keokuk*—RICHARD QUINTON.

*From the County of Mahaska*—V. B. DELASHMUTT, STEPHEN B.  
SHELLEDAY.

Mr. Grant offered the following which was adopted :

*Resolved,* That a committee of three be appointed by the President  
to examine the credentials of the members of this body, and report the  
names of those elected who are in attendance.

Messrs. Grant, Clarke and Gehon, were appointed said committee.

On motion of Mr. Lucas,

Said committee were to receive other evidence, as to the election of  
members than their certificates.

Mr. Peck offered the following which was adopted :

*Resolved,* That a committee of five be appointed to prepare rules for  
the government of this Convention.

Messrs. Peck, Hall, Hawkins, Grant and Hempstead were appointed  
said committee.

On motion of Mr Gehon,

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

TUESDAY MORNING, OCTOBER 8, 1844.

The Convention met pursuant to adjournment.

On motion of Mr. Harrisor,

Mr. Caleb B. Campbell and Enoch Ross, members elect from Wash-  
ington county, presented their credentials and took their seats.

Mr. Grant, from the committee on the qualification and credentials  
of members of this body, submitted the following which was adopted.

The committee appointed to examine the credentials of the members  
of this body beg leave to report that the following members have pro-  
duced certificates of election.

*From the county of Lee.*—Charles Staley, Alexander Kerr, David  
Galland, C. J. Price, James Marsh, John Thompson and Henry M.  
Salmon.

*From the county of Des Moines.*—James Clarke, Henry Robinson,  
John D. Wright, Shepherd Leffler, Andrew Hooten, Enos Lowe and  
John Ripley.

*From the county of Van Buren.*—Elisha Cutler, Jr., John Davidson  
Paul Brattain, David Ferguson, Gideon S. Bailey, John Hale, Jr.  
and Thomas Charlton.

*From the county of Jefferson.*—Robert Brown, Hardin Butler, Sul-  
land S. Ross and James I. Murray.

*From the county of Henry.*—Joseph C. Hawkins, George Hobson  
John H. Randolph and Jonathan C. Hall.

*From the county of Washington.*—William R. Harrison.

*From the county of Louisa.*—John Brookbank, William L. Toole and  
Wright Williams.

*From the county of Muscatine.*—Jonathan E. Fletcher, Ralph P. Lowe  
and Elijah Sells.

*From the county of Johnson.*—Robert Lucas and Samuel H. McCro-  
ry.

*From the county of Linn.*—Thomas J. McKean, Samuel W. Durham  
and Luman M. Strong.

*From the county of Scott.*—James Grant and Andrew W. Campbell.

*From the county of Clinton.*—Lyman Evans and Ralph R. Benedict.

*From the county of Jones.*—John Taylor.

*From the county of Jackson.*—Joseph S. Kirkpatrick, William Mor-  
don and Richard B. Wyckoff.

*From the counties of Dubuque, Delaware, Buchanan, Blackhawk, Clay-*

ion and Fayette.—Francis Gehon, Edward Langworthy, Theophilus Crawford, Stephen Hempstead, Samuel B. Olmstead and Michael O'Brien.

From the county of Wapello.—William H. Galbraith and William W. Chapman.

From the county of Davis.—J. C. Blankinship and Samuel W. McAttee.

From the county of Keokuk.—Richard Quinton.

From the county of Mahaska.—V. B. Delashmutt and Stephen B. Shelleday.

Messrs. S. A. Bissell and James H. Gower produced satisfactory evidence of their election from Cedar county.

Mr. George Hepner produced similar evidence of his election from Des Moines county.

Mr. O. S. X. Peck produced similar evidence of his election from Lee county.

Mr. Peck, from the committee to prepare rules for the government of this convention, made a report which was,

On motion of Mr. Gehon, laid on the table.

Mr. Bailey offered the following, which was adopted.

*Resolved*, That the editors of this Territory be permitted to take seats within the bar of this House.

Mr. Lowe, of Des Moines, offered the following :

*Resolved*, That, for the better and more speedy transaction of its business, this convention will now elect a President, Secretary, Assistant Secretary, Door-Keeper and Sergeant-at-Arms, *viva voce*.

Mr. Lucas moved a division of the question as to President and Secretary, which was had, and the resolution that far adopted.

Mr. Lucas moved to strike out Assistant Secretary and Sergeant-at-Arms, which was lost. And

On motion the second division of said resolution was adopted.

Mr. Peck moved that the convention proceed to the election of President, and nominated Shepherd Leffler.

Mr. Chapman moved that he be declared unanirously elected, which was agreed to.

Messrs. Gehon and Fletcher conducted him to the chair, when he addressed the convention as follows :

GENTLEMEN OF THE CONVENTION:—

I should do injustice to you, as well as to my own feelings, should I not embrace the earliest opportunity to return to you my thanks for this

flattering demonstration of your kindness. I am fully sensible of the honor which you have just conferred on me, heightened and increased as it is by the consideration that it comes without my solicitation. For this distinguished manifestation of your confidence I shall feel ever grateful, convinced as I am that I shall ever recur to it with feelings of the warmest and fondest recollection.

When I look around, gentlemen, upon this Convention, and contemplate the age, experience, and eminent public services of some, the intelligence and abilities of others, I cannot help but regret that your choice should have fallen upon some other individual, more competent than myself, to a full and satisfactory discharge of the duties incumbent on the Chair. Impressed however with the belief, that a mere honorary distinction of this character should be neither sought nor rejected. I feel myself at liberty to accept this appointment, although a just estimate perhaps of my own want of experience would have dictated a refusal. In view of the high responsibilities devolving on the Chair, I cannot promise that I shall, on all occasions, be able to discharge my duties in such a manner as to meet with your entire approbation. I make no pretensions to infallibility. I claim no exemption from the ordinary frailties of our nature. We are all liable to err, but while it is human to err, it is divine to forgive.—Errors then, ministerial errors may be committed; they are perhaps unavoidable—but, if any such should be committed I shall throw myself unreservedly upon your indulgence, under the confident expectation that the same kindness which induced you to place me in the Chair will induce you to come promptly and readily to my assistance.

It is not expected I presume, gentlemen, that I should say much in reference to the duties of the Chair. It is for you to adopt the rules for the government of your own proceedings, it will be the duty of the Chair to see that those rules, when adopted, are faithfully, strictly, and impartially enforced; coming as you do from almost every section of the Union, feeling no doubt a commendable attachment to the particular institutions of your native States—it is not to be expected that your deliberations should progress without an occasional conflict of opinion. It is not to be expected that principles and opinions, long cherished and honestly entertained, can or will be tamely surrendered or voluntarily abandoned, especially on such an occasion as the present, when the decision is likely to be final. In the progress of your deliberations then, we cannot expect entire unanimity, a manly opposition may produce struggles and conflicts, storms and tempests may arise, the influence of

passion, unrestrained, may interrupt the harmony and tranquility of your proceedings and render the exercise of some authority on the part of the Chair, indispensably necessary, to the preservation of order. In all such cases, if any such should occur, I beg gentlemen to recollect, that any such interposition, on the part of the Chair, will be a duty most exceedingly unwelcome, that no authority, shall be exercised on any occasion or under any circumstances, except as shall be indispensably necessary to enforce the rules which you shall adopt for the government of your proceedings, and that no decision shall be made in any case, except such as shall emanate from an unfeigned disposition to do equal and exact justice to all men and all parties.

You meet gentlemen on an occasion of the deepest interest. We are in the progress of an important change, in the midst of an important revolution, "old things are to be done away and all things are to become new." The structure and the organization of our government are to be changed, territorial relations with the parent government are soon to cease, and Iowa must soon take upon herself the duties and responsibilities of a sovereign State. But before this important change can be fully consummated, it is necessary for us to form a republican constitution, for our domestic government. Upon you, gentlemen, a confiding people have entrusted this high responsibility. To your wisdom, to your prudence, to your patriotism, they look for the formation of that instrument upon which they are to erect the infant republic—under your auspices the youngest and fairest daughter of the whole American family, is to commence her separate political existence, to take her rank in the Union of the American States, and to add her star to the proud flag of our common country. Recollect gentlemen that the labor of your hands, whatever may be its fashion, will not be the fashion of a day, but permanent, elementary, organic. It is not yours to gild or to finish the superstructure, but to sound the bottom, to lay the foundation, to place the corner stone. Unlike the enactments of mere legislation, passed and sent forth to day and recalled tomorrow, your enactments, when ratified by the people, are to be permanent and lasting, sovereign and supreme, governing, controlling and directing the exercise of all political authority, executive, legislative and judicial, through all time to come. This convention, gentlemen, though many of you are in the prime of life and spring of hope, this convention will pass away, the unsparing hand of time will sweep away the present generation, the very walls of this massive structure which surrounds us, though strong and solid as they now are, will moulder into ruins, but the constitution

which you are about to form if well poised and well balanced will survive the whole, and pass down to posterity as a lasting monument of your wisdom, your prudence and patriotism. You act then gentlemen for the future as well as for the present, for millions yet unborn as well as for your immediate constituents. Well may it then be said that the trust committed to your care is one of the deepest importance, that the destinies of your country are now in your hands. Impressed with the importance of your mission, the public will await the result of your deliberation, with the deepest anxiety. Shall they be disappointed, I hope and trust not, I hope and trust that the constitution which you are now about to form, will, in all its essential provisions, be as wise and as good if not wiser and better than any other instrument which has ever yet been desired for the government of mankind—that it will be sound and safe, liberal and practical, that it will promote the interests, prosperity and welfare of the people, that under its auspicious influence the energies and resources of this great and growing country, will be rapidly and fully developed, and that Iowa, the land of our adoption, the garden spot of the North American hemisphere, so recently reclaimed from the dominion of the savage, and yet so far advanced already in the march of improvement, that Iowa, young, beautiful and blooming as she now is; endeared to us by every attachment which can bind us to our country, may at no distant day, for every thing that is great, noble or renowned, rival if not surpass the proudest State of the American confederacy.

Permit me, gentlemen, again to return my thanks, for your kindness, and to renew the assurance that every thing that can be done on my part, shall be done, to facilitate the progress of your deliberations.

Mr. Lucas moved that the convention proceed to the election of Secretary, and nominated Mr. George S. Hampton, who was unanimously elected Secretary of the Convention.

Mr. Langworthy moved that the convention proceed to the election of an assistant secretary, and nominated Alexander B. Anderson, who was unanimously elected.

Mr. Peck moved that the convention proceed to the election of Sergeant-at-Arms, and nominated Warren Dodd, who was unanimously elected.

Mr. Bailey moved that the convention proceed to the election of door-keeper, and nominated Ephriam McBride, who was unanimously elected.

Mr. Gower offered the following resolution, which,

On motion of Mr. Hall, was laid on the table.

1ST. *Resolved*, That a committee of five members be appointed by the chair to prepare and report to this convention a bill of rights.

2ND. *Resolved*, That a committee of the same number be appointed to prepare and report a preamble to the constitution, and the boundaries for the future State of Iowa.

3RD. *Resolved*, That a committee of the same number be appointed to prepare and report to this convention, an article for the constitution, relative to the Legislative Department of the government.

4TH. *Resolved*. That a committee of a similar number be appointed to prepare and report to this convention an article for the constitution, relative to the Executive Department of the government.

5TH. *Resolved*, That a committee of a similar number be appointed to prepare and report to this convention an article for the constitution on the Judicial Department of the government.

6TH. *Resolved*, That a committee of a similar number be appointed to prepare and report to this convention an article containing general provisions for the constitution, which will not come within the provisions of the foregoing resolutions.

8TH. *Resolved*, That a committee of a like number be appointed to prepare and report an article on the subject of the change of government, and preserving the existing laws until repealed by the State Legislature, and providing for appeals and transfer of Judicial proceedings from the Territorial to the State Courts.

Mr. Gehon offered the following resolution which was adopted.

*Resolved*, That Jesse Williams, publisher of the Iowa Capitol Reporter, be and he is hereby employed to do the printing of this convention.

Mr. Lucas moved to take from the table the rules for the government of this convention, which was agreed to, and

On motion said rules were read, by sections, as follows :

1ST. The President shall take the chair every day precisely at the hour to which the convention shall have adjourned on the preceding day ; shall immediately call the House to order, and on the appearance of a quorum shall cause the journal to be read.

Which was, on motion, adopted.

2ND. He shall preserve order and decorum, and may 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 convention by any two members.

On motion, adopted.

3RD. He shall rise to put a question, but may state it sitting.

On motion, adopted.

4TH. Questions shall be distinctly put in this form, "as many as are of opinion that, (as the case may be,) say aye," and after the affirmative voice is expressed, "as many as are of the contrary opinion, say no." If the President doubt, or a division be called for, the convention shall divide ; those in the affirmative of the question shall first rise from their seats, afterwards, those in the negative.

Which was, on motion, adopted.

5TH. The President shall examine and correct the Journal before it is read. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

Which was, on motion, adopted.

6TH. All committees shall be appointed by the President, unless otherwise specially ordered by the convention, in which case they shall be elected *viva voce*.

Which was, on motion, adopted.

7TH. The first named member, of any committee, shall be its chairman, and in his absence, or being excused by the convention, the next named member, and so on unless the committee, by a majority of their number, elect a chairman.

Which was, on motion, adopted.

8TH. The officers of the convention, except the President, shall severally take an oath for the true and faithful discharge of the duties of their offices respectively.

Which was, on motion, rejected.

9TH. All addresses and motions shall be made to the President ; the member rising from his seat for that purpose, and shall confine himself to the question under debate, and avoid personality.

Which was, on motion, adopted.

10TH. On any question the yeas and nays shall be taken if requested by six members.

Mr. Hall moved to strike out six and insert two.

Mr. Bissel moved to insert one, which was accepted by Mr. Hall.

Mr. Peck moved to insert four, which was lost,

Mr. Shelleday moved to insert two, which was accepted by Mr. Hall, and said section, as amended, adopted.

11TH. If two or more members rise at once, the President shall decide which shall first speak.

Which was adopted.

12TH. That there be appointed standing committees composed of \_\_\_\_\_ members, on the following subjects to-wit :

- 1ST. *On the Bill of Rights.*
- 2ND. *Executive Department.*
- 3RD. *Legislative Department.*
- 4TH. *Judicial Department.*
- 5TH. *On Suffrage and Citizenship.*
- 6TH. *On Education and School Lands.*
- 7TH. *On Incorporations.*
- 8TH. *On State Boundaries.*
- 9TH. *On County Organization.*
- 10TH. *On Internal Improvements.*
- 11TH. *On State Debts.*

On motion of Mr. Lucas, the blank was filled by inserting not less than five, and said section, as amended, was on motion, adopted.

13TH. 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,

Which was, on motion, adopted.

14TH. A motion to adjourn and a motion to fix a day on which the convention shall adjourn, shall always be in order, the motion to adjourn and the motion to lie on the table shall be decided without debate.

Which was, on motion, adopted.

15TH. The previous question shall be put in this form, " shall the main question now be put." It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate, and bring the convention to a direct vote upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question; on a motion for the previous question and prior to the demanding the same, a call of the convention shall be in order, but after a majority shall have demanded such motion, no call shall be in order prior to the decision of the main question.

Which was, on motion, adopted.

16TH. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided by the President without debate, but subject to an appeal.

Which was, on motion, adopted.

17TH. When a motion has been made and carried in the affirmative

or negative, it shall be in order for any member voting with the majority, to move for a reconsideration thereof, on the same or the succeeding day of the sitting of the convention, and such motion shall take precedence of all other motions, except the motion to adjourn, which was adopted.

18TH. The rules of Parliamentary practice, comprised in Jefferson's Manual, shall govern the convention in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the convention.

Which was, on motion, adopted.

Mr. Langworthy moved to print one hundred copies of said rules, which was agreed to.

On motion of Mr. Lowe, of Muscatine,  
The convention adjourned until 2 o'clock, P. M.

### TWO O'CLOCK P. M.

The convention met pursuant to adjournment.

Mr. Hall offered the following resolution, to-wit :

*Resolved,* That each member of the convention have the privilege of taking twenty copies weekly, of the newspapers published in this city, and that the expense of the same be charged to the contingent expenses of this convention.

Mr. Thompson moved to amend the resolution by striking out twenty and inserting ten, which motion was lost.

The question then recurring on the adoption of the resolution, the yeas and nays being demanded by two members, were as follows :

Yeas.—27, Nays.—40.

Those who voted in the affirmative are Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Brookbank, Butler, Charlton, Crawford, Cutler, Durham, Galbraith, Gehon, Hall, Hale, Hempstead, Hooten, Langworthy, Mordan, McKean, Murray, O'Brien, Quinton, Staley, Strong, Taylor and Wyckoff.

Those who voted in the negative are Messrs. Blankinship, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Davidson, Delashmutt, Evans, Fletcher, Ferguson, Galland, Gower, Grant, Harrison, Hawkins, Hepner, Hobson, Kerr, Kirkpatrick, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, McAtee, McCrory, Peck,

Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Thompson. Toole, Williams, Wright and Mr. President.

So the question was decided in the affirmative.

Mr. Chapman offered the following amendment to the rules of the convention.

SECTION 18. Immediately on the Journal having been read the President shall call for resolutions by counties, in the order in which they stand on the journal, alternately reversing the call. If a resolution give rise to debate it shall lie over one day. Resolutions being disposed of, reports from standing committees shall be in order, calling them in the order in which they stand on the journal.

SEC. 19. It shall be in the power of the majority to alter or amend the rules, but a majority of two-thirds shall be required to suspend the rules, which was adopted.

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

### WEDNESDAY MORNING, OCTOBER 9, 1844.

The Convention met pursuant to adjournment.

Mr. Harrison moved to dispense with the reading of the journal of yesterday until to-morrow morning, which motion was lost.

The Secretary then proceeded to read the journal, when on motion of Mr. Hall, the further reading was dispensed with for the present.

The President then announced the following standing committees.

1ST. *On the Bill of Rights*—Messrs. Grant, Hepner, Delashmutt, Langworthy, Hawkins, Benedict and Blankenship.

2ND. *Executive Department*—Messrs. Lucas, Lowe, of Des Moines, Campbell, of Washington, Bailey, Shelleday, Galland and Evans.

3RD. *Legislative Department*—Messrs. Lowe, of Muscatine, Chapman, Hooten, Toole, Hall, Sells and Murray.

4TH. *Judicial Department*—Messrs. Hall, Grant, Clarke, Hempstead, Shelleday, Fletcher and Campbell, of Scott.

5TH. *On Suffrage and Citizenship*—Messrs. Clarke, Thompson, Cutler, Cook, Ross, of Washington, Butler and Olmstead.

6TH. *Education and School Lands*—Messrs. Bailey, Ross, of Jeffer-

son, Brookbank, Kirkpatrick, Randolph, Marsh, McCrory, Davidson and Mordan.

7TH. *Incorporations*—Messrs. Hempstead, Harrison, Gower, Lowe of Muscatine, Hepner, Williams, O'Brien, Hale and Price.

8TH. *State Boundaries*—Messrs. Chapman, Lucas, Ferguson, Fletcher, McAtee, Toole, Ripley, Charleton and Salmon.

9TH. *County Organization*—Messrs. Hawkins, Thompson, Galbraith Gehon, Wright, Brattain and Wyckoff.

10TH. *On Internal Improvements*—Messrs. Langworthy, Robinson, Quinton, Strong, Kerr, Staley and Taylor.

11TH. *On State Debts*—Messrs. Peck, Bissell, Brown, Crawford, Hobson, McKean and Durham.

Mr. Grant announced the presence of Mr. Ebenezer Cook, member elect from Scott county, whereupon Mr. Cook presented his credentials and, on motion of Mr. Grant was permitted to take his seat.

Mr. Brown announced the presence of Mr. Samuel Whitmore, member elect from Jefferson county, whereupon Mr. Whitmore presented his credentials and was, on motion of Mr. Brown permitted to take his seat.

Mr. Clarke presented the following resolution, which was adopted: *Resolved*, That the following be added to the standing committees of the Convention.

A committee on the Militia System.

A committee on Amendments to the Constitution.

A committee on the Schedule.

Mr. Hempstead offered the following preamble and resolution:

WHEREAS, it is necessary and proper that the people of this Territory, should be informed of the proceedings of this Convention, before they are required to vote upon the Constitution which will be submitted to them for their approval.—AND WHEREAS such information is necessary and proper, in order that the people may hold their delegates to a strict accountability for their conduct in this Convention.

Therefore be it *Resolved*, That each member of this Convention have the privilege of sending to his constituents, ten copies of the weekly newspapers published in this City, during the sitting of the Convention, and that the expense of the same be charged to the contingent expenses of this Convention.

The President decided that the resolution was not in order, from which decision Mr. Hempstead appealed to the Convention, which appeal he afterwards withdrew,

Whereupon Mr. Hall moved to amend the resolution by adding the following :

*Resolved further,* That the amount so charged to the contingent expenses be deducted pro-rata from the per-diem allowance of the members of the Convention.

The President decided the amendment to be out of order, from which decision Mr. Hall appealed to the Convention, which appeal he afterwards withdrew.

Mr. Lucas announced the presence of Mr. Henry Felkner, member elect from Johnson county, whereupon Mr. Felkner presented his credentials, and was, on motion of Mr. Lucas permitted to take his seat.

Mr. Evans moved to reconsider the vote of yesterday on Mr. Hall's resolution, in relation to newspapers, upon which the yeas and nays being demanded by two members, are as follows. Yeas 29—Nays 38.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Brown, Brookbank, Butler, Crawford, Cutler, Davidson, Durham, Evans, Ferguson, Galbraith, Gehon, Hall, Hale, Harrison, Hempstead, Hooten, Langworthy, Mordan, McKean, O'Brien, Olmstead, Quinton, Staley, Strong, Taylor, Whitmore and Wyckoff.

Those who voted in the negative were—Messrs. Blankinship, Brattain, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Delashmatt, Felkner, Galland, Gower, Grant, Hawkins, Hepner, Hobson, Kerr, Kirkpatrick, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, McCrory, Murray, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Thompson, Toole, Williams, Wright and Mr. President.

So the motion to reconsider was lost.

Mr. Sells offered the following resolution, which, on motion of Mr. Hempstead, was ordered to lie upon the table.

*Resolved,* That the President be requested to invite some one of the ministers of this city, or those who may visit this place during the deliberations of this Convention, to open the deliberations every morning by prayer to Almighty God.

Mr. Gower offered the following resolution, which giving rise to debate, was, in accordance with the standing rules, laid over until to-morrow:

*Resolved,* That a committee be appointed to report an article to the Constitution in relation to prisons.

Mr. Cutler moved that when the Convention adjourn, they adjourn to meet to-morrow morning at 9 o'clock.

The Convention then adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, OCTOBER 10, 1844.

The Convention met pursuant to adjournment.

Mr. Chapman offered the following resolution, which, on motion of Mr. Hall, was referred to the committee on the Judiciary.

*Resolved,* That there be established in each organized county in the state, a county court, to be composed of the justices of the peace of the several townships, to whom shall be assigned by law, the county and probate business, for the purposes aforesaid, meeting at stated periods without any additional compensation.

That all roads laid out under a special act of the Legislature, shall be at the expense of the state.

Mr. Chapman, chairman of the committee on State Boundaries, made the following report; which, upon his motion, was referred to the committee of the whole convention, and made the order of the day for to-morrow.

#### PREAMBLE AND BOUNDARIES.

The people of the Territory of Iowa, within the boundaries hereinafter designated by their representatives in Convention assembled, at Iowa City, on Monday the seventh day of October, in the year of our Lord one thousand eight hundred and forty-four; in order to establish justice, insure tranquility, provide for the common defence, promote the general welfare, secure to ourselves and our posterity, the rights of life, liberty, and the pursuit of happiness, do agree to form and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows, to-wit :

Beginning in the middle of the main channel of the Mississippi river, opposite the mouth of the Des Moines river; thence up the said river Des Moines, in the middle of the main channel thereof, to a point where it is intersected by the old Indian Boundary line, or line run by John C. Sullivan, in the year 1816; thence westwardly along said line to the "Old Northwest corner of Missouri;" thence due west to the middle of the main channel of the Missouri river; thence up in the middle of the main channel of the river last mentioned, to the mouth of the Big Sioux or Calumet river; thence up in the middle of the main channel of the same to the mouth of the first creek which falls into the said Calumet river on the east side; thence up the same to a point

where the same is intersected by the Indian Boundary, contained in a treaty between the United States and the Sac & Foxes, and other Indians, concluded the 15th day of July, A. D. 1830, and ratified the 24th day of February, A. D. 1831; thence from the point aforesaid in a direct line to the middle of the main channel of the river St. Peters, opposite the mouth of the Blue-earth river; thence down the middle of the main channel of the river last mentioned, to the middle of the main channel of the Mississippi river; thence down the said river, in the middle of the main channel thereof, to the beginning.

Mr. Lucas asked, and obtained leave of the convention, to introduce the following resolution, which was adopted.

*Resolved,* That there be added to the standing committees of this convention, a committee on State Revenue.

Mr. Peck, chairman of the committee on State Debts and Liabilities, made the following report.

#### OF PUBLIC DEBTS AND LIABILITIES.

1. The Legislature shall not in any manner create any debt or debts, liability or liabilities which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, suppress insurrection, unless the same shall be authorized by some law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within thirty-five years from the time of the contracting thereof, and shall be irrevocable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law shall be applied only to the specified object therein stated or to the payment of the debt thereby created, and such law shall be published in all the newspapers in the State for three months preceeding the election at which it is submitted to the people.

Mr. Hepner moved that the report be laid upon the table, and that one copy of the same be printed, which was agreed to.

On motion of Mr. Hepner,

*Ordered,* That one hundred copies of the report of the committee on State Boundaries, be printed.

The committee appointed to draft an article for the constitution, in relation to a bill of rights, made the following report by their chairman, Mr. Grant.

#### BILL OF RIGHTS.

1ST. All men are by nature free and independent, and have certain unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

2ND. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people, and they have the right at all times, to alter or reform the same, whenever the public good may require it.

3RD. The Legislature shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or for the maintenance of any minister or ministry.

4TH. No religious test shall be required as qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges, capacities, or disqualified for the performance of any of his duties, public or private, in consequence of his opinion on the subject of religion.

5TH. All laws of a general nature shall have a uniform operation.

6TH. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In prosecutions for libel the truth may be given in evidence, and if it shall appear that the matter charged as libellous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted.

7TH. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but on probable cause, supported by oath, particularly describing the place to be searched and the papers and things to be seized.

8TH. The right of trial by jury shall remain inviolate; but the leg-

islature may authorize the trial of civil suits where the amount in controversy does not exceed — dollars, by a court or jury of a less number than twelve.

9TH. In all criminal trials the accused shall have a right to a speedy trial by an impartial jury; to be informed of the accusation against him; to be confronted with the witnesses against him; to have compulsory process for his witnesses and to have the assistance of counsel.

10TH. No person shall be held to answer for a criminal offence unless on presentment or indictment by a grand jury, except in cases cognizable by justices of the peace, or arising in the army, or navy, or in the militia, when in actual service in time of war or public danger.

11TH. No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident, or the presumption great.

12TH. The writ of Habeas Corpus shall not be suspended unless in case of rebellion or invasion, the public safety require it.

13TH. The military shall be subordinate to the civil power.

14TH. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in manner prescribed by law.

15TH. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses, or confession in open court.

16TH. Excessive bail shall not be required. Excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

17TH. Private property shall not be taken for public use without compensation.

18TH. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud; nor shall any person be imprisoned for a militia fine in time of peace.

19TH. The people have the right freely to assemble together, to consult for the common good, to make known their opinions to their representatives, and to petition for redress of grievances.

20TH. No bill of attainder, *ex-post facto* law, or law impairing the obligation of contracts, shall ever be passed.

21ST. This enumeration of rights shall not be construed to impair, or deny others retained by the people.

On motion of Mr. Grant,

Ordered, That the report be laid upon the table and made the order of the day for to-morrow, and that one hundred copies of the same be printed.

Mr. Chapman moved to take from the table the resolution offered by Mr. Sells, on yesterday, in reference to opening the convention by prayer.

The yeas and nays being demanded, were as follows. Yeas 37— Nays 32.

Those who voted in the affirmative were—Messrs. Blankinship, Brown, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmatt, Evans, Felkner, Fletcher, Ferguson, Gower, Hale, Hawkins, Hobson, Kerr, Kirkpatrick, Lowe, of Muscatine, Lucas, Mordan, McCrory, McKean, Murray, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Strong, Taylor, Thompson, Toole, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Butler, Charlton, Clarke, Crawford, Cutler, Davidson, Durham, Galbraith, Galland, Gehon, Grant, Hall, Harrison, Hempstead, Hepner, Hooten, Langworthy, Lowe, of Des Moines, Marsh, McAtee, O'Brien, Olmstead, Price, Quinton, Salmon, Staley, Whitmore and Mr. President.

So the motion was carried.

Mr. Chapman offered the following amendment to the resolution, which was accepted by Mr. Sells.

*Provided*, That no compensation shall be allowed.

Mr. Hall offered the following amendment.

*Resolved*, That the exercises contemplated by this resolution, shall commence at least one half hour before the assembling of the convention at its regular hour of adjournment, and be concluded before the regular time of the meeting of the convention.

And the question being under discussion on the passage of Mr. Hall's amendment,

Mr. Kirkpatrick having spoken twice, was

On motion of Mr. Hepner, permitted to speak the third time, and after some further remarks from several members,

Mr. Durham moved that the further consideration of the subject under discussion, be postponed until next Monday.

Pending which,

Mr. Langworthy moved that the convention adjourn until to-morrow morning, at 10 o'clock.

Mr. Wyckoff moved to adjourn until 2 o'clock this afternoon.

The question being on adjourning until to-morrow morning at 10 o'clock,

Was decided in the affirmative.

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

### FRIDAY MORNING, OCTOBER 11, 1844.

The Convention met pursuant to adjournment.

Mr. Cutler offered the following preamble and resolution:

WHEREAS, The will of the majority is recognized as a fundamental principle of political action in a democratic republic, Therefore,

Resolved, That constitutional provisions shall be made by the convention to carry said principle into practice in the election of officers in the State of Iowa.

On motion of Mr. Hall,

Ordered, That the resolution lie over till to-morrow.

Mr. Hall offered the following resolution:

Resolved, That the following be added to the standing rules of the Convention:

Reports of standing committees shall be considered as Bills, and acted upon in the manner laid down in Jefferson's manual for legislative bodies.

On motion of Mr. Chapman,

Ordered, That the resolution be now considered.

Mr. Hepner moved to amend by adding the following:

Provided, That a journal be kept as in committee of the whole, which was accepted by Mr. Hall.

Mr. Hawkins called for a division of the question.

The question then being on the adoption of the first part of the resolution,

It was decided in the affirmative.

Mr. Hall moved to refer the second part of the resolution to a select committee.

Which was lost.

The question then being on the adoption of the second part of the resolution,

It was decided in the negative.

Mr. Hawkins offered the following resolution:

Resolved, That the journals of this Convention be made up by the Secretary in a book, so that they may be the better preserved.

Which was adopted.

Mr. Lucas offered the following resolution:

Resolved, That the standing committee on State Revenue be instructed to take into consideration, the subject of defining the salaries and compensation of state and county officers.

Which was adopted.

Mr. Durham offered the following resolution:

Resolved, That the following subjects have precedence in the Constitution, in the order in which they are named.

- 1ST. Designation of Boundaries.
- 2ND. Declaration of Rights.
- 3RD. Distribution of Powers.
- 4TH. Legislative Department.
- 5TH. Executive Department.
- 6TH. Judicial Department.
- 7TH. General Provisions.
- 8TH. Education.
- 9TH. Militia.

Which was lost.

Mr. Galbraith offered the following resolutions:

Resolved, That no member shall have the privilege of speaking more than once, nor longer than one hour, upon any question before the Convention, unless by permission of a majority of the members present.

Resolved, That the further consideration of the resolution, authorizing the President to invite some one of the ministers of the gospel of this city, to open the Convention every morning with prayer, be indefinitely postponed.

Mr. Bailey moved that the first resolution be laid upon the table.

Which was agreed to.

The President decided the second resolution to be out of order.

Mr. Langworthy, chairman of the committee on Internal Improvements, submitted the following report:

SECTION -- The Legislature shall not in any manner, create any debt or debts, liability or liabilities of the state, for any road, canal, or

bridge, or any other work of internal improvement; nor shall the money of the state be applied to such objects, unless the same shall be authorized by a law for some single object or work, to be distinctly stated therein, nor shall the aggregate of all such appropriations, ever exceed the amount of money actually in the treasury at the time of the passage of such law or laws, or be due and payable within the current year.

On motion of Mr. Quinton,

Ordered, That one hundred copies of the report be printed.

Mr. Lucas, chairman of the committee on the Executive Department, submitted the following report.

The committee appointed on the Executive Department, have authorized me to make the following report.

ROBERT LUCAS, Chairman.

#### OF THE EXECUTIVE DEPARTMENT.

1. The Supreme Executive power shall be vested in a Governor, who shall hold his office for four years, and a Lieutenant Governor shall be chosen at the same time and for the same term.

2. No person shall be eligible to the office of Governor or Lieutenant Governor who is not a citizen of the United States, been a resident of the State two years next preceding the election, and who has not attained the age of thirty years at the time of said election.

3. The Governor and Lieutenant Governor shall be elected by the electors at the times and places of choosing members of the Legislature. The persons having the highest number of votes for Governor and Lieutenant Governor shall be elected; but in case two or more have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint ballot, choose one of said persons so having an equal and the highest number, for Governor or Lieutenant Governor.

4. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the Seat of Government by the returning officers, directed to the President of the Senate, who shall open and publish them in the presence of the members of both houses.

5. No person shall be eligible to the office of Governor or Lieutenant Governor, more than eight years in any term of twelve years.

6. The Governor shall be commander-in-chief of the militia and of the army and navy of this State.

7. He shall transact all executive business with the officers of gov-

ernment, civil and military; and may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

8. He shall take care that the laws be faithfully executed.

9. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess die, or his office by any means become vacant, the Governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the Legislature.

10. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened.

11. He shall communicate by message, to the legislature at every session, the condition of the State, and recommend such matters to them as he shall deem expedient.

12. In case of disagreement between the two houses, with respect to the time of adjournment, the governor shall have the power to adjourn the General Assembly to such time as he may think proper; *Provided*, It be not to a period beyond the annual meeting of the legislature.

13. In case of the impeachment of the governor, his removal from office, death, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor until such disability shall cease, or the vacancy be filled.

14. If, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy be filled; and should a vacancy occur by the impeachment, death, resignation, or absence from the State, of the President *pro tempore* of the Senate, the speaker of the House of Representatives shall discharge the duties of Governor during the existence of such vacancy.

15. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; in committee of the whole he may debate on all questions; and when there is an equal division he shall give the casting vote.

16. No member of Congress, nor any other person, holding office under the United States, or this State, shall execute the office of Governor.

17. When the office of Governor, or Lieutenant Governor, becomes

vacant, the person exercising the powers of Governor, for the time being, shall give notice thereof, and the electors shall, at the next succeeding general election for members of the Legislature, choose a person to fill such vacancy.

18. The Governor shall have power to grant reprieves and pardons after conviction, except in cases of impeachment.

19. The Governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished, during the time for which he shall have been elected.

20. The Lieutenant Governor, except when acting as Governor, and the President of the Senate *pro tempore*, shall each receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

21. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called *the Great Seal of the State of Iowa*.

22. All grants and commissions shall be in the name, and by the authority of the people of Iowa, sealed with the seal, signed by the Governor, and countersigned by the Secretary of State.

23. A Secretary of State shall be appointed by joint ballot of both houses of the General Assembly, who shall continue in office four years if he shall so long behave well; he shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law.

24. The first Governor and Lieutenant Governor shall hold their respective offices until the first Monday of December, one thousand eight hundred and forty-eight, and until their successors shall be elected and qualified to office, and forever after, the Governor and Lieutenant Governor, shall hold their offices for the term of four years, and until their respective successors shall be severally elected and qualified to office.

On motion of Mr. Hawkins,

Ordered, That one hundred copies of the report be printed.

Mr. Clarke, chairman of the committee on Suffrage and Citizenship, submitted the following report.

#### RIGHT OF SUFFRAGE.

1. In all elections which are now, or hereafter may be authorized,

every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and of the county in which he claims his vote thirty days, shall be entitled to vote.

2. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the day of election, during their attendance at, going to, and returning therefrom.

3. Except in time of war or public danger, no elector shall be obliged to perform militia duty on the day of election.

4. No person in the military, naval or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack, or military, or naval place or station within the State.

5. No idiot, or insane person or persons, declared infamous by act of the legislature, shall be entitled to the privileges of an elector.

6. All elections shall be by ballot.

On motion of Mr. Lowe, of Des Moines,

Ordered, That one hundred copies of the report be printed.

Mr. Bailey, chairman of the committee on Education and School Lands, submitted the following report.

The committee on Education and School Lands, beg leave to make the following report.

G. S. BAILEY, Chairman.

1. The Governor shall nominate, and by and with the advice and consent of the Legislature in joint vote, shall appoint a superintendent of Public Instructions, who shall hold his office for — years, and whose duties shall be prescribed by law.

2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which shall hereafter be sold or disposed of, and all estates of deceased persons who may have died without leaving a will or heirs, shall be and remain a perpetual fund; the interest of which, together with all the rents of unsold lands, shall be inviolably appropriated to the support of schools throughout the State.

3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each school dis-

trict, at least three months in every year; and any school district neglecting to keep up and support such a school, may be deprived of its equal proportion of the interest of the public fund.

4. As soon as the circumstances of the State will permit, the Legislature shall provide for the establishment of libraries, one at least in each township; and the moneys which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines assessed in the several counties for any breach of the penal laws, shall be exclusively applied to the support of said libraries.

5. The Legislature shall take measures for the protection, improvement or other disposition of such lands as have been, or may hereafter be reserved or granted by the United States to this State for the use of a University, and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund for the support of said University, with such branches as the public convenience may hereafter demand for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant, and it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

On motion of Mr. Clarke,

Ordered, That one hundred copies be printed, and that said report be made the order of the day for Tuesday next.

Mr. Hempstead, Chairman of the committee on Incorporations made the following report, to wit:

The majority of the committee on Incorporations beg leave to make the following report.

S. HEMPSTEAD, Chairman.

#### OF BANKS.

1. One bank may be established in this State with branches, not to exceed one for every six counties in conformity with the following rules.

1. The bill establishing said bank and branches before the same can become a law, shall be passed by a majority of the members elected to both houses of the Legislative Assembly, be approved by the Governor and at the next general election be submitted to the people for their approval or rejection, and if approved by a majority of the qualified elec-

tors within this State, the same shall become a law at such time as the Legislative Assembly shall prescribe.

2. Such bank or branches shall not commence operations until half of the capital stock subscribed for, be actually paid in gold or silver, which amount in no case shall be less than one hundred thousand dollars.

3. Such bank or branches shall not have power to issue any bank note or bill of a less denomination than ten dollars.

4. The remedy for collecting debts, shall be reciprocal, for and against such bank, and its branches.

5. The stockholders shall be liable respectively, for the debts of said bank and branches.

6. In case said bank or branches shall neglect, or refuse to pay on demand, any bill, note or obligation issued by the corporation, according to the promise therein expressed, such neglect or refusal shall be a forfeiture of their charter, and put an end to their corporate powers and privileges.

7. The Legislative Assembly shall have power to alter, amend, or repeal such charter, whenever in their opinion the public good may require it.

#### OF INCORPORATIONS.

2. The assent of two-thirds of the members elected to each house of the Legislature shall be requisite to the passage of every law for granting, continuing, altering, amending or renewing any act of Incorporation.

3. No act of incorporation shall continue in force for a longer period than twenty years without the re-enactment of the Legislature, unless it be an incorporation for public improvement.

4. The personal and real property of the individual members of all incorporations hereafter created, shall at all times be liable for the debts due by any such corporation.

5. The Legislative Assembly shall have power to repeal all acts of incorporation by them granted.

Mr. Hempstead and Mr. O'Brien from the committee on Incorporations, also made the following minority report, to wit:

The minority report of the committee on corporations, in place of the first section contained in said report, beg leave to submit the following:

LAW LIBRARY

6961

1. No bank or banking corporation of discount, or circulation, shall ever be established in this State.

S. HEMPSTEAD,  
MICHAEL O'BRIEN.

On motion of Mr. Gower,

Ordered, That one hundred copies of said reports be printed, and that the said reports be made the order of the day for Monday next.

Mr. Hall, Chairman of the Judiciary committee, made the following report, to wit:

The committee on the Judiciary, to whom was referred Resolution No. 1, on the propriety of establishing county courts, and the expense of State roads, report that the consideration of said resolution comes more properly before the committee on County Organization.

They ask to be discharged from the further consideration of said resolution, and recommend that the same be referred to the committee on County Organization.

J. C. HALL, Chairman.

The question being on discharging said committee from the further consideration of said resolutions,

Ordered, That the said committee be discharged accordingly.

On motion of Mr. Galbraith,

Ordered. That the resolutions introduced by Mr. Chapman on yesterday, in relation to county courts, and State roads, be now referred to the committee on County Organization.

The President announced the appointment of the following standing committees, to wit:

*On the Militia System*—Messrs. Gehon, Cook, Gower, Hooten, Ross, of Jefferson, Evans and Ripley.

*On Amendments to the Constitution*—Messrs. Quinton, Taylor, Felkner, Whitmore, Price, Williams and Charleton.

*On the Schedule*.—Messrs. Lowe, of Des Moines, Galland, Crawford, Campbell, of Scott, Hepner, Delashmutt, and Galbraith.

*On State Revenue*.—Messrs. Fetcher, Lucas, Langworthy, Hawkins, Randolph, Shelleday, Wright, Marsh, and Ross, of Washington.

Mr. Sell's resolution in relation to opening the Convention every morning by prayer, was taken up for consideration,

And the question being on the adoption of Mr. Durham's resolution postponing the further consideration of the subject, until Monday morning next.

Which was not agreed to.

Mr. Hall then asked and obtained leave to withdraw his amendment to said resolution,

Which amendment he accordingly withdrew.

Mr. Galbraith then offered the following resolution:

*Resolved*, That the further consideration of the resolution authorizing the President to invite some one of the Ministers of the Gospel of this city, to open the Convention every morning with prayer, be indefinitely postponed.

And the question being on its adoption, the yeas and nays were demanded by two members and were as follows. Yeas 44—Nays 26.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Ferguson, Galbraith, Galland, Gehon, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooten, Kirkpatrick, Langworthy, Lowe, of Des Moines, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wyckoff, and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Evans, Felkner, Fletcher, Gower, Hawkins, Hobson, Kerr, Lowe, of Muscatine, Lucas, McCrory, McKean, Randolph, Ripley, Robinson, Ross, of Washington, Sells, Shelleday, Toole, Williams, and Wright.

So the resolution was indefinitely postponed.

On motion of Mr. Peck,

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

## TWO O'CLOCK P. M.

The convention met pursuant to adjournment.

The report of the committee on State Boundaries being the order of the day, was taken up for consideration, when

On motion of Mr. Chapman,

Ordered, That the same be referred to the committee of the whole convention.

Thereupon the convention resolved itself into committee of the whole, Mr. Gehon in the chair, and after some time spent therein, the committee rose, and by their chairman, reported the same back to the convention, and asked leave to sit again.

Which was granted.

The report of the committee on the Bill of Rights, being the order of the day, was taken up for consideration, when

On motion of Mr. Langworthy,

Ordered, That the same be referred to the committee of the whole convention.

Thereupon the convention resolved itself into committee of the whole, Mr. Hawkins in the chair, and after some time spent therein, the committee rose, and by their chairman, reported the same back to the convention and asked leave to sit again.

Which was granted.

On motion of Mr. Hooton,

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

### SATURDAY MORNING, OCTOBER 12, 1844.

The Convention met pursuant to adjournment.

Mr. Hobson asked and obtained leave to present the following petition, to wit:

To the Delegates assembled in Convention for the purpose of forming a State Constitution for the Territory of Iowa.

WHEREAS, all men are created free and equal, invested by the Author of their being with the same inalienable rights, and by the principles of our government, possessed of the same rights and privileges, AND WHEREAS, some of these rights and privileges such as the right of voting and of a trial by jury, and the like, have by the laws of this Territory heretofore been withheld from people of color.

THEREFORE, we the undersigned citizens of the Territory of Iowa, do respectfully petition your honorable body, that in presenting to the people of this Territory a Constitution for their acceptance, you would so frame it as to secure to people of color all such rights and privileges, civil, social, moral and educational, under the same circumstances and upon the same conditions as are secured to others. Eli Jessop, G. C. Vincent, Aaron Street, Jr., Geo. C. Lyon, A. F. Anderson, John McKinsick, Hugh Smith, John Vincent, James Fulton, David French, John Dawson, John Cleaves, Asa Turner, Jr., William Lewelling, Alex. Orr, David Anderson, John McClure, James Dawson, Isaac Crawford, Martin C. Kilgore, M. Dawson, J. H. Garretson, Daniel

Yockey, Henry F. McCully, Charles Burnham, James Currie, Hamilton Robb, John H. Fisher, Jonathan Hodson, Wm. P. Crawford, John R. Coulter, David Crawford, C. S. Cleaves, S. B. Jaggard, Ephraim Adams, Thos. Vincent, Wm. Rebb, Robert O. Lindsay, Hiram Burnett, Thomas M. Neal, John Crawford, Alex. Dawson, Elijah P. Smith, Robert Allen, John Curry, Cassander Geyer, Maria Currie, Ann Jane Crawford, Jennet R. Orr, Margaret Anderson, Jane B. Yockey, Jennet French, Mary P. Curry, Clarissa Paxton, Martha A. Maxwell, Martha L. McKay, Martha F. Anderson, Mary McKay, Phebe Allen, Sarah E. Anderson, Nancy Robb, Sarah J. Dawson.

Mr. Chapman moved to refer the petition to the standing committee on Suffrage and Citizenship.

Mr. Fletcher moved to lay the petition on the table, which was not agreed to.

The question then recurring on Mr. Chapman's motion, which was put and not agreed to.

Mr. Hall then moved to refer the petition to a select committee, to consist of three members, which was agreed to.

The President appointed Messrs. Hall, Hawkins and Quinton said committee.

Mr. Galbraith offered the following resolution:

*Resolved,* That the Judicial committee be instructed to inquire into the expediency of inserting an article in the Constitution authorizing the Legislature, so to provide, that all crimes of a less degree than felony shall be triable upon information of the District Attorney, of the proper county, without the intervention of a Grand Jury.

Which was not adopted.

Mr. Quinton asked and obtained leave to be excused from serving on the select committee, to whom was referred the petition of sundry citizens of this Territory, in relation to persons of color.

Mr. Bailey moved that Mr. Hobson be appointed on said committee, in the place of Mr. Quinton.

Mr. Hepner moved to amend by referring the petition to the delegation from Henry county, which amendment Mr. Bailey accepted.

Mr. Hawkins then moved to reconsider the vote referring the petition to a select committee.

Mr. Ferguson called for the previous question, which was sustained. The question being "shall the main question now be put?" was decided in the affirmative.

The question being on Mr. Hawkins' motion to reconsider the vote

referring the petition to a select committee, was put, and decided in the affirmative.

Mr. Hall then moved to refer the petition to a select committee of thirteen.

Mr. Lowe of Des Moines, offered the following amendment:

To refer the petition to the committee of the whole Convention, to be considered when the report upon suffrage and citizenship shall be under consideration.

The question being on the adoption of said amendment, the yeas and nays were called for by Messrs. Hall and Galbraith, and are as follows: Yeas 19—Nays 51.

Those who voted in the affirmative were—Messrs. Blankinship, Campbell, of Scott, Chapman, Clarke, Cook, Davidson, Ferguson, Galland, Grant, Hawkins, Kerr, Lowe, of Des Moines, Lowe, of Muscatine, Peck, Ripley, Sells, Toole, Williams and Wright.

Those who voted in the negative were—Messrs. Bailey, Bissell, Brattain, Brown, Brookbank, Butler, Campbell, of Washington, Charlton, Crawford, Cutler, Delashmutt, Durham, Evans, Felkner, Fletcher, Galbraith, Gehon, Gower, Hall, Hale, Harrison, Hempstead, Hepner, Hobson, Hooten, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Price, Quinton, Randolph, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Strong, Taylor Thompson, Whitmore, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Hall then called for the previous question, which was sustained.

The question being "shall the main question now be put?"

Which was decided in the affirmative.

The question being on Mr. Hall's motion to refer the petition to a select committee of thirteen,

Which was decided in the affirmative.

Mr. Taylor offered the following:

*Resolved*, That the hour of meeting of this Convention shall be 9 o'clock, A. M.

Which was adopted.

Mr. Sells offered the following:

*Resolved*, That a select committee of five be appointed by the President, to report to the Convention an apportionment of representation in the first General Assembly of the State of Iowa.

Mr. Quinton moved to amend said resolution by striking out five

and inserting thirteen, which amendment was accepted by Mr. Sells.

On motion of Mr. Hall,

Ordered, that the said resolution be laid upon the table, subject to the order of the convention.

Mr. Hall, chairman of the committee on the Judiciary, made the following report:

#### ON THE JUDICIARY.

1. The Judicial power of this State both as to matter of law and Equity, shall be vested in a Supreme and District Courts, and such other inferior courts as the Legislature may from time to time establish.

2. The Supreme Court shall consist of a Chief Justice and three Associate Justices, any two of whom shall be a quorum to hold court, except as hereinafter provided. The Supreme Court shall have appellate jurisdiction in all cases in Chancery and constitute a Supreme Court, for the correction of errors in all cases at law, under such restrictions as the Legislature may from time to time prescribe.

3. The Supreme Court shall have power to issue all writs and process that may be necessary to do justice to parties having the rights of citizens, and exercise a complete supervisory power over all inferior Judicial tribunals.

4. The Supreme Court shall hold at least one term of said court in each year, at the seat of government, at such time as may be fixed by law. *Provided*, The Legislature may provide for two terms in each year.

5. The Judges of the Supreme Court shall be conservators of the peace throughout the State.

6. The District Court shall consist of a President Judge, who shall reside in the district that shall be assigned to him by law, the District Court shall have common law and chancery jurisdiction in all civil and criminal matters arising in the respective counties in their district, as shall be prescribed by law. The Judges shall be conservators of the peace in their respective districts—shall have power to issue writs of injunction, *ne exeat reipublico*, habeas corpus, mandamus, procedendo and certiorari, and such other common law writs as may be necessary to do justice to parties.

7. The Judges of the Supreme Court and District Courts, shall be elected by the joint vote of the Senate and House of Representatives, and hold their office for the term of six years. Which vote shall be

viva voce, and entered on the Journal of the House of Representatives: *Provided*, That the Legislature may, at their discretion, pass a law authorizing the election of district judges, by the people of the district within which said judges are to preside.

8. There shall be elected in each county of this State, one Probate Judge, who shall have jurisdiction over Wills and Administration, shall hold his office for the term of four years, and until his successor shall be elected and qualified.

9. The Judge of Probate in the absence of the Judge of the District Court, may allow writs of injunction, *ne exeat republico*, habeas corpus, and do such other acts as may be prescribed by law.

10. There shall be elected in each county one Clerk of the District Court, who shall hold his office for the term of four years and until his successor is elected and qualified.

11. There shall be a Prosecuting Attorney elected by the people for each county, who shall hold his office for four years.

12. The State shall be divided into four Judicial Districts, and the Judges of the Supreme court shall be assigned by law to respective districts, and shall perform the duties of district judges in such district for the term of six years from the time of the first election of judges under this constitution, after which the Legislature may at their discretion, elect district judges for such district: *Provided*, That the Legislature shall have power to make such other and additional districts as they may deem necessary, and elect judges of the District Court for such new district. The Judge of the Supreme Court, who tried the cause in the district court, shall not set upon the trial of the same case in the Supreme Court.

13. When any vacancy shall happen in the office of Clerk of the district court, such vacancy shall be filled by a pro tem. appointment of the Judge of said court, the Clerk so appointed shall exercise the duties of the office until a Clerk shall be duly elected and qualified.

14. When any vacancy shall happen in any of the courts by the death, resignation or removal from office of any judge, the Governor shall fill such vacancy by appointing some person to fill said office. The Judge so appointed shall hold the office until a successor shall be duly elected and qualified.

15. The compensation of Judges of the Supreme Court and District Court, shall be one thousand dollars per annum, to be paid quarterly: *Provided*, That the Legislature may levy a tax upon all causes that may be brought into the Supreme or District Courts, not exceeding two dol-

lars on each case, to be paid by the losing parties or by the plaintiff in the suit, and from said fund increase the salaries of the judges to any sum not exceeding one thousand five hundred dollars.

16. The Judges of the Supreme Court shall appoint a Clerk who shall reside at the seat of government, and hold his office during the pleasure of the Court.

17. The style of all process shall be "The State of Iowa," and all prosecutions shall be carried on in the name and by the authority of the State of Iowa.

18. The Judges of the several courts and clerks shall be removable by impeachment, by the Legislature, or such tribunal as the Legislature may establish, and during the pendency of any impeachment the accused shall be suspended from discharging the duties of the office.

Which was read a first time.

Mr. Lowe, of Muscatine, moved that one hundred copies of the report be printed.

Mr. Hall moved to amend by striking out one hundred and inserting one hundred and fifty. Which amendment was accepted by Mr. Lowe.

The motion was then put and agreed to.

Mr. Lowe of Muscatine, chairman of the committee on the Legislative Department, made the following report.

Report of the committee on the Legislative Department.

R. P. LOWE, Chairman.

#### OF THE DISTRIBUTION OF POWERS.

1. The powers of the government of Iowa, shall be divided into three separate departments, the legislative, the executive and judicial; and no person charged with the exercise of powers properly belonging to one of those departments, shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

#### LEGISLATIVE DEPARTMENT.

1. The legislative authority of this State shall be vested in a Senate and House of Representatives; which shall be designated the "General Assembly of the State of Iowa," and the style of their laws shall commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

2. The meeting of the General Assembly shall be limited to biennial sessions, which shall commence on the first Monday in January next ensuing the election of its members, unless the Governor of the State, with the concurrence of the Lieutenant Governor, and the last Speaker of the House of Representatives, shall be of the opinion that the exigencies of the State and the public welfare demand a session in the interim, in which event the Governor may, by proclamation, call a special session of the General Assembly, at such time as he may deem advisable, and at the usual place of holding the same, designating specifically the object or objects of such call; but in no case shall there be more than one special session between the regular meetings of the Legislature, except it should be for purposes of war, to repel an invasion, or suppress an insurrection.

3. The members of the House of Representative, shall be chosen every second year, by the qualified electors of their respective districts, on the ———, whose term of office shall continue two years from the day of the general election.

4. No person shall be eligible to a seat in the House of Representatives unless he shall have attained the age of twenty-one years, and shall be a citizen of the United States, and an inhabitant of this State, (or the Territory of which the State is composed,) two years, and shall have resided within the limits of the district in which he shall be chosen, one year next preceding his election, if the election district shall have been so long established, but if not, then within the limits of the district or districts out of which it shall have been taken, unless he shall have been absent on the public business of the United States or of the State.

5. The Senators shall be elected for the term of four years, and in the same manner, and at the same time and place of the Representatives, but shall not be eligible to a membership in the Senate unless they shall have attained the age of thirty years, and possess the qualifications of the Representatives as to residence and citizenship.

6. The number of Senators shall not be less than one-third, nor more than one-half, of the Representative body, and at the first session of the General Assembly, after this constitution takes effect, the Senators shall be divided, by lot, as equally as may be, into two classes; the seats of the Senators of the first class, shall be vacated at the expiration of the second year, so that one half shall be chosen every two years, and a rotation thereby, kept up perpetually.

7. When an additional number of Senators is added to the Senate,

they shall be annexed, by lot, to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. The House of Representatives, when assembled, shall choose a Speaker and its other officers; and the Senate shall appoint its own officers, except the President; and each body shall judge of the qualifications, elections, and returns of its own members; but a contested election shall be determined in such manner as shall be directed by law.

9. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

10. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same, determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds expel a member; but not a second time for the same offence, and shall have all other powers necessary for a branch of the Legislature of a free and independent State.

11. Every member of the General Assembly shall have the liberty to dissent from, or protest against, any act or resolution which he may think injurious to the public or an individual, and have the reasons of his dissent entered on the journals, and the yeas and nays of the members of either House shall, at the desire of any two members present, be entered on the journals likewise.

12. Senators and Representatives, in all cases except for treason felony, and a breach of the peace, shall be privileged from arrest during the session of the Legislature, and in going to, and returning from the same, allowing one day for every thirty miles such members may reside from the place at which the General Assembly is convened.

13. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

14. The doors of each house shall be open, except on such occasions as in the opinion of the house, may require secrecy.

15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either house, and be amended, altered or rejected by the other, but no bill shall have the force of a law until on three several days it be read in each house, and free discussion be allowed thereon, unless in cases of urgency, three fourths of the house in which the bill shall be depending, may deem it expedient to dispense

with the rule, and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses, *Provided*, That all bills for raising revenue shall originate in the House of Representatives, but the Senate may reject or amend them as other bills.

17. Every bill which shall have passed the General Assembly, shall, before it become a law, be presented to the Governor, if he approve, 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 same upon the journal and proceed to reconsider it; if, after such reconsideration it again pass both houses, by yeas and nays, it shall become a law notwithstanding the Governor's objections; if any bill shall not be returned within five days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent the return, in which case it shall be no law.

18. No money shall be drawn from the Treasury but in consequence of appropriations made by law.

19. An accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws at every regular session of the Legislature.

20. The House of Representatives shall have the sole power of impeaching; but all impeachments shall be tried by the Senate; when sitting for that purpose the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members present.

21. The Governor, and all civil officers, shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted or acquitted shall nevertheless be liable and subject to indictment, trial, and punishment according to law.

22. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections from the people.

23. No person holding any lucrative office under the United States, this State, or any other power, shall be eligible to the General Assembly, *Provided*, That offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, shall not be deemed lucrative.

24. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the General Assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid into the treasury all sums of which he may be accountable.

25. Each member of the General Assembly shall receive a compensation, to be fixed by law, for his services, to be paid out of the treasury of the State; but such compensation shall not exceed two dollars per day for the period of thirty days from the commencement of the session, and shall not exceed the sum of one dollar per day for the remainder of the session; when convened in extra sessions by the Governor, they shall receive such sum as shall be fixed for the first thirty days of the ordinary session; they shall also receive two dollars for every thirty miles they shall travel in going to and returning from their place of meeting, on the most usual route. The President of the Senate and the Speaker of the House of Representatives, shall receive in virtue of their offices, an additional compensation equal to one third of the per diem allowance of other members; *Provided, however*, That the members of the first Legislature, under this constitution, shall receive two dollars per day for their services during the entire session.

26. To obviate confusion and improper influences which may result from intermingling in one and the same act, such things as have no proper relation to each other; every law shall embrace but one object, and shall be expressed in the title.

27. No law of the General Assembly, of a public nature, shall have effect until the same shall be published and circulated in the several counties of this State by authority; *Provided*, That if the General Assembly shall deem any law to be passed, of pressing and immediate importance, provision may be made for the taking effect at an earlier period than herein provided, on the publication thereof in the several newspapers in the State.

28. No divorce shall be granted by the Legislature.

29. No lottery shall be authorized by this State, and no ticket in any lottery, not authorized by a law of this State, shall be bought or sold within the State.

30. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation. "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Iowa, and that I will faithfully discharge the duties

of Senator (or Representative, as the case may be,) according to the best of my ability;" and members elect of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

31. Within two years after the first meeting of the General Assembly, under the Constitution, and within every subsequent term of — years an enumeration of all the white male inhabitants, above twenty-one years, shall be made in such manner as shall be directed by law. The number of Senators and Representatives shall, at the first regular session of the Legislature after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each, and the House of Representatives shall never be less than twenty-six nor greater than thirty-six, until the number of white male inhabitants of above twenty-one years of age shall be twenty-five thousand, and after that event at such ratio that the whole number of Representatives shall never be less than thirty-six nor exceed one hundred.

Which was read a first time by its title, and

On motion of Mr. Hall,

Ordered, That one hundred and fifty copies be printed.

On motion of Mr. Lucas,

The report of the committee on the Executive Department was taken from the table and read a second time by its title, and made the order of the day for Tuesday next in committee of the whole.

On motion of Mr. Lucas,

The report of the committee on Suffrage and Citizenship, was taken from the table and read a second time by its title, and made the order of the day for Monday next in committee of the whole.

Mr. Gower then moved to adjourn until Monday morning at 9 o'clock.

Which was not agreed to.

On motion of Mr. Chapman,

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

## TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Chapman,

The Convention resolved itself into committee of the whole on the report of the committee on State Boundaries, Mr. Hepner in the chair.

After some time spent therein the committee rose, and by their chairman, reported the same back to the Convention with the following amendments.

1. Insert the word, "We," at the beginning of the first line before the word, "The."

2. Strike out the word "their" in the second line and insert "our."

3. Strike out all between the word "mentioned" in the sixteenth line, and the word "thence" in the twenty-sixth line, and insert the following: to a point on the Missouri river where the twentieth degree of longitude, from the City of Washington, crosses the same; thence in a direct line to the middle of the main channel of the Mississippi opposite the mouth of the Little Sac or Wahtap river.

The question being on agreeing to the first amendment.

Was decided in the affirmative.

Mr. Peck then moved to adjourn until Monday morning at 10 o'clock.

Which was not agreed to.

The question then recurring on the second amendment made in committee of the whole,

Was decided in the affirmative.

The question then recurring upon the third amendment,

Mr. Lowe, of Des Moines, offered the following amendment: strike out "the middle of the main channel of the Mississippi, opposite the mouth of the Little Sac or Wahtap river," and insert after the word "to" thence easterly to the middle of the main channel of the Mississippi river where latitude forty-five, thirty minutes, crosses said river.

The question being on striking out and inserting,

Was decided in the affirmative.

The question being on the third amendment made in committee of the Whole, as amended.

Was decided in the affirmative.

The President announced the following as the select committee to whom was referred the petition of sundry citizens of this Territory, in relation to the rights of people of color.

Messrs. Hall, Hawkins, Lowe, of Des Moines, Lowe, of Muscatine, Langworthy, Hobson, Bailey, Thompson, Lucas, Grant, Shelleday, Chapman and Taylor.

Mr. Galbraith offered the following resolution.

*Resolved*, That the select committee, to whom has been referred the petition praying that the right of suffrage be extended to persons of color within this State, be instructed to inquire into the expediency of excluding from the State all persons of color, or of admitting them under severe restrictions, and report their opinion upon the subject to this Convention.

Mr. Lucas moved to lay the same on the table.

Which was not agreed to.

The question then recurring upon the adoption of the resolution, Was decided in the affirmative.

On motion of Mr. Fletcher,

The convention adjourned until Monday morning at 9 o'clock.

#### MONDAY MORNING, OCTOBER 14, 1844.

The Convention met pursuant to adjournment.

On motion of Mr. Chapman,

Ordered, That the Secretary in reading the journal, omit the reports of standing committees.

Mr. Hobson announced the presence of Mr. Joseph D. Hoag, member elect from Henry county, whereupon Mr. Hoag presented his credentials, and was, on motion of Mr. Hobson, permitted to take his seat.

Mr. Hawkins, chairman of the committee on County Organization, made the following report:

Mr. President,

The committee on County Organization instruct me to make the following report:

1. No county shall be laid off of less contents than five hundred and seventy-six square miles, or twenty-four miles square, nor shall the Legislature in laying off any new county, reduce the county or counties, from which such new county is taken, to less contents than five hundred and seventy-six square miles.

2. There shall be elected by the qualified electors of each organized

county in this State, one Sheriff, one Coroner, one County Recorder, who shall discharge the duties of Clerk of the county Court, or Court doing county business, one County Surveyor, and one County Treasurer, who shall be *ex-officio* collector of the public revenues, who shall be commissioned by the Governor, and hold their offices for the term of \_\_\_\_\_ years, and until their successors are elected and qualified, who shall perform such duties and be entitled to such compensation as may be provided by law. They shall reside in their respective counties during their continuance in office, and be disqualified for the office a second time, if it should appear that they or either of them, are in default for any monies collected by virtue of their respective offices, but in no case shall the sheriff be eligible to the office for more than two terms in succession.

3. Each county shall be laid off into townships, in such manner as may be provided by law.

4. There shall be elected by the qualified voters in each township such number of justices as may be directed by law.

5. The right of trial by a jury of a less number than twelve men, shall be allowed before justices of the peace, when either party demand the same.

6. There shall be elected in each organized township, such number of constables, and other township officers as may be directed by law.

7. There shall be established in each organized county in this State a court to be holden by the justices of the peace of the several townships, or such number thereof, as may be directed by law, called the county court, which shall have jurisdiction of all matters relating to county taxes, disbursement of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties, said courts shall meet at the county seats respectively, at such times, and under such regulations, for the organization thereof as shall be provided by law, and shall be allowed no compensation for the duties performed by them as such court.

Which was read the first time.

On motion of Mr. Gehon,

Ordered, That one hundred and fifty copies be printed.

Mr. Fletcher from the committee on the Judiciary department, gave notice that he would on some future day introduce a minority report.

Mr. Randolph moved to reconsider the vote given on Saturday last, on adopting the amendment to the third amendment made in committee

of the Whole, on the report of the committee on State Boundaries, on which the yeas and nays were demanded by Messrs. Chapman and Cutler, and are as follows. Yeas 38 — Nays 30.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brown, Butler, Campbell, of Washington, Charleton, Chapman, Clarke, Cutler, Davidson, Delashmutt, Durham, Evans, Ferguson, Galbraith, Hale, Hawkins, Hepner, Hoag, Hobson, Kerr, Kirkpatrick, Lucas, Marsh, McAtee, McKean, Murray, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Shelleday, Thompson, Whitmore, Williams and Wright.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brookbank, Cook, Crawford, Fletcher, Galland, Gehon, Gower, Grant, Hall, Harrison, Hempstead, Hooten, Langworthy, Lowe, of Muscatine, Mordan, McCrory, O'Brien, Olmstead, Peck, Price, Salmon, Sells, Staley, Strong, Taylor, Toole, Wyckoff and Mr. President.

The motion was decided in the affirmative.

Mr. Campbell, of Washington, offered the following amendment to the report of the committee on State Boundaries:

Insert after the words forty-four, in the fourth line, "grateful to the Supreme Ruler of the Universe, for the blessings hitherto enjoyed as a people, and acknowledging our dependence upon Him for the continuation of those blessings,"

Which was agreed to.

Mr. Langworthy then moved to refer said report to a select committee, to consist of one from each electoral district, upon which motion the yeas and nays being demanded by two members were as follows. Yeas 42—Nays 28.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Cook, Crawford, Davidson, Durham, Evans, Galland, Gehon, Gower, Grant, Harrison, Hempstead, Hooten, Kirkpatrick, Langworthy, Lowe, of Des Moines, Mordan, McKean, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Robinson, Salmon, Sells, Staley, Strong, Taylor, Toole, Whitmore, Williams, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brown, Butler, Chapman, Cutler, Delashmutt, Fletcher, Ferguson, Galbraith, Hall, Hale, Hawkins, Hepner, Hoag, Hobson, Kerr, Lowe, of Muscatine, Lucas, Marsh, McAtee, McCrory, Murray, Ripley, Ross, of Jefferson, Ross, of Washington, Shelleday, Thompson and Wright.

The motion was agreed to.

On motion of Mr. Gehon,

The Convention resolved itself into committee of the Whole, on the report of the committee on the Bill of Rights, Mr. Hawkins in the Chair, and after some time spent therein, the committee rose, and by their Chairman, reported the same back to the Convention with the following amendments:

1. Fourth section—after the word "private," where it occurs in the third line, insert "or be rendered incompetent to give testimony in any court of law or equity, in consequence of his religious opinions."

2. Insert in the third line of the seventh article, after the word "oath," "or affirmation."

3. Strike out all in article eighth, after the word "inviolable," and insert the following, "but the Legislature may authorize trial by jury of a less number than twelve men in inferior courts."

4. Add to the thirteenth article the following: "No standing army shall be kept up by the State in time of peace, and in time of war, no appropriation for a standing army shall be for a longer time than two years."

5. In the fifteenth article, in the third line, after the word "witnesses," insert "to the same overt act."

6. In the seventeenth article, after the word "without," insert "just."

7. Add the following:

"Article 22. Foreigners who are residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native citizens of the United States."

8. Add the following:

"Article 23. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State."

Mr. Peck moved that the Convention concur in the amendments made in committee of the Whole, pending which,

On motion of Mr. Hepner,

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

## TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The question being on agreeing to the amendments, made in committee of the Whole, to the report of the committee on the Bill of Rights.

Mr. Lowe, of Muscatine, offered the following amendment to the fourth article:

"Strike all out after the word 'trust' in the second line, and insert as follows: 'and no person shall be denied the enjoyment of any civil right, merely on account of his religious principles. There shall be no establishment of one religious sect in preference to another.'"

On the adoption of which the yeas and nays were called for by two members, and were as follows. Yeas 9—Nays 59.

Those who voted in the affirmative were—Messrs. Campbell, of Washington, Chapman, Cook, Hawkins, Hoag, Hobson, Lowe, of Muscatine, McKean and Ross, of Washington.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Charleton, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, O'Brien, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Peck withdrew his motion to concur in the amendments made in committee of the Whole.

Mr. Bailey moved to concur in the first amendment made in committee of the Whole, and on this question the yeas and nays being demanded by two members were as follows. Yeas 55—Nays 12.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brookbank, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, O'Brien, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of

Jefferson, Salmon, Sells, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Butler, Campbell, of Washington, Chapman, Cook, Hawkins, Hoag, Hobson, Lowe, of Muscatine, McKean, Murray, Ross, of Washington, and Shelleday.

The amendment was concurred in.

Mr. Peck moved to concur in the seventh amendment, made in committee of the whole, upon which the yeas and nays were demanded by two members, and were as follows: Yeas 69—Nays 0.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was concurred in.

The question being on concurring in the other amendments made in committee of the Whole.

Was decided in the affirmative.

Mr. Hall offered the following amendment.

In the sixth article, fifth line, strike out all after the word "true" to the end of the line.

And the question being on the adoption of said amendment, the yeas and nays were demanded by two members, and are as follows. Yeas 39—Nays 29.

Those who voted in the affirmative were—Messrs. Bailey, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Clark, Crawford, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Hempstead, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Mordan, McCrory, Murray, O'Brien, Quinton, Ripley, Ross, of Jefferson, Shelleday, Strong, Taylor, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Blankinship, Brookbank, Chapman, Cook, Cutler, Delashmutt, Harri-

son, Hawkins, Hepner, Hoag, Hooton, Kerr, Lowe, of Muscatine, McAtee, Marsh, McKean, Peck, Price, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Staley, Thompson, Toole and Williams.

The amendment was adopted.

Mr. Sells offered the following amendment:

Add to the third article the words "without his consent."

Which was not adopted.

Mr. Galbraith offered the following amendment to the twentieth article:

Add to the twentieth article, "nor shall the Legislature pass any valuation or stay law, which shall in any way affect the remedy upon a contract existing at the time of the passage of such law.

Which was not adopted.

Mr. Ross, of Washington, offered the following amendment:

1. That no person shall be transported out of this State for any offence committed within the State.

2. That no title of nobility, hereditary emoluments, privileges or honors, shall ever be granted or conferred by this State.

3. That free emigration, to and from this State, shall never be prohibited.

Mr. Bailey called for a division of the question, and the question being on the first section of the amendment,

It was decided in the negative.

The question then recurring on the second section of the amendment,

It was decided in the negative.

The question then recurring on the adoption of the third section,

It was decided in the negative.

Mr. Shelleday offered the following amendment:

Article 24. That the levying taxes by the poll is grievous and oppressive, therefore the Legislature shall never levy a poll tax for county or State purposes, and that all tax shall be by actual valuation.

The question being on the adoption of said amendment, the yeas and nays were demanded by Messrs. Shelleday and Ferguson, and are as follows. Yeas 28—Nays 40.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Blankinship, Brown, Campbell, of Washington, Charleton, Ferguson, Galbraith, Galland, Gehon, Gower, Harrison, Hepner, Lucas, Marsh, McAtee, Murray, O'Brien, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Shelleday, Staley, Whitmore and Wright.

Those who voted in the negative were—Messrs. Benedict, Brook-

bank, Campbell, of Scott, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Grant, Hall, Hale, Hawkins, Hempstead, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, McCrory, McKean, Peck, Price, Randolph, Salmon, Sells, Strong, Taylor, Thompson, Toole, Williams, Wyckoff and Mr. President.

The amendment was not adopted.

On motion of Mr. Langworthy,

The Convention adjourned until to-morrow morning at 9 o'clock.

## TUESDAY MORNING, OCTOBER 15, 1844.

The Convention met pursuant to adjournment.

On motion of Mr. Gehon,

Ordered, That the Secretary in reading the journal, omit the members names in the yeas and nays.

Mr. Gehon moved to dispense with the rule requiring the President to call for resolutions by counties.

Which was adopted.

Mr. Galbraith offered the following resolution:

*Resolved*, That the Secretary be authorized to cause lights to be furnished for the use of this Convention, and to call upon each member for his proportional part of the expenses incurred in so doing.

Which was not agreed to.

Mr. Kirkpatrick offered the following:

*Resolved*, That there be a select committee appointed by the President, whose duty it shall be to report to this Convention, what is to be understood by the Bill of Rights, in all its bearings.

Which was not agreed to.

Mr. Gehon, Chairman of the committee on the Militia System, made the following report:

Report of the committee on the Militia System,

FRANCIS GEHON, Chairman.

1. The Militia of this State shall be composed of all able bodied white male persons, between the ages of eighteen and forty-five years,

except such persons as are, or may hereafter be exempted by the laws of the United States or of this State.

2. The Legislature shall provide by law, for organizing, equipping and disciplining the militia of this State, in such manner as may seem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

3. All commissioned officers of the militia, (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

4. The Governor shall have power to call out the militia to execute the laws of the State, to suppress insurrection and repel invasion.

Which was read a first time.

On motion of Mr. Hooton,

Ordered, That one hundred and fifty copies be printed.

Mr. Hall, Chairman of the select committee, to whom was referred the petition of sundry citizens of this Territory, in relation to persons of color, made the following report:

The Select committee to whom was referred a petition of sundry citizens praying for the admission of people of color on the same footing as white citizens. Also a resolution instructing them to report their opinion upon the propriety of making a constitutional provision prohibiting them from settling within the State, &c., beg leave to report.

That all men are created equal, and are endowed by their Creator with equal unalienable rights, your committee are free to admit: That so far as nature is concerned those rights are as sacred to the black man as the white man, and should be so regarded. This however is a mere abstract proposition, and although strictly true, when applied to man in a state of nature; yet it becomes very much modified when man is considered in the artificial state in which government and society places him. Thus the infant is not entitled to liberty or the pursuits of happiness until he arrives at the age of twenty-one years. Females by the arbitrary rules of society are excluded and debarred from many things which males consider rights and high privileges—such as the elective franchise, holding office, &c. Now in these cases the female and infant are denied what we abstractly term unalienable rights, and they submit without complaint or murmur. No one thinks of sympathizing with them in their deprivations. The philanthropist has never had occasion to commiserate their fate, still it is in those respects the same as

the *citizen of color*. The negro is surely no better than our wives and children, and should not excite sympathy when they desire the political rights which they are deprived of.

The great error that exists in the minds of our citizens who reason in favor of negro suffrage and citizenship, arise from their mingling the national and artificial rights of man, and treating the artificial institutions of government as sacred and as undeniable to *man* as the abstract rights of nature; a position which is untrue in point of fact, and in opposition to the experience of the whole world. Governments are strictly conventional, and although based upon the laws of nature, they are necessarily limited and circumscribed in their operation. It is made for those who are to be benefited by it, and is not bound to unbar its doors and receive every vagrant who may take refuge in it.

Government is an institution or an association entered into by man, the very constitution of which changes or modifies to a greater or less extent his natural rights. Some are surrendered others modified. The compensation for these sacrifices, is found in the greater security in those rights retained, and a cheapening of the expense of protecting them. It is a means sought by man to make more available, secure, and certain his *unalienable* rights of life, liberty and the pursuits of happiness. Thus the citizen acquires a species of property in his government, which he has a right to enjoy without molestation and without disturbance. In forming or maintaining a government it is the privilege and duty of those who have or are about to associate together for that purpose to modify and limit the rights or wholly exclude from the association, any and every species of persons who would endanger, lessen or in the least impair the enjoyment of these rights. We have seen that the application of this principle limits the rights of our sons, modifies the privileges of our wives and daughters, and would not be unjust if it excluded the negro altogether.—'Tis the party to the compact that should complain, not the stranger. Even hospitality does not sanction complaint under such circumstances. True, these persons may be unfortunate, but the government is not unjust.

If your committee are correct in their views, the question presented for consideration is plainly this: Would the admission of the negro as a citizen tend in the least to lessen, endanger or repair the enjoyment of our governmental institutions—in other words would the accession of a negro population produce any of these consequences. If it would we should be unwise to admit them, if it would not, then it would be wanton and wrong to exclude them. The whole subject should be prop-

erly treated as a question of policy or contract where self interest is just as properly consulted, as in the promotion of a commercial treaty or a private contract. 'Tis the *white* population who are about to form a government for themselves—no negro is represented in this convention, and no one proposes to become a member of the compact. 'Tis the white population of this Territory who petition for the admission of the negro. They necessarily believe that the introduction of such a population as citizens would not interfere with the enjoyments of the white citizens, or they place this admission on the ground that the negro has the arbitrary claim, based as a natural right. The proposition would stand thus :

1st, That the negroes are a desirable or at least a harmless population :

2nd, That the negro has a *natural* right to be admitted as an equal citizen.

The former proposition begs, the latter commands.

Can the negro be admitted to those privileges and not impair the rights of the whites? your committee think not. The Government then would be unjust to admit them. The negro not being a party to the government has no right to partake of its privileges.

However your committee may commiserate with the degraded condition of the negroes, and feel for his fate, yet they can never consent to open the doors of our beautiful State and invite him to settle our lands. The policy of other States would drive the whole black population of the Union upon us. The ballot box would fall into their hands and a train of evils would follow that in the opinion of your committee would be incalculable. The rights of persons would be less secure, and private property materially impaired. The injustice to the white population would be beyond computation. There are strong reasons to induce the belief that the two races could not exist in the same government upon an equality without discord and violence, that might eventuate in insurrection, bloodshed and final extermination of one of the two races. No one can doubt that a degraded prostitution of moral feeling would ensue, a tendency to amalgamate the two races would be superinduced, a degraded and reckless population would follow ; idleness, crime and misery would come in their train, and government itself fall into anarchy or despotism. Having these views of the subject your committee think it inexpedient to grant the prayer of the petition.

Your committee do not think it expedient to introduce an article into the constitution to exclude them from settling, subject to such restrictive laws as the legislature may think proper to make.

Your committee therefore pray to be discharged from the further consideration of the subject—all of which is respectfully submitted.

J. C. HALL, Chairman.

Mr. Hawkins moved to concur in the report.

On motion of Mr. Chapman,

Ordered, That the report be laid upon the table, and that one hundred and fifty copies be printed.

Mr. Quinton, chairman of the committee on Amendments to the Constitution, made the following report :

Any amendment or amendments to this Constitution, may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments, shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen, and shall be published for six months previous to the time of making such choice; and if in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments, shall be agreed to by two thirds of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments, to the people in such manner and at such time as the General Assembly shall prescribe, and if the people shall approve and ratify such amendment or amendments, by a majority of all the citizens of the State voting for representatives, voting in their favor, such amendment or amendments, shall become part of this Constitution; when any amendment or amendments to this Constitution, shall be proposed in pursuance of the foregoing provisions, the same shall, at each of the said sessions, be read three several days in each house. The Legislature shall not propose amendments to the Constitution oftener than once in six years.

Which was read a first time.

On motion of Mr. Fletcher,

Ordered, That one hundred and fifty copies be printed.

Mr. Galbraith offered the following preamble and resolution.

WHEREAS, It is important for the interests of our constituents that a burthensome debt should not be incurred, by an unnecessary lengthy session of this Convention, and it is therefore important that the members of this Convention should undergo some inconvenience, in order

that unnecessary taxation may not hereafter fall upon our citizens, therefore,

*Resolved*, That this Convention shall convene every evening at the hour of 7½ o'clock, Sundays excepted, for the transaction of business, and that each member shall furnish his proportional part of any money necessary to defray the expenses of such nightly sessions.

Mr Ferguson called for a division of the question.

Mr. Shelleday moved to lay the resolution on the table.

Which was adopted.

Mr. Quinton moved to take from the table the resolution of Mr. Sells, in relation to the apportionment in the first General Assembly.

Which was not agreed to.

The report of the committee on the Bill of Rights being under consideration,

Mr. Hall offered the following amendment:

Insert after the fourth line of the fifteenth article as follows, "and no person shall be convicted of treason, when the act committed and charged as treason has been done in accordance with the will of a majority of the people, expressed by a vote prior to the commission of the act."

Mr. Crawford moved the previous question.

Which was sustained.

The question being "shall the main question now be put?"

Was decided in the affirmative.

The question then recurring on the amendment offered by Mr. Hall, the yeas and nays were demanded by two members and were as follows. Yeas 14—Nays 54.

Those who voted in the affirmative were—Messrs. Bailey, Charleston, Cutler, Evans, Ferguson, Galbraith, Gehon, Hall, Hale, Langworthy, Olmstead, Quinton, Whitmore and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Crawford, Davidson, Delashmutt, Durham, Fletcher, Galland, Gower, Grant, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Peck, Price, Randolph, Ripley, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Williams, Wright and Wyckoff.

The amendment was not agreed to.

On motion of Mr. Langworthy,

Ordered, That the report be engrossed and read a third time on tomorrow.

The resolution offered by Mr. Cutler in relation to the "will of the majority," coming up for consideration,

Mr. Gehon moved its adoption, and the yeas and nays being demanded by two members were as follows. Yeas 27—Nays 41.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Blankinship, Brown, Culler, Davidson, Durham, Evans, Fletcher, Ferguson, Galland, Gehon, Gower, Hale, Harrison, Hempstead, Hepner, Marsh, Murray, O'Brien, Peck, Price, Quinton, Ross, of Jefferson, Salmon, Staley, Whitmore and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Crawford, Cook, Delashmutt, Grant, Hall, Hawkins, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Mordan, McAtee, McCrory, McKean, Olmstead, Randolph, Ripley, Robinson, Ross, of Washington, Sells, Shelleday, Strong, Taylor, Thompson, Toole, Williams, Wright and Wyckoff.

The resolution was not agreed to.

The report of the committee on Suffrage and Citizenship, being the order of the day,

Mr. Gehon moved its consideration in the Convention, instead of committee of the Whole.

Which was agreed to.

Mr. Grant moved that it be engrossed, and read a third time tomorrow.

Mr. Gehon moved to amend by striking out the word "ballot," in the sixth section, and inserting "viva voce."

Mr. Cook offered the following amendment to the amendment.

At the end of the sixth section, insert "Provided, That the Legislature may at any time hereafter, if deemed expedient, provide for a different manner of electing township officers."

The question being on the amendment to the amendment,

Was decided in the negative.

Mr. Peck offered the following amendment to the amendment.

"All elections shall be by ballot, but the Legislature may change that system of voting after the year 1848."

Which was decided in the negative.

The question then recurring on the amendment offered by Mr. Gehon, the yeas and nays were demanded by two members, and were as follows. Yeas 24—Nays 44.

Those who voted in the affirmative were—Messrs. Butler, Chapman, Delashmutt, Durham, Evans, Gehon, Hawkins, Hempstead, Hepner, Kerr, Kirkpatrick, Langworthy, McAtee, McCrory, Murray, O'Brien, Price, Quinton, Ripley, Ross, of Jefferson, Salmon, Shelleday, Strong and Wright.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Cook, Cutler, Davidson, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hoag, Hobson, Hooton, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McKean, Olmstead, Peck, Randolph, Robinson, Ross of Washington, Sells, Taylor, Thompson, Toole, Whitmore, Williams, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Taylor offered the following amendment to the sixth section:

“That all elections shall be by ballot: *Provided*, That the Legislature may at its first session or any time thereafter, change or alter the manner of voting.”

Upon which the yeas and nays being demanded by two members, were as follows. Yeas 25—Nays 45.

Those who voted in the affirmative were—Messrs. Butler, Chapman, Clarke, Delashmutt, Durham, Gehon, Gower, Hempstead, Kirkpatrick, Langworthy, Lowe, of Des Moines, Mordan, McAtee, Murray, O'Brien, Peck, Price, Ripley, Ross, of Jefferson, Salmon, Shelleday, Staley, Strong, Taylor and Wright.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Cook, Cutler, Crawford, Davidson, Evans, Fletcher, Ferguson, Galbraith, Galland, Grant, Hall, Hale, Harrison, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Lowe, of Muscatine, Lucas, Marsh, McCrory, McKean, Olmstead, Quinton, Randolph, Robinson, Ross, of Washington, Sells, Thompson, Toole, Whitmore, Williams, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Galbraith offered to amend by striking out the sixth article.

Upon which the yeas and nays being demanded by two members were as follows. Yeas 20—Nays 49.

Those who voted in the affirmative were—Messrs. Bailey, Chapman, Delashmutt, Durham, Galbraith, Gehon, Hall, Hale, Hempstead, Kirkpatrick, Langworthy, McAtee, Murray, Price, Quinton, Shelleday, Staley, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Cook, Crawford, Cutler, Davidson, Evans, Fletcher, Ferguson, Galland, Gower, Grant, Harrison, Hawkins, Hepner, Hobson, Hooton, Kerr, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McCrory, McKean, O'Brien, Olmstead, Peck, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Strong, Taylor, Thompson, Toole, Whitmore and Williams.

The amendment was not agreed to.

Mr. O'Brien offered the following amendment to be added to the first section:

“That all foreigners who have resided in this State three years, and who have declared their intentions to become citizens of the United States, shall be permitted to vote for Representatives and county officers.

Upon which the yeas and nays being demanded by two members were as follows. Yeas 29—Nays 39.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brown, Butler, Crawford, Cutler, Evans, Galbraith, Gehon, Gower, Hall, Hale, Hempstead, Langworthy, McAtee, O'Brien, Olmstead, Price, Quinton, Ripley, Ross, of Jefferson, Salmon, Staley, Taylor, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Davidson, Delashmutt, Durham, Fletcher, Ferguson, Galland, Grant, Harrison, Hawkins, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McCrory, McKean, Murray, Peck, Randolph, Robinson, Ross, of Washington, Sells, Shelleday, Strong, Thompson, Toole and Williams.

The amendment was not agreed to.

Mr. Gower offered the following amendment to the first section:

“But all persons who are students at any College or institution of learning, in counties other than those in which their residence has been

established, shall not be allowed to vote in the county wherein such College or institution of learning may be located."

Which was not agreed to.

Mr. Randolph offered the following amendment:

Add after the word "vote" in the fourth line, "in the township in which he has his residence."

Which was not agreed to.

Mr. Cutler offered the following amendment:

Strike out the word "six" in the third line of the first section and insert the word "three."

Which was not agreed to.

Mr. Wyckoff offered the following amendment to the first section:

"Provided, That foreigners who have resided within the United States for the term of five years, and within this State two years, and who shall have declared their intention to become citizens, shall be entitled to vote for township officers."

Which was not adopted.

Mr. Davidson offered the following amendment to the first section:

"And that no person shall be deemed to have lost his residence in this State by reason of his absence on business of the United States or of this State."

Which was not agreed to.

On motion of Mr. Peck,

Ordered, That the report be engrossed and read a third time to-morrow.

The report of the committee on Internal Improvements being the order of the day.

Mr. Peck moved to take from the table the report of the committee on State Debts and Liabilities, and to consider it in conjunction with the report on Internal Improvements.

Which was agreed to.

Mr. Hepner moved to lay the report on Internal Improvements on the table.

Which was agreed to.

Mr. Lowe, of Muscatine, moved that the report of the committee on State Debts and Liabilities, be engrossed and read a third time on to-morrow.

Mr. Campbell, of Scott, offered the following amendment:

Strike out all after the word "shall" in the second line, to the word

"shall" in the eleventh line, and insert "not be necessary to defray the current expenses of the government, unless the same shall be authorized by an act of the legislature, for some specific object or work which shall be distinctly specified therein, but no such act."

Mr. Sells offered the following amendment, to the amendment:

After the words "current expenses of the government," insert "and to secure the property of the State against loss."

Which was not agreed to.

The question being on the adoption of the amendment of Mr. Campbell.

Mr. Peck called for the previous question,

Which was sustained.

On motion of Mr. Evans,

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

## TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The question being, "shall the main question now be put,"

It was decided in the affirmative.

The question being on adopting the amendment of Mr. Campbell, of Scott,

It was decided in the negative.

The question then recurring on the adoption of the motion of Mr. Lowe, of Muscatine, that the report be engrossed and read a third time on to-morrow,

It was decided in the affirmative.

The report of the committee on the Executive Department, being the order of the day, was taken up, and

On motion of Mr. Lucas,

Ordered, That the report be considered in Convention, instead of committee of the Whole.

Mr. Chapman offered the following amendment to the first article: Strike out all after the word "year," third line.

Which was not agreed to.

Mr. Taylor offered the following amendment to the first article: Strike out the word "four" in the first line, and insert "two."

Which was not agreed to.

Mr. Galbraith offered the following amendment to the first article:

"And who shall be *ex officio* auditor of public accounts."

Which was not agreed to.

Mr. Shelleday offered the following amendment to the fifth section: Strike out "eight" and insert "four," and strike out "twelve" and insert "eight."

Which was agreed to.

Mr. Peck moved to strike out the fifth section.

Which was agreed to.

Mr. Shelleday moved to strike out the word "annual" in the twelfth article, and insert "next."

Which was agreed to.

Mr. Hooton moved to strike out the twelfth section.

Mr. Galbraith called for the previous question,

Which was sustained.

The question being, "shall the main question now be put?"

It was decided in the affirmative.

The question being on striking out the twelfth section, the yeas and nays were demanded by two members, and were as follows. Yeas 7—Nays 58.

Those who voted in the affirmative were—Messrs. Crawford, Gehon, Hempstead, Hepner, Hooton, Quinton and Whitmore.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hobson, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mor-dan, McAtee, McCrory, Murray, O'Brien, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Taylor, Thompson, Toole, Williams, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

Mr. Kirkpatrick offered the following amendment to the twelfth section:

Strike out of the second line the words "of adjournment," and insert "to which they shall adjourn."

Mr. Galbraith called for the previous question,

Which was sustained.

The question being, "shall the main question now be put?"

It was decided the affirmative.

The question being on Mr. Kirkpatrick's amendment,

It was decided in the negative.

Mr. Taylor offered the following amendment:

Strike out all after the word "Senate" in the second line, fifteenth section to the word "questions."

Which was not agreed to.

Mr. Davidson moved to strike out the fifteenth section.

Which was not agreed to.

Mr. Hempstead offered the following amendment.

After the word "impeachment" in the third line of the eighteenth section, insert "in such manner and upon such conditions as may be prescribed by law."

Which was adopted.

Mr. Grant offered the following amendment.

After the word "pardon" insert the words "and commute punishments."

Which was adopted.

Mr. Hempstead moved to amend the twenty-third article by striking out the words "appointed by joint ballot of both houses of the General Assembly" in the first and second lines, and insert "elected by the qualified electors at the time and places of voting for Governor;"

Upon which the yeas and nays being demanded by two members, were as follows. Yeas 58—Nays 8.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Charleton, Chapman, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Fletcher, Ferguson, Galbraith, Gehon, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, McAtee, Murray, O'Brien, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Campbell, of Washington, Cook, Galland, Lowe, of Muscatine, McCrory, McKean, Randolph and Ross, of Washington.

The amendment was agreed to.

Mr. Benedict offered the following amendment:

Add to last line of twenty-third article, "and shall be *ex officio* auditor of public accounts."

Which was not agreed to.

Mr. Peck offered the following amendment:

Add at close of twenty-third section, "and he shall be *ex officio* Superintendent of common schools;" upon which the yeas and nays were demanded and were as follows. Yeas 11—Nays—55.

Those who voted in the affirmative were—Messrs. Bissell, Clarke, Fletcher, Galland, Gower, Grant, Hepner, Lowe, of Des Moines, Peck, Robinson and Staley.

Those who voted in the negative were—Messrs. Bailey, Benedict, Blankinship, Brown, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Ferguson, Gehon, Hall, Hale, Harrison, Hawkins, Hempstead, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Price, Quinton, Randolph, Ripley, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Grant moved to strike out of the twenty-third section the words "if he shall so long behave well."

Which was agreed to.

Mr. Langworthy moved to amend the report by striking out the word "four" wherever it occurs, and insert the word "two" in lieu thereof.

Upon this question the yeas and nays were demanded and were as follows. Yeas 42—Nays 25.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Butler, Campbell, of Washington, Chapman, Crawford, Cutler, Davidson, Delashmutt, Durham, Fletcher, Ferguson, Galbraith, Gehon, Gower, Hale, Hawkins, Hempstead, Hobson, Kirkpatrick, Langworthy, Marsh, Mordan, McAtee, Murray, O'Brien, Quinton, Randolph, Ripley, Ross, of Jefferson, Ross, of Washington, Staley, Strong, Taylor, Toole, Whitmore, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Campbell, of Scott, Charleton, Clarke, Cook, Evans, Galland, Grant, Hall, Harrison, Hepner, Hooton, Kerr, Lowe, of Des Moines, Lowe, of Muscatine, Lucas,

McCrory, McKean, Peck, Price, Robinson, Salmon, Sells, Shelleday, Thompson and Mr. President.

The amendment was agreed to.

Mr. Chapman moved to amend the twenty-fourth section by inserting the words "Secretary of State" after the words "Lieutenant Governor" wherever it occurs in said section.

Mr. Staley called for the previous question,

Which was ordered.

The question being, "shall the main question now be put?"

Was decided in the affirmative.

The question then being on the amendment to the twenty-fourth section, proposed by Mr. Chapman.

Was decided in the affirmative.

On motion of Mr. Bailey,

Ordered, That the report be engrossed and read a third time on Wednesday next.

The President announced the appointment of the following, as the select committee to whom is referred the report of the standing committee on State Boundaries.

Messrs. Langworthy, Price, Lowe, of Des Moines, Cutler, Brown, Randolph, Fletcher, Gehon, Evans, Benedict, Taylor, Kirkpatrick and Harrison.

On motion of Mr. Peck,

The Convention adjourned until to-morrow morning at 9 o'clock.

### WEDNESDAY MORNING, OCTOBER 16, 844.

The Convention met pursuant to adjournment.

Mr. Fletcher, on previous notice and leave granted, made the following minority report of the standing committee, on the Judiciary.

#### MINORITY REPORT OF THE COMMITTEE ON THE JUDICIARY.

1. The Judicial power of this State shall be vested in a Supreme Court and courts of Common Pleas, and in such inferior courts as the Legislature may, from time to time, ordain and establish.

2. The Supreme Court shall consist of a Chief Justice, and two associate justices, any two of whom shall constitute a quorum and shall have jurisdiction, co-extensive with the limits of the State, under such restrictions and regulations as may, from time to time, be prescribed by law.

3. The courts of Common Pleas shall consist of a President Judge, and two associate judges; the President Judge alone, in the absence of the associate judges, or the President Judge and one of the associate judges, in the absence of the other, shall be competent to hold a court, and the two associate judges, in the absence of the President, shall be competent to hold a court, except in capital cases and cases in chancery.

4. The President and associate judges, of the courts of Common Pleas, in their respective counties, shall have civil law and chancery jurisdiction, and also criminal jurisdiction in all such cases, and in such manner as may be prescribed by law.

5. The Judges of the Supreme Court shall, by virtue of their offices, be conservators of the peace throughout the State, as also the President Judges in their respective districts, and the associate judges in their respective counties.

6. The Judges of the Supreme Court shall be elected by the qualified voters of the State, and shall hold their office during the term of seven years.

7. The State shall be divided into three convenient judicial districts, and there shall be elected by the qualified electors, one judge in each district, who shall preside over the courts of Common Pleas in the several counties in the district, to hold his office during the term of five years; *Provided*, That nothing in this article shall be construed as to prohibit the legislature from increasing the number of districts hereafter.

8. The Associate Judges, of the courts of Common Pleas, shall be elected by the qualified electors of the respective counties, and shall hold their office for the term of two years.

9. There shall be elected in each county, by the qualified electors therein, a clerk of the court of Common Pleas, to hold his office for the term of five years.

10. The Judges of the Supreme Court shall appoint a clerk, who shall hold his office during their pleasure.

11. The Judges of the Supreme Court shall receive, as a compensation for their services, the sum of — dollars per annum. The

President Judges of the Court of Common Pleas shall receive the sum of — dollars per annum, and the associate judges of the Courts of Common Pleas, shall receive the sum of — dollars per day, while engaged in the duties of their respective offices.

12. There shall be no election of the Judges of the Supreme Court until after the first session of the Legislature of this State, and until the Legislature shall otherwise prescribe by law, the powers of the Supreme Court shall be vested in, and its duties shall be performed by the President Judges of the several judicial districts, and they, or a majority of them, shall hold such sessions of the Supreme Court as may be prescribed by law.

13. The style of all process shall be "the State of Iowa." All prosecutions shall be carried on in the name and by the authority of "the people of the State of Iowa," and conclude "against the peace and dignity of the same."

J. E. FLETCHER,

Which was read a first time.

On motion of Mr. Blankinship,

Ordered, That one hundred and fifty copies be printed.

On motion of Mr. Ferguson,

Ordered, That the select committee to whom was referred the report of the committee on State Boundaries, be discharged, and that the report be referred to a select committee of three from each judicial district.

The order of the day being the report of the committee on Education and School Lands.

On motion of Mr. Bailey,

Ordered, That the report be re-committed to the committee, and that Mr. Hall be added to the same.

On motion of Mr. Hall,

Ordered, That the report of the committee on Internal Improvements be taken from the table.

On motion of Mr. Hall,

Ordered, That the report be amended by striking out the word "current" in the seventh line, and inserting at the end of the section "in which the same is to be expended,"

Mr. Langworthy moved that the report be engrossed and read a third time to-morrow,

Mr. Randolph called for the previous question,

Which was ordered.

The question being "shall the main question now be put?"

Mr. Hall demanded the yeas and nays which were as follows. Yeas 10—Nays 60.

Those who voted in the affirmative were—Messrs. Delashmutt, Ferguson, Galland, Grant, Hooton, Randolph, Ripley, Toole, Whitmore and Wright.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Galbraith, Gehon, Gower, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hobson, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Williams, Wyckoff and Mr. President.

The previous question was not agreed to.

Mr. Galbraith offered the following amendment to the report:

After the word "improvement" in the third line insert,

"Unless the law authorising the creation of a debt or debts, for such purpose, and distinctly stating the amount of debt to be created, the particular purpose to which the money is to be applied, and the proposed mode of payment, and also providing ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, (which shall be irrevocable until the principal and interest thereon shall be paid and discharged,) and shall have been submitted to the people at the next general election after the passage of such law, and shall have received a majority of all the votes cast for and against it at such election; *Provided*, That the public creditors, from whom any loan authorized as aforesaid shall be borrowed, shall have no lien or right to receive payment from any other source than the one provided for in the act creating the loan."

On motion of Mr. Hepner,

Ordered, That the report and amendment lie on the table, subject to the order of the Convention.

Mr. Fletcher offered the following resolution:

*Resolved*, That the number of copies of the report of the select com-

mittee to whom was referred the petition of certain citizens of Henry and other counties, relative to the rights of the colored population of the Territory, be increased to seven hundred.

Which was laid over until to-morrow.

Mr. Chapman offered the following resolution:

*Resolved*, That the committee on Education and School Lands, be instructed to inquire into the expediency of securing to the school fund forever, inviolate, the five hundred thousand acres of land granted by Congress to the new States.

Which was adopted.

The report of the committee on the Judiciary being in order,

On motion of Mr. Hooton,

Ordered, That the report lie upon the table subject to the order of the Convention.

On motion of Mr. Lowe, of Muscatine,

Ordered, That the report of the committee on the Legislative Department be read a second time and made the order of the day for this afternoon.

The report of the committee on County Organization being in order,

On motion of Mr. Chapman,

Ordered, That the first section be stricken out.

Mr. Brookbank moved to lay the report on the table subject to the order of the Convention.

Which was not agreed to.

On motion of Mr. Harrison,

Ordered, That the blank in the sixth line of the second section, be filled by inserting "two."

On motion of Mr. Galbraith,

Ordered, That the second section of the report be amended by striking out the words "who shall be commissioned by the Governor," in the fifth and sixth lines.

Mr. Durham offered the following amendment to the report:

Section 1. "No new county shall be laid off, nor no old county reduced to less contents than five hundred square miles."

Mr. Lucas moved to amend by striking out "five hundred" and inserting "four hundred and thirty-two."

Which was agreed to.

Mr. Brown offered the following amendment,

"Nor shall the Legislature alter the lines of any counties now organized."

Pending which,  
On motion of Mr. Crawford,  
The Convention adjourned until 2 o'clock, P. M.

### TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report of the committee on County Organization, and the question being on adopting the amendment offered by Mr. Brown, to the amendment offered by Mr. Durham.

Which was decided in the negative.

The question then recurring upon the original amendment offered by Mr. Durham as amended,

Mr. Hall moved to strike out "32."

Which was agreed to.

Mr. Peck offered the following substitute to the amendment:

"The Legislature shall not have power to lay off any new counties of a less size than 400 square miles, nor to reduce counties now organized to a less size than 400 square miles, unless petitioned for by two thirds of the legal voters of such county.

Which was decided in the negative.

Mr. Hepner offered the following substitute:

"No county shall be laid off, of less contents than 324 square miles or eighteen miles square, nor shall the Legislature in laying off any new county reduce the county or counties from which such new county is taken, to less contents than three hundred and twenty-four square miles."

Mr. Hale called for the previous question.

Which was ordered.

The question being "shall the main question now be put?"

It was decided in the negative.

The question then recurring on the adoption of the substitute offered by Mr. Hepner,

It was not agreed to.

Mr. Peck offered the following amendment to the amendment:

"And whenever it may be expedient, in the opinion of a majority of

the legal voters of any organized county in this State, to remove the county seat of such county, it shall be lawful for them to petition the court doing county business, to order an election between the point proposed in said petition, and the place at which the county seat may be situated, and in case a majority of the number of voters who shall have voted at the last preceding general election, shall petition for an order of election, said court shall order an election between the county seat and such proposed, to be conducted as may be directed by law, and if the point proposed against the county seat, shall receive a majority of the votes cast at any such election, it shall be declared the county seat for such county."

Which was not agreed to.

The question being on the adoption of the original amendment as amended,

It was decided in the affirmative.

Mr. Evans offered the following amendment to the first section: Add to the first section, "No seat of justice when established in any county in this State, shall be removed, unless by a majority of two thirds of the legal voters of said county.

Which was not agreed to.

Mr. Harrison offered the following amendment:

Section 2nd, 12th line, strike out after the word "offices," to the end of the section.

Which was not agreed to.

Mr. Chapman offered the following amendment:

"Who shall be recorder of deeds," insert after "business" in fourth line of second section.

Which was not agreed to.

Mr. Bailey moved to strike out the second section as amended.

Mr. Hall moved to recommit the report to a select committee of two from each Judicial District.

Which was decided in the negative.

The question then recurring on Mr. Bailey's motion to strike out the second section.

Which was decided in the negative.

Mr. Kirkpatrick offered the following amendment to the second section:

Strike out all after the word "sheriff," 2nd line, insert, "and other county officers as may be hereafter directed by law."

Which was not agreed to.

Mr. Hepner offered the following amendment :

"Section 8. No county officer whose fees shall be defined by law, shall be paid extra for their services by the county or State."

Mr. Strong moved to lay the report, with the amendments on the table.

On which question Mr. Chapman demanded the yeas and nays, which were ordered, and are as follows. Yeas 15—Nays 52.

Those who voted in the affirmative were—Messrs. Bailey, Charleton, Cook, Durham, Evans, Fletcher, Galland, Grant, McAtee, McKean, Quinton, Staley, Strong, Taylor and Whitmore.

Those who voted in the negative were—Messrs. Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Crawford, Cutler, Davidson, Delashmutt, Felkner, Ferguson, Galbraith, Gower, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Muscatine, Lowe of Des Moines, Lucas, Marsh, Mordan, McCrory, Murray, O'Brien, Olmstead, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Thompson, Toole, Williams, Wright and Mr. President.

The motion was decided in the negative.

Mr. Hall moved to refer the report with the amendments to a select committee of five.

Which was not agreed to.

The question being on Mr. Hepner's amendment, the yeas and nays were demanded, and were as follows. Yeas 64—Nays 1.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright and Mr. President.

Mr. Ferguson voting in the negative.

The amendment was agreed to.

Mr. Langworthy moved to strike out the third, fourth and sixth sections.

Mr. Hall called for a division of the question.

The question being on striking out the third section of the report,

It was decided in the affirmative.

The question then recurring on the fourth section,

It was decided in the negative.

The question then being on striking out the sixth section,

It was decided in the affirmative.

On motion of Mr. Hawkins,

Ordered, That the vote on striking out the fourth section be reconsidered,

The question then recurring on striking out the fourth section,

It was decided in the affirmative.

Mr. Galbraith moved to strike out the fifth section.

Which was not agreed to.

Mr. Ferguson moved to strike out the seventh section.

Which was agreed to.

Mr. Hepner moved to recommit the report with the amendments, to the standing committee.

Which was not agreed to.

Mr. Bailey moved that the report be indefinitely postponed,

Pending which,

On motion of Mr. Shelleday,

The Convention adjourned until to-morrow morning at 9 o'clock.

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#### THURSDAY MORNING, OCTOBER 17, 1844.

The Convention met pursuant to adjournment.

Mr. Langworthy offered the following resolution:

*Resolved*, That this Convention will adjourn on Saturday the 26th of this month.

On motion of Mr. Hepner,

Ordered, That the resolution lie on the table subject to the order of the Convention.

The report of the committee on County Organization being in order,

On motion of Mr. Hooton,

Ordered, That the report be referred to a select committee of nine.

The resolution offered on yesterday by Mr. Fletcher, in relation to

printing extra number of copies of the report of the committee to whom was referred the petition of sundry citizens, in relation to persons of color.

It was decided in the negative.

The report of the committee on the Legislative Department being in order,

On motion of Mr. Quinton,

The Convention resolved itself into committee of the Whole on the report, Mr. Lowe, of Des Moines, in the chair,

And after sometime spent therein, the committee rose and by their chairman reported progress, and asked leave to sit again.

Which was granted.

The President announced the appointment of the following select committee, to whom was referred the report of the committee on State Boundaries.

Messrs. Bailey, Price, Chapman, Harrison, Lucas, Lowe, of Muscatine, Langworthy, Evans, and Kirkpatrick.

On motion of Mr. Peck,

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

### TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Grant,

The Convention resolved itself into committee of the Whole, on the report of the committee on the Legislative Department, Mr. Lowe, of Des Moines in the chair,

And after sometime spent therein, by their chairman reported the same back to the Convention, and asked leave to sit again.

Which was granted.

On motion of Mr. Peck,

The Convention adjourned until to-morrow morning at 9 o'clock.

### FRIDAY MORNING, OCTOBER 18, 1844.

The Convention met pursuant to adjournment.

Mr. Grant offered the following resolution:

*Resolved*, That a committee of revision be appointed by the chair, whose duty it shall be to collect, compare, and digest the various reports of a Constitution preparatory to their third reading.

Which was agreed to.

The report of the committee on the Legislative Department being in order,

Mr. Langworthy moved that the committee of the Whole be discharged from the further consideration of the report.

Which was agreed to.

The question being will the Convention concur in the first amendment made in committee of the Whole, which reads as follows:

Strike out all between the word "State" in the third line of the second section and the word "shall" in the fifth line.

Which was decided in the affirmative.

The question being on the second amendment, to fill the blank in the third section with the words "first Monday in October."

Mr. Grant moved to amend by striking out "first Monday" and inserting "third Tuesday."

Which was agreed to.

The question being on concurring in the amendment as amended by the Convention.

Mr. Hepner called for the yeas and nays, which were as follows. Yeas 42—Nays 24.

Those who voted in the affirmative were—Messrs. Bissell, Blankinship, Brown, Brookbank, Campbell, of Washington, Charleton, Chapman, Cook, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehen, Gower, Grant, Harrison, Hawkins, Hooton, Kerr, Langworthy, Lowe, of Muscatine, Lucas, Mordan, McAtee, McCrory, Murray, O'Brien, Olmstead, Robinson, Salmon, Sells, Shelle-day, Staley, Strong, Taylor, Toole, Whitmore and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Butler, Clarke, Crawford, Davidson, Hall, Hale, Hempstead, Hepner, Hobson, Kirkpatrick, Lowe, of Des Moines, Marsh, McKean, Peck, Price, Quinton, Randolph, Ripley, Ross, of Jefferson, Thompson, Wright and Mr. President.

The amendment was adopted.

The question then being on concurring in the third amendment, which reads as follows:

Strike out the fourth section and insert the following in lieu thereof,

'No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, who shall not be a free white male citizen of the United States, who shall not have been an inhabitant of this State or Territory, one year next preceding his election, and who shall not at the time of his election, have an actual residence in the county or district he may be chosen to represent.'

Mr. Sells moved to amend by inserting after the word "residence," the words "of thirty days."

Which was agreed to.

The question then being on concurring in the amendment as amended,

It was decided in the affirmative.

The question being on concurring in the fourth amendment, which reads as follows:

Strike out the word "thirty" in the fourth line of fifth section, and insert "twenty-five."

It was decided the affirmative.

The fifth amendment being as follows:

Strike out all after the word "years" in the fifth line of the sixth section.

Which was agreed to.

The sixth amendment being,

Strike out all after the word 'same' in the third line of the twelfth section.

Which was agreed to.

The question being on concurring in the seventh amendment, which is as follows:

Strike out the words, "two-thirds" in the fourth line of the sixteenth section, and insert "a majority."

Mr. Hepner moved to strike out all before the word "every" in the fifth line.

Upon which the yeas and nays being demanded and were as follows. Yeas 9—Nays 56.

Those who voted in the affirmative were—Messrs. Bailey, Campbell, of Scott, Grant, Hall, Hale, Hepner, Wright, Wyckoff, and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell,

Blankinship, Brown, Brookbank, Butler, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Harrison, Hawkins, Hempstead, Hobson, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Strong, Taylor, Thompson, Toole, Whitmore and Williams.

The motion was not agreed to.

Mr. Brookbank moved to strike out "a majority" and insert 'two-thirds.'

Which was agreed to.

The question being on adopting the amendment as amended,

It was decided in the affirmative.

The eighth amendment being,

Strike out all after the word 'houses' in the seventh line of the sixteenth section,

It was agreed to.

The question being on concurring in the ninth amendment,

Which reads as follows:

Insert in the sixth line after the word 'nays,' 'a majority of two-thirds of the members of each house present.'

The yeas and nays being demanded, were as follows. Yeas 49—Nays 19.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Cutler, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Gehon, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff, and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Chapman, Cook, Crawford, Delashmutt, Galland, Hall, Hawkins, Hobson, Kerr, Kirkpatrick, Lowe, of Muscatine, McCrory, Randolph, Sells, Shelleday, Toole and Williams.

The amendment was concurred in.

The tenth amendment being,

Strike out the word 'from,' in the fourth line of the twenty-second section and insert 'by.'

It was agreed to.

The question being on concurring in the eleventh amendment, which reads as follows:

Strike out the word 'thirty,' where it occurs in the third and sixth lines of the twenty-fifth section, and insert 'fifty.'

Mr. McCrory moved to strike out 'fifty' and insert 'forty-two.'

Which was not agreed to.

The question then recurring on the amendment,

Mr. Bissell demanded the yeas and nays, which were ordered,

And were as follows: Yeas 39—Nays 30.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brattain, Brown, Butler, Campbell, of Washington, Clarke, Cook, Crawford, Cutler, Galland, Gehon, Hall, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, Murray, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Shelleday, Staley, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Brookbank, Bissell, Campbell, of Scott, Charleton, Chapman, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Gower, Grant, Hale, Hawkins, Hobson, Kerr, Lowe, of Des Moines, Lowe, of Muscatine, McCrory, McKean, O'Brien, Randolph, Sells, Strong, Taylor, Toole and Williams.

The amendment was concurred in.

The twelfth amendment being,

Strike out all between the word 'route,' in the ninth line of the twenty-fifth section, and the word 'Provided,' in the eleventh line.

It was concurred in.

The thirteenth amendment being,

Fill the blank in the second line of the thirty-first section with 'four years for the term of sixteen years.'

It was concurred in.

The fourteenth amendment being,

Strike out the words "male above twenty-one years" where they occur in the third line of the thirty-first section, and the words "male above twenty-one years of age" where they occur in the eighth line.

Was concurred in.

The fifteenth amendment being,

Strike out the words "one hundred" where they occur in the last line of the report, and insert "seventy-two."

Was also concurred in.

Mr. Galbraith offered the following amendment to the seventeenth section.

After the word "objections" in the sixth line, insert, "but if at the next succeeding regular session of the General Assembly, the same measure be introduced and passed by a majority of both houses, it shall become a law without requiring the Governor's concurrence."

Mr. Galbraith demanded the yeas and nays which were ordered,

And were as follows. Yeas 24—Nays 45.

Those who voted in the affirmative were—Messrs. Blankinship, Brattain, Brookbank, Campbell, of Washington, Chapman, Cook, Crawford, Delashmutt, Ferguson, Galbraith, Galland, Hawkins, Hobson, Langworthy, Lowe, of Muscatine, McCrory, Randolph, Sells, Shelleday, Taylor, Toole, Whitmore, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Cutler, Davidson, Durham, Evant, Fletcher, Gehon, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Thompson, Wright and Mr. President.

The amendment was not agreed to.

Mr. Bissell offered the following amendment to the seventeenth section.

Strike out all after the word "it" where it first occurs in the fifth line, and insert,

"After such reconsideration both houses concurring, may direct such bill, together with the objections of the Governor, to be published in all the newspapers printed in this State, for four successive weeks, and that a vote of the qualified electors be taken for and against said bill at the next annual election; and if a majority of the votes cast be in favor of such bill, it shall become a law."

Mr. Shelleday moved to strike out so much of the amendment as required publication in the newspapers.

Which was agreed to.

The question recurring upon the amendment as amended,

Mr. Bissell called for the yeas and nays, which were ordered,

And were as follows. Yeas 23—Nays 41.

Those who voted in the affirmative were—Messrs. Benedict, Bis-

sell, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Crawford, Delashmutt, Evans, Ferguson, Galbraith, Galland, Gower, Hawkins, Hobson, Lowe, of Muscatine, McCrory, Randolph, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Brown, Butler, Charleton, Clarke, Cutler, Davidson, Durham, Fletcher, Gehon, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Thompson, Whitmore, Wright and Mr. President.

The amendment was not agreed to.

Mr. Cook offered the following amendment to be added to the seventeenth section.

"*Provided*, That the objections of the Executive of this State, as provided herein, shall not prevent the said bill from becoming a law, unless said objections are on the ground of the unconstitutionality of said proposed law."

Mr. Cook demanded the yeas and nays, which were ordered,

And were as follows: Yeas 19—Nays 50.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Galland, Hawkins, Hobson, Kerr, Kirkpatrick, Lowe, of Muscatine, McCrory, Randolph, Sells, Shelleday, Toole, Whitmore and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Gehon, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Chapman offered the following amendment to section twenty-ninth.

"No county or counties shall be liable for the expense of laying out or establishing any road or roads authorized by special act of the Assembly."

Mr. Hall offered the following, as a substitute to the amendment offered by Mr. Chapman.

"The Legislature shall provide, by a general law, a method by which State roads may be laid out and established without the intervention of a special law for that purpose."

Pending which,

Mr. Hall moved to adjourn until 2 o'clock.

Which was not agreed to.

Mr. Hall moved to adjourn until half past 1 o'clock.

Mr. Gehon moved to adjourn until 2 o'clock.

Which was agreed to.

## TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report of the committee on the Legislative Department.

The question being on adopting the substitute offered by Mr. Hall in place of the amendment offered by Mr. Chapman.

On which the yeas and nays were demanded by Mr. Hall, and were as follows. Yeas 13—Nays 49.

Those who voted in the affirmative were—Messrs. Bailey, Brown, Davidson, Durham, Ferguson, Gehon, Hall, Murray, O'Brien, Olmstead, Peck, Ross, of Jefferson and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Cutler, Delashmutt, Fletcher, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hawkins, Hempstead, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Price, Quinton, Randolph, Ripley, Robinson, Salmon, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, and Wyckoff.

The substitute was not agreed to.

The question then recurring on the amendment offered by Mr. Chapman,

On which the yeas and nays were called for by Messrs. Hall and Galbraith, which were as follows, Yeas 42—Nays 22.

Those who voted in the affirmative were—Messrs. Benedict, Blank-

inship, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Fletcher, Galbraith, Gower, Harrison, Hawkins, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, Price, Quinton, Randolph, Ripley, Robinson, Salmon, Shelleday, Staley, Strong, Taylor, Whitmore, and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Brown, Brookbank, Evans, Ferguson, Galland, Gehon, Grant, Hall, Hale, Hempstead, Hepner, Lowe, of Des Moines, O'Brien, Olmstead, Peck, Ross, of Jefferson, Thompson, Toole, Williams Wright and Mr. President.

The amendment was adopted.

Mr. Langworthy offered the following amendment:

"32. The Legislature shall, at as early a day as practicable, pass laws to prevent the settlement of Blacks and Mulattoes in this State."

Which was agreed to.

Mr. Gower offered the following amendment:

"33. When a Senatorial or Representative District shall be composed of two or more counties, it shall not be entirely separated, by any county belonging to another District: and no county shall be divided in forming a Senatorial or Representative District."

Which was agreed to.

Mr. Galbraith offered the following amendment to the 25th section:

"Strike out all between the words 'session,' in the fourth line and 'when,' in the fifth line, and insert 'and for the remainder of the session no compensation shall be allowed the members of either House.'"

Which was not agreed to.

Mr. Davidson offered the following amendment:

"No instrument of writing shall be void for want of form: *Provided*, That it contains the substance of the matter or thing intended."

Which was not agreed to.

Mr. Lowe, of Muscatine, offered the following amendment to the 25th section:

"Strike out the words 'male and above 21 years of age, in the tenth line, and insert one hundred and twenty-five thousand in the tenth and eleventh lines.'"

Which was agreed to.

Mr. Hall offered the following amendment:

"34. In all elections by the General Assembly, the members thereof shall vote viva voce, and the votes shall be entered on the journal."

On which Mr. Hall demanded the yeas and nays, which were as follows. Yeas 55—Nays 9.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Campbell, of Washington, Chapman, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Gehon, Gower, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, O'Brien, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Strong, Thompson, Whitmore, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Brookbank, Grant, Lowe, of Muscatine, Galland, McKean, Olmstead, Taylor, Toole and Mr. President.

The amendment was adopted.

Mr. Hempstead offered the following amendment:

"Strike out all of the eleventh section to the word 'the,' in the fifth line."

Which was not agreed to.

Mr. Hempstead moved to amend the report by striking out the word "likewise," at the end of the eleventh section.

Which was agreed to.

Mr. Hooton moved to reconsider the vote given on the amendment made to the third section, fixing the time of holding elections, on the third Tuesday in October.

On motion of Mr. Grant,

A call of the Convention was had, when Messrs. Brattain, Butler, Clarke, Felkner, Hoag and Sells were found to be absent.

On motion,

Messrs. Brattain, Butler, Felkner, Hoag and Sells, were excused from further attendance on the Convention this day, on account of their indisposition.

The Sergeant-at-arms was ordered to require the attendance of the other absentee.

Mr. Clarke appearing,

Ordered, That the further call of the Convention be dispensed with. The question being on reconsidering the vote amending the third section by fixing the time of holding the election, on the third Tuesday in October.

On which the yeas and nays were demanded by Mr. Hawkins, and were as follows. Yeas 27—Nays 40.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Clarke, Cutler, Davidson, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hobson, Hooton, Kirkpatrick, Lowe, of Des Moines, McAtee, Peck, Price, Quinton, Randolph, Ross, of Jefferson, Salmon, Shelleday, Staley, Thompson, Wright and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Crawford, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Hawkins, Kerr, Langworthy, Lowe, of Muscatine, Lucas, Marsh, Mordan, McCrory, McKean, Murray, O'Brien, Olmstead, Ripley, Robinson, Ross of Washington, Strong, Taylor, Toole, Whitmore, Williams and Wyckoff.

The motion was not agreed to.

Mr. Hempstead offered the following amendment to the 29th section.

“Strike out all after the word ‘State,’ in the first line, and insert ‘nor shall the sale of lottery tickets be allowed.’”

Which was not agreed to.

Mr. Quinton moved to amend the twenty-fifth section by striking out “thirty;” and inserting “twenty,” in the seventh line.

Which was agreed to.

Mr. Gehon moved to amend the second section by striking out “January,” in the second line and inserting “December.”

Which was not agreed to.

Mr. Hall offered the following amendment to the 3rd section.

“*Provided*, That the Legislature may alter the time of holding the General election, so that members of Congress elect shall have reasonable time to go to the general Congress between the time of their election and the first Monday of December following the election.”

Which was not agreed to.

Mr. Fletcher offered the following amendment to the 25th section.

“Insert after the word ‘days,’ in the fourth line, the words ‘Sundays excepted.’”

Which was not agreed to.

On motion of Mr. Cook,

Ordered, That the report be engrossed and read a third time on tomorrow.

The President announced the appointment of the following committees.

1st. The select committee, to whom is referred the report on county organization—Messrs. Hepner, Thompson, Davidson, Chapman, Randolph, Harrison, McCrory, Ross, of Jefferson and Langworthy.

2ND. The committee on Revision—Messrs. Grant, Lucas, Lowe, of Muscatine, Lowe, of Des Moines, Cook, Hempstead and Bailey.

Mr. Peck moved to adjourn until to-morrow morning at 9 o'clock.

Which was not agreed to.

The report of the committee on the Militia System being in order,

Mr. Cutler moved to amend the first section in the first line by inserting “the,” after the word “all.”

Which was agreed to.

Mr. Hepner moved to amend the second section by striking out all in the fourth line, after the word “States,” and insert, “*Provided*, the Legislature may make laws to exempt persons in time of peace from military duty, as they may deem advisable, requiring those exempted to pay an equivalent for such duty in money or other public services.”

On which Mr. Hepner demanded the yeas and nays, which were ordered and were as follows. Yeas 22—Nays 42.

Those who voted in the affirmative were—Messrs. Bailey, Brown, Campbell, of Scott, Cutler, Galbraith, Galland, Hall, Hale, Hempstead, Hepner, Kirkpatrick, Marsh, McAtee, Peck, Price, Quinton, Salmon, Staley, Taylor, Thompson, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bissell, Blankinship, Campbell of Washington, Chapman, Clarke, Cook, Crawford, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Gehon, Gower, Grant, Harrison, Hawkins, Hobson, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Mordan, McCrory, McKean, Murray, O'Brien, Olmstead, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Shelleday, Strong, Toole, Whitmore, Williams and Wright.

The same was not agreed to.

Mr. Whitmore moved to amend the first section and second line by striking out the word “five.”

Which was not agreed to.

Mr. Hall offered the following amendment:

“Section 2. No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace; *Provided*, That such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.”

On which Mr. Hall demanded the yeas and nays, which were ordered, and are as follows. Yeas 57—Nays 9.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Durham, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Strong, Taylor, Thompson, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Delashmutt, Evans, Hawkins, Hobson, Hooton, Lowe, of Muscatine, McCrory, Randolph and Toole.

The amendment was adopted.

On motion of Mr. Bailey,

Ordered, That the report be engrossed and read a third time on to-morrow.

On motion of Mr. Bissell,

The Convention adjourned until to-morrow mornng, 9 o'clock.

### SATURDAY MORNING, OCTOBER 19, 1844.

The Convention met pursuant to adjournment.

Mr. Hempstead offered the following resolution.

*Resolved*, That the committee on Education and School Lands, to which was recommitted a report upon that subject, be instructed to enquire into the expediency of providing for the election of the Superintendent of Common Schools, by the qualified electors of the State.

Which was adopted.

Mr. Grant offered the following resolutions.

1. *Resolved*, That the Judiciary Department of the Government, shall consist of a Supreme Court, District Courts, and such inferior courts as the Legislature shall, from time to time, establish.

2. The Supreme court shall consist of three judges who shall be elected by joint ballot of the legislature, and shall be a court of errors to

settle questions of law and equity. Their sessions shall be at the seat of Government; and they shall appoint their own elerk.

3. The District Court shall consist of one judge, who shall be elected by joint ballot as aforesaid; the jurisdiction of said court shall be limited by law; the clerks of said court shall be elected by the people.

4. The term of office of said judges, of Supreme and District courts shall be for six years.

5. The Judges of the Supreme Court shall not perform the duties of judges of the District Court.

Mr. Grant moved to suspend the rules, and that said resolutions be now considered.

Messrs. Hempstead and Hall called for the yeas and nays which were ordered,

And were as follows. Yeas 40—Nays 26.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Davidson, Evans, Grant, Hale, Hempstead, Harrison, Hobson, Kerr, Kirkpatrick, Langworthy, Lowe of Des Moines, Lowe, of Muscatine, Lucas, Mordan, McAtee, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Washington, Sells, Shelleday, Staley, Taylor, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bissell, Brown, Brookbank, Butler, Clarke, Crawford, Cutler, Durham, Fletcher, Ferguson, Galbraith, Galland, Gower, Hall, Hepner, Hooton, Marsh, Murray, Ross, of Jefferson, Salmon, Strong, Thompson, Toole, Whitmore, Williams and Wright.

The motion to suspend was not agreed to.

Mr. Grant asked leave to withdraw the resolutions.

Which was granted.

The report of the committee on Amendments to the Constitution being the order of the day,

Mr. Quinton moved that the report be considered in committee of the Whole.

Which was not agreed to.

Mr. Hempstead moved to strike out the words "two-thirds" and insert "a majority."

Which was agreed to.

Mr. Chapman moved to strike out all after the words "house" in the sixteenth-line.

Upon which the yeas and nays were demanded and were as follows. Yeas 30—Nays 40.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brookbank, Chapman, Clarke, Cook, Crawford, Cutler, Delashmutt, Durham, Felkner, Ferguson, Galbraith, Hall, Hale, Hawkins, Hobson, Kerr, Kirkpatrick, Langworthy, Lowe, of Muscatine, Lucas, McCrory, McKean, Peck, Randolph, Sells, Shelleday, Toole and Wright,

Those who voted in the negative were—Messrs. Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Davidson, Evans, Fletcher, Galland, Gehon, Gower, Grant, Hempstead, Hepner, Hooton, Lowe, of Des Moines, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Williams, Wyckoff and Mr. President.

The motion was not agreed to.

Mr. Hall moved to amend the report by inserting the words 'the same' after the word "propose" in the seventeenth line.

Upon which the yeas and nays were demanded and were as follows: Yeas 47—Nays 22.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brattain, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Cutler, Delashmutt, Durham, Evans, Felkner, Ferguson, Galland, Grant, Hall, Hale, Hawkins, Hempstead, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Mordan, McAtee, McCrory, McKean, Peck, Price, Randolph, Ripley, Robinson, Salmon, Sells, Shelleday, Strong, Taylor, Toole, Wright and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brown, Butler, Charleton, Davidson, Fletcher, Gehon, Gower, Hepner, Marsh, Murray, O'Brien, Olmstead, Quinton, Ross, of Jefferson, Ross, of Washington, Staley, Thompson, Whitmore, Williams and Wyckoff.

The amendment was agreed to,

Mr. McCrory moved to amend by striking out the word "six" in the seventeenth line and insert "four."

Which was not agreed to.

On motion of Mr. McKean,

Ordered, That the report be amended by adding the following section.

Section 2. And if, at any time, two-thirds of the Senate and House of Representatives, shall think it necessary to revise or change this constitution, they shall recommend to the electors at the next election for members of the Legislature, to vote for or against a convention, and if it shall appear that a majority of the electors voting at such election, have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention; to be holden within six months after the passage of such law, and such convention shall consist of a number of members not less than that of both branches of the Legislature.

On motion of Mr. Brookbank,

Ordered, That the report be amended by striking out the word "for Representatives," and inserting "for and against said amendment or amendments."

On motion of Mr. Chapman,

Ordered, That the report be amended, by striking out the word "citizen" in the twelfth line and inserting "qualified electors."

On motion of Mr. Thompson,

Ordered, That the report be amended by striking out the word "six" in the sixth line and inserting "three."

On motion of Mr. Cook,

Ordered, That the report be further amended by striking out "Legislature" and inserting "General Assembly."

On motion of Mr. Gehon,

Ordered, That the report be engrossed and read a third time on Tuesday next.

The report of the committee on the Judicial Department being in order,

On motion of Mr. Lowe, of Muscatine,

Ordered, That the report lie upon the table subject to the order of the Convention.

The report of the committee on Incorporations being in order,

Mr. Hempstead moved to strike out the first section of the majority report which reads as follows:

SEC. 1. "One bank may be established in this State, with branches, not to exceed one for every six counties in conformity with the following rules."

1. "The bill establishing said bank and branches, before the same can become a law, shall be passed by a majority of the members elected to both houses of the Legislative Assembly, be approved by the

Governor, and at the next general election be submitted to the people for their approval or rejection, and if approved by a majority of the qualified electors within this State, the same shall become a law, at such time as the Legislative Assembly shall prescribe."

And insert the minority report which reads as follows:

Sec. 1. "No bank or banking corporation of discount or circulation, shall ever be established in this State."

Pending which,

Mr. Hall moved to adjourn until 2 o'clock.

Mr. Bissell moved to adjourn until Monday morning at 9 o'clock.

Which was not agreed to.

The question then recurring on the motion of Mr. Hall to adjourn until 2 o'clock.

Was decided in the affirmative.

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### TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

The question being on the adoption of the amendment proposed by Mr. Hempstead,

Mr. Butler moved a call of the Convention.

When Messrs. Durham, Gower, Harrison and Hoag were found to be absent, and,

On motion,

They were excused, and the further call dispensed with.

Mr. Gehon demanded the yeas and nays which were ordered,

And were as follows. Yeas 17—Nays 51.

Those who voted in the affirmative were—Messrs. Benedict, Brattain, Clarke, Crawford, Evans, Fletcher, Galland, Gehon, Hall, Hempstead, Langworthy, McKean, O'Brien, Olmstead, Quinton, Ripley and Ross, of Jefferson.

Those who voted in the negative were—Messrs. Bailey, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Cutler, Davidson, Delashmutt, Felkner, Ferguson, Galbraith, Grant, Hale, Hawkins, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Lowe of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, Peck

Price, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Shelday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not adopted.

On motion of Mr. Lowe, of Muscatine,

The Convention adjourned until Monday morning at 9 o'clock.

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### MONDAY MORNING, OCTOBER 21, 1844.

The Convention met pursuant to adjournment.

Mr. Fletcher, chairman of the committee on State Revenue, made the following report.

### REPORT OF THE COMMITTEE ON STATE REVENUE.

Mr. Fletcher, from the committee on State Revenue, made the following report.

1. Such part of the revenue of this State, as may be obtained by direct taxation, shall be raised by a tax upon all lands, tenements, goods, chattles, rights, credits, judgments, stocks, monies and all other property within the State, (excepting always the property of the United States, and the public buildings and other property belonging to this State,) upon which any interest or profit may accrue, and also by a poll tax, and by a tax or license upon professions, faculties, and such other branches of business as shall be necessary to render the burden of taxation just and equal upon all.

2. All property subject to taxation shall be assessed at its value in money.

3. There shall be elected by joint ballot, of both branches of the General Assembly, an Auditor of Public Accounts, and a Treasurer, whose duty shall be prescribed by law.

4. The Auditor of Public Accounts shall hold his office for the term of two years, and shall receive an annual salary of ——— dollars.

5. The Treasurer shall be allowed, as a compensation for his services, the sum of ——— dollars per annum, and shall hold his office for the term of two years.

6. No money shall be drawn from the Treasury except in pursuance of appropriations made by law, and upon the warrant of the Auditor of Public Accounts.

7. There shall be an accurate statement of all receipts, payments, funds, and debts of the State, laid before the General Assembly, at the commencement of each regular session; which statement shall be attached to and published with the same.

The committee on State Revenue were "instructed to take into consideration the subject of defining the salaries and compensation of State and county officers," they have had the same under consideration and beg leave to report.

Your committee are of the opinion that it is expedient to define the salaries of the several State and County officers for the term of ten years, and your committee would respectfully recommend that the following compensations be given, viz:

|                                                    |                    |
|----------------------------------------------------|--------------------|
| To the Governor,                                   | \$10,00 per annum. |
| " " Secretary of State,                            | 500 " "            |
| " " Treasurer,                                     | 400 " "            |
| " " Auditor of Public Accounts,                    | 700 " "            |
| " " Superintendent of Public Instruction,          | 700 " "            |
| " " Judges of Supreme Court, each,                 | 800 " "            |
| " " President Judges, Court of Common Pleas, each, | 800 " "            |

Associate Judges of the court of Common Pleas, two dollars per day (each) for the time of actual service.

Which was read a first time, and

On motion of Mr. Langworthy,

Ordered, That the usual number of copies be printed.

Mr. Galbraith moved to take from the table the preamble and resolution, in relation to night sessions.

On which he demanded the yeas and nays, which were ordered,

And were as follows. Yeas 19—Nays 47.

Those who voted in the affirmative were—Messrs. Brown, Brookbank, Butler, Galbraith, Galland, Hall, Hale, Hempstead, Murray, Price, Quinton, Salmon, Sells, Staley, Taylor, Thompson, Toole, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, De-

Delashmutt, Evans, Felkner, Fletcher, Ferguson, Gower, Grant, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, O'Brien, Olmstead, Peck, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Shelleday, Strong, Whitmore, Wright and Mr. President.

The motion was not agreed not.

Mr. Langworthy asked, and obtained leave of absence for Mr. Gehon, for four days.

Mr. Fletcher asked leave of absence for Mr. Lowe, of Muscatine, for one week.

Which was granted.

The Convention resumed the consideration of the report of the committee on Incorporations.

Mr. Chapman moved to amend the report by striking out all after the ninth line to the end of the first section.

Pending which,

On motion of Mr. Hobson,

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

### TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The question being on the amendment offered by Mr. Chapman,

Mr. Grant called for a division of the question.

The question then being on striking out the second rule which reads as follows:

2. "Such bank or branches shall not commence operations until half of the capital stock subscribed for, be actually paid in gold and silver, which amount, in no case, shall be less than one hundred thousand dollars."

The yeas and nays being ordered.

Were as follows. Yeas 5—Nays 63.

Those who voted in the affirmative were—Messrs. Chapman, Cook, Delashmutt, McCrory and Toole.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington. Charleton, Clarke, Crawford, Cutler,

Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong Taylor, Thompson, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

The question then recurring on striking out the third rule, which reads as follows:

3. "Such bank or branches shall not have power to issue any bank note or bill of a less denomination than ten dollars."

Mr. Olmstead moved to amend by striking out the word "ten" and inserting "fifty."

Mr. Hempstead demanded the yeas and nays which were ordered, and were as follows. Yeas 18—Nays 48.

Those who voted in the affirmative were—Messrs. Bailey, Benedict Crawford, Cutler, Davidson, Fletcher, Ferguson, Galland, Hall, Hale, Hempstead, Kirkpatrick, Lowe, of Des Moines, O'Brien, Olmstead, Quinton, Robinson and Ross, of Jefferson.

Those who voted in the negative were—Messrs. Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Delashmutt, Durham, Evans, Felkner, Galbraith, Gower, Grant, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, Peck, Price, Randolph, Ripley, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Shelleday moved to amend by striking out the word "ten" and inserting "five."

On which he demanded the yeas and nays which were ordered, and were as follows. Yeas 24—Nays 45.

Those who voted in the affirmative were—Messrs. Bissell, Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Delashmutt, Felkner, Gower, Hawkins, Hoag, Hobson, Marsh, Mordan, McAtee, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict,

Brattain, Brown, Butler, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Fleteher, Ferguson, Galbraith, Galland, Grant, Hall, Hale, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, McCrory, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

On motion of Mr. Quinton,

The Convention adjourned until to-morrow morning at 9 o'clock.

## TUESDAY MORNING, OCTOBER 22, 1844.

The Convention met pursuant to adjournment.

Mr. Bailey, chairman of the select committee to whom was referred the report of the committee on State Boundaries, made the following report:

Strike out all after the word "thence," where it occurs in the seventeenth line of said report and insert the following:

"In a direct line to the middle of the main channel of the St. Peters river where the Watonwan river (according to Nicollet's map) enters the same, thence down the middle of the main channel of said river to the middle of the main channel of the Mississippi river, thence down the middle of the main channel of said river to the place of beginning."

Mr. Langworthy gave notice that he would at some future time introduce a substitute for the report.

The Convention resumed the consideration of the report of the committee on Incorporations.

The question being on striking out the third rule in the first section.

The yeas and nays were demanded and were as follows. Yeas 15 Nays 52,

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Chapman, Cook, Hawkins, Hoag, Hobson, McAtee, McCrory, McKean, Randolph, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Wash--

ington, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

The question being on striking out the fourth rule which reads as follows:

"4. The remedy for collecting debts shall be reciprocal for and against such bank and its branches."

It was decided in the negative.

The question then recurring on the fifth rule, which reads as follows:

"5. The stockholders shall be liable respectively, for the debts of said bank and branches."

Mr. Davidson offered the following amendment to be inserted at the end of the said rule.

"In any sum not less than double the amount of the capital stock described in their charter, in good real estate, to be valued by persons appointed by the Legislature of the State, approved and signed by the Governor and Secretary of State, and they shall never be allowed to take any security either directly or indirectly for any money loaned by them in their corporate capacity.

"That no bank chartered under the regulations of this Constitution, shall ever lend any money or any bank note or bank notes to any member of the Legislature, or any other officer in any civil department of the State."

Upon which the yeas and nays were demanded, and were as follows. Yeas 14—Nays 52.

Those who voted in the affirmative were—Messrs. Bailey, Charleton, Crawford, Davidson, Evans, Ferguson, Grant, Hall, Hempstead, Langworthy, O'Brien, Shelleday, Wright and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Washington, Chapman, Clarke, Cook, Cutler, Durham, Felkner, Fletcher, Galbraith, Galland, Gower, Hale, Harrison, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon,

Sells, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams and Wyckoff.

The amendment was not agreed to.

Mr. Peck moved to amend by striking out the word "respectively," and inserting "jointly and severally," and by adding at the end of the section "whether they hold the stock in their own names or by trustees, to the full extent of the debts of such bank."

Upon which the yeas and nays were demanded, and were as follows. Yeas 52—Nays 17.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Chapman, Cook, Delashmutt, Hawkins, Hoag, Hobson, Kerr, McCrory, McKean, Randolph, Sells, Shelleday, Toole and Williams.

The amendment was agreed to.

The question recurring on striking out the fifth rule as amended.

The yeas and nays were demanded and were as follows. Yeas 17—Nays 52.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Hawkins, Hoag, Hobson, Kerr, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

The question being upon striking out the sixth rule, which reads as follows:

"6. In case said bank or branches shall refuse to pay on demand, any bill, note, or obligation, issued by the corporation according to the promise therein expressed, such neglect or refusal, shall be a forfeiture of their charter, and put an end to their corporate powers and privileges."

Mr. Gower moved to amend, by striking out the words "according to the promise therein expressed."

Upon which the yeas and nays were demanded, and were as follows: Yeas 53—Nays 16.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brown, Brookbank, Butler, Charleton, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Shelleday, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brattain, Campbell, of Scott, Chapman, Cook, Hawkins, Hoag, Hobson, Kerr, McCrory, McKean, Randolph, Ross, of Washington, Sells, Toole and Williams.

The amendment was adopted.

The question then recurring on striking out the sixth rule as amended.

The yeas and nays were demanded, and were as follows. Yeas 14 Nays 54.

Those who voted in the affirmative were—Messrs. Chapman, Cook, Hawkins, Hoag, Hobson, Kerr, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright and Mr. President.

The motion was not agreed to.

Mr. Fletcher offered the following rule, to be inserted between the sixth and seventh:

"No bank shall be allowed to issue a greater amount of bank notes than the amount of capital stock actually paid into such bank in gold and silver."

Mr. Hall moved to amend by inserting the word "double" before the word, "amount."

Which was agreed to.

The question then recurring upon the amendment of Mr. Fletcher as amended.

It was decided in the negative.

The question being on striking out the seventh rule which reads as follows:

"7. The Legislative Assembly shall have power to alter, amend, or repeal such charter, whenever in their opinion the public good may require it."

Mr. Wyckoff moved to amend by adding the following:

"But no bill for the unconditional repeal of such charter, shall become a law unless it shall have passed both branches of the General Assembly, be approved by the Governor, and submitted to the people at the next General election, and if approved by a majority of the qualified electors of this State, the same shall become a law and the charter shall be considered repealed."

Upon which the yeas and nays were demanded, and were as follows. Yeas 30—Nays 37.

Those who voted in the affirmative were—Messrs. Benedict, Blankinship, Brattain, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Delashmutt, Ferguson, Hawkins, Hempstead, Hoag, Hobson, Hooton, Kirkpatrick, Lucas, Mordan, McAtee, McCrory, Quinton, Randolph, Ross, of Washington, Sells, Shelleday, Strong, Toole, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Brown, Butler, Charleton, Clark, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hepner, Kerr, Langworthy, Lowe, of Des Moines, Marsh, McKean, Murray, O'Brien, Olmstead, Peck, Price, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Taylor, Thompson, Whitmore and Mr. President.

The amendment was not agreed to.

The question then recurring upon striking out the seventh rule.

The yeas and nays were demanded and were as follows: Yeas 20  
Nays 49.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Hawkins, Hoag, Hobson, Mordan, McAtee, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley Strong, Taylor, Thompson, Whitmore, Wright and Mr. President.

The motion was not agreed to.

Mr. Peck moved that the report be amended by adding the following, as an eighth rule:

“Any violation of, or non-compliance with the provisions and restrictions contained in this section, by the stockholders, commissioners or officers, or persons connected with the creation of any such bank or its management, in any of its accounts exhibits certificates of stock paid, or by embezzelling its funds or property, shall be punished by fine and imprisonment in the Penitentiary, and shall subject the offender to the same disqualification as conviction for infamous crimes.”

Upon which the yeas and nays were demanded, and were as follows. Yeas 37—Nays 33.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brown, Butler, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gower, Hall, Hale, Harrison, Hempstead, Langworthy, Lowe, of Des Moines, Murray, O'Brien, Olmstead, Peck, Quinton, Ripley, Robinson, Ross, of Jefferson, Staley, Strong, Taylor, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brattain, Brookbank, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Delashmutt, Felkner, Grant, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Price, Randolph, Ross, of Washington, Salmon, Sells, Shelleday, Thompson, Toole, and Williams.

The amendment was agreed to.

Mr. Chapman moved that the report be amended by adding the following as section 2nd.

“That the Legislative Assembly may alter or amend any of the restrictions in the first section contained, except the first rule, by submitting such alteration or amendment to a vote of the qualified electors, as in the first rule prescribed.”

Mr. Hooton called for the previous question.

Pending which,

On motion of Mr. Blankinship,

The Convention adjourned until 2 o'clock.

## TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

Mr. Hooton asked leave to withdraw his call for the previous question.

Which was granted.

Mr. Galbraith called for the previous question.

Mr. Hempstead moved a call of the Convention,

Which was had,

When the following members were found to be absent: Messrs. Clark, Crawford, Langworthy, O'Brien, Olmstead, Salmon and Taylor.

The absentees appearing,

On motion of Mr. Hempstead,

A further call of the Convention was dispensed with.

The question being ‘shall the main question be now put.’

On which the yeas and nays were demanded by two members, which were ordered,

And are as follows. Yeas 37—Nays 33.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Hepner, Hooton, Mordan, Murray, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Staley, Taylor, Whitmore and Wright.

Those who voted in the negative were—Messrs. Brookbank, Chapman, Clarke, Cook, Crawford, Fletcher, Harrison, Hawkins, Hempstead, Hoag, Hobson, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, McAtee, McCrory, McKean, O'Brien, Olmstead, Peck Price, Randolph, Sells, Shelleday, Strong, Thompson, Toole, Williams, Wyckoff and Mr. President.

The call was sustained.

The question being on the amendment offered by Mr. Chapman,

On which the yeas and nays were demanded by two members, which were ordered,

And are as follows: Yeas 22—Nays 47.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Hawkins, Hoag, Hobson, Kerr, Kirkpatrick, Lucas, Mordan, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Marsh, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright and Mr. President.

The amendment was not adopted.

Mr. Sells offered the following amendment, to wit:

"Provided, That the stockholders in said bank, shall pledge an amount, in real estate or United States Stock, equal in value to three times the value of their stock respectively, as security for the redemption of the liabilities of said bank. Said real estate to be valued by three commissioners, who shall receive their appointment upon joint vote of both branches of the General Assembly, before they enter upon the duties of their office, they shall give bond with good and sufficient security, to be approved by the Governor, for the faithful performance of the duties assigned them by law, they shall take an oath, to enter upon the real estate, carefully examine the title or titles, and value the same according to its true valuation."

On which the yeas and nays were demanded by Mr. Sells, which were ordered,

And were as follows: Yeas 20—Nays 47.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Blankinship, Brattain, Brown, Butler, Davidson, Delashmutt, Fletcher, Hale, Kirkpatrick, Langworthy, McAtee, McKean, Murray, Sells, Staley, Toole, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Benedict, Brookbank, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Salmon, Shelleday, Strong, Taylor, Thompson, Whitmore, Williams and Mr. President.

The amendment was not adopted.

Mr. Hepner offered the following amendment to the report, to wit:

"2. The State of Iowa shall not become a stockholder in any bank or corporation directly or indirectly."

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 47—Nays 21.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Brown, Butler, Campbell, of Scott, Chapman, Cook, Crawford, Cutler, Davidson, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Marsh, Mordan, McKean, Murray, O'Brien, Olmstead, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Sells, Shelleday, Staley, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bissell, Brookbank, Campbell, of Washington, Charleton, Clarke, Delashmutt, Durham, Hawkins, Hoag, Hobson, Kerr, Langworthy, Lowe, of Des Moines, Lucas, McCrory, Peck, Price, Randolph, Ross, of Washington, Strong, Toole and Williams.

The amendment was adopted.

Mr. Hall offered the following amendment:

"Strike out the two first lines in the first section, and insert the following: 'Not more than two bank charters shall be passed by the same Legislature, and all banks chartered shall be in accordance with the following rules.'"

Mr. Wyckoff moved to amend the amendment by striking out "two" and inserting "one."

Which was agreed to.

Mr. Galbraith offered the following substitute to the amendment offered by Mr. Hall as amended.

"Strike out the first two lines of the section and insert, 'The General Assembly shall not have power to incorporate a banking company or a company of any description, vested with banking privileges, except under the following restrictions:

1st. Not more than one banking company shall be incorporated to be in operation at the same time, and which may have any number of branches not to exceed five, to be established by law, and not more than one branch shall be established at any one session of the General Assembly."

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 1—Nays 58.

Mr. Galbraith voting in the affirmative.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brookbank, Butler, Campbell, of Scott, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Staley, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The substitute was not adopted.

Mr. Peck moved to refer the report as amended to a select committee of five.

Which was not agreed to.

Mr. Hall asked leave to withdraw the amendment offered by him as amended.

Which was not granted.

The question then recurring on the amendment offered by Mr. Hall as amended.

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 27—Nays 29.

Those who voted in the affirmative were—Messrs. Bailey, Campbell, of Scott, Clarke, Evans, Felkner, Fletcher, Galland, Grant, Hall,

Hale, Hempstead, Hepner, Hooton, Kerr, Langworthy, McKean, O'Brien, Olmstead, Peck, Quinton, Ripley, Salmon, Taylor, Thompson, Whitmore, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brattain, Butler, Cook, Cutler, Davidson, Delashmutt, Durham, Ferguson, Gower, Harrison, Hawkins, Hoag, Hobson, Lowe, of Des Moines, Lucas, McCrory, Murray, Price, Randolph, Robinson, Ross, of Washington, Sells, Shelleday, Staley, Toole, Williams and Wright.

The amendment was not agreed to.

Mr. Cook offered the following amendment:

"Provided, Nothing in this section contained, shall be so construed, as to prohibit the General Assembly of this State from giving the assent of the State to the location herein, of a branch of any bank that may be hereafter established by the government of the United States."

Which was not agreed to.

Mr. Cook offered the following amendment:

"In the fifth line of the first section, strike out the words 'be approved by the Governor.'"

Which was not agreed to.

Mr. Bailey moved to reconsider the vote taken on the amendment offered by Mr. Peck.

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 26—Nays 36.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Brown, Butler, Campbell, of Scott, Campbell of Washington, Delashmutt, Felkner, Ferguson, Gower, Grant, Hall, Harrison, Hepner, Kerr, Lucas, Marsh, McKean, Murray, Price, Quinton, Salmon, Taylor, Thompson, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Blankinship, Brattain, Brookbank, Chapman, Crawford, Davidson, Durham, Evans, Fletcher, Galland, Hale, Hawkins, Hempstead, Hoag, Hobson, Hooton, Langworthy, McAtee, McCrory, O'Brien, Olmstead, Peck, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Staley, Toole, Whitmore, Williams and Wright.

The motion was not agreed to.

Mr. Lowe, of Des Moines moved to indefinitely postpone the report of the majority of the committee as amended, so far as the same relates to banks.

Mr. Hepner moved to recommit the report to the committee on Incorporations.

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 31—Nays 34.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Cutler, Davidson, Durham, Ferguson, Gower, Grant, Harrison, Hepner, Hooton, Lucas, Marsh, McAtee, McKean, Murray, Peck, Price, Quinton, Salmon, Strong, Tayler, Thompson, Whitmore, Wright and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Blankinship, Brattain, Brookbank, Chapman, Cook, Crawford, Delashmutt, Felkner, Fletcher, Galbraith, Galland, Hall, Hale, Hawkins, Hempstead, Hoag, Hobson, Kerr, Langworthy, Lowe, of Des Moines, McCrory, O'Brien, Olmstead, Randolph Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Toole, Williams and Wyckoff.

The motion was not agreed to.

Mr. Wyckoff called for the previous question.

Which was ordered.

The question being 'shall the main question be now put?'

It was decided in the affirmative.

The question being on indefinitely postponing the report as amended, so far as the same relates to banks.

Pending which,

Mr. Hall moved to adjourn until to-morrow morning at 9 o'clock.

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 27—Nays 38.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Brown, Butler, Campbell, of Scott, Charleton, Cutler, Durham, Felkner, Ferguson, Grant, Hall, Harrison, Kerr, Lucas, Mordan, McCrory, McKean, Murray, Olmstead, Peck, Price, Quinton, Ross, of Jefferson, Strong, Tayler and Wright.

Those who voted in the negative were—Messrs. Blankinship, Brattain, Brookbank, Campbell, of Washington, Chapman, Cook, Crawford, Davidson, Delashmutt, Fletcher, Galbraith, Galland, Gower, Hale, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Langworthy, Lowe, of Des Moines, Marsh, McAtee, O'Brien, Randolph, Ripley, Rob-

inson, Ross of Washington, Salmon, Sells, Shelleday, Thompson, Toole, Whitmore, Williams, Wyckoff and Mr. President.

The motion was not agreed to.

On motion of Mr. Quinton,

The Convention adjourned until to-morrow morning, at 9 o'clock.

### WEDNESDAY MORNING, OCTOBER 23, 1844.

The Convention met pursuant to adjournment.

Mr. Bailey, chairman of the committee on Education and School Lands, to whom the subject was recommitted, made the following report.

Strike out the first line of the first section, between the words "of" and "and," where they occur in the fourth line, and insert the following:

"And the five hundred thousand acres of land, granted to the new States, under an act of Congress distributing the proceeds of the public lands among the several States of the Union, approved, A. D. 1841."

The report of the committee on Incorporations being in order,

On motion of Mr. Wyckoff,

The vote of yesterday, ordering the previous question, was reconsidered,

On motion of Mr. Hall,

Ordered, That the first section of the report in relation to banks, be referred to a select committee of seven.

On motion of Mr. Peck,

The report of the committee on the Judiciary was taken from the table.

On motion of Mr. Hempstead,

The Convention resolved itself into committee of the Whole for the consideration of said report,

Mr. Chapman in the chair, and after some time spent therein the committee rose, and by their chairman, reported progress, and asked leave to sit again,

Which was granted.

On motion of Mr. Hepner,

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

TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Cook,

The Convention resolved itself into committee of the Whole, for the further consideration of the report of the committee on the Judiciary, Mr. Chapman in the chair, and after some time spent therein the committee rose, and by their chairman, reported the same back with sundry amendments.

Mr. Harrison moved that the Convention agree to the first amendment to the sixth section, made in committee of the Whole; which reads as follows:

Strike out the words "common law and chancery" in the third line.

The yeas and nays were demanded and were as follows. Yeas 42

—Nays 21.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Campbell, of Scott, Charleton, Cutler, Davidson, Evans, Fletcher, Ferguson, Galland, Gower, Grant, Hale, Hawkins, Hepner, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, Murray, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bissell, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Durham, Felkner, Galbraith, Hall, Harrison, Hempstead, Hobson, McAtee, McKean, Peck, Randolph, Ross, of Washington, Sells, Shelleday and Mr. President.

The amendment was agreed to.

Mr. Bissell moved to adjourn until to-morrow morning at 9 o'clock.

Mr. Hall moved a call of the Convention.

Mr. Kirkpatrick moved that the further call be dispensed with.

Upon which the yeas and nays were demanded by Mr. Hall and were as follows: Yeas 37—Nays 20.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Scott, Cook, Cutler, Delashmutt, Felkner, Ferguson, Galland, Gower, Grant, Hale, Hawkins, Hempstead, Hobson, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, McKean, Peck, Price, Quinton, Robinson,

Salmon, Sells, Shelleday, Strong, Taylor, Toole, Williams, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brown, Charleton, Davidson, Durham, Evans, Galbraith, Hall, Harrison, Hempstead, McAtee, Murray, Ripley, Ross, of Jefferson, Staley, Thompson, Whitmore and Wright.

The further call was dispensed with.

On motion of Mr. Cutler,

The Convention adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, OCTOBER 24, 1844.

The Convention met pursuant to adjournment.

Mr. Langworthy offered the following resolution:

*Resolved,* That the rules of this Convention be so amended that no member shall have a right to speak more than once to a question, or more than fifteen minutes at a time, either in Convention or in committee of the Whole, without leave of the Convention.

Mr. Hepner moved that the resolution be laid upon the table.

Upon which the yeas and nays were demanded by two members, and were as follows: Yeas 5—Nays 57.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Clarke, Hepner and Marsh.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Crawford, Cutler, Davidson, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Grant, Hall, Hale, Harrison, Hempstead, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

The question recurring on the adoption of the resolution, Mr. Cook demanded the yeas and nays which were ordered,

And were as follows: Yeas 46—Nays 21.

Those who voted in the affirmative were—Messrs. Benedict, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Washington, Charleton, Crawford, Davidson, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hale, Hawkins, Hempstead, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Marsh, McAtee, Olmstead, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Taylor, Toole, Whitmore, Williams and Wright.

Those who voted in the negative were—Messrs. Bailey, Bissell, Chapman, Clarke, Cook, Cutler, Delashmutt, Evans, Hall, Harrison, Hepner, Lucas, Mordan, McCrory, Murray, O'Brien, Quinton, Strong, Thompson, Wyckoff and Mr. President.

The resolution was adopted.

Mr. Ross, of Washington, presented the following petition:

To the delegates assembled in Convention, for the purpose of forming a State Constitution for the Territory of Iowa.

WHEREAS, all men are created free and equal, invested by the author of their being with the same inalienable rights, and by the principles of our government, possessed of the same rights and privileges; and whereas some of these rights and privileges, such as the right of voting and trial by jury, and the like have, by the laws of this Territory, heretofore been withheld from people of color,

Therefore, we the undersigned citizens of the Territory of Iowa, do respectfully petition your honorable body, that in presenting to the people of this Territory a constitution for their acceptance, you would so frame it as to secure to the people of color all such rights and privileges civil, social, moral, and educational, under the same circumstances and upon the same conditions as are secured to others.

John Neal, Sr., Joseph Neal, John Maxwell, Jane Maxwell, Jane Ferguson, Thomas Ferguson, Elizabeth Ferguson, William Smith, James Crawford, Sr. George S. McKay, Thomas Littell, Mary Littell, William Littell, Mary Crawford, John Ferguson, Samuel F. Johnson, James Crawford, Mary Crawford, Andrew McKay, Mary McKay, Sr., John McKay, E. H. Smith, William Paxton, William D. Crawford, David W. Syen, Edward Smith, David Patterson, Josiah Johnson, Nancy Shears, William Strain, G. H. Spears, George W. Johnston, William Ferguson, Thomas Mathers, Sarah Spears, Mary Ann Mathers, Mary Crawford, Sr., Robert Taylor, E. J. Taylor.

On motion of Mr. Gehon,

Ordered, That the petition be laid on the table subject to the order of the Convention.

Mr. Lowe, of Des Moines, chairman of the committee on the Schedule, made the following report.

Report of the committee on the Schedule,  
ENOS LOWE, Chairman.

1. That no inconvenience may arise from a change of the Territorial Government, to a permanent State Government, it is declared that all writs, actions, prosecutions, contracts, claims and rights, shall continue as if no change had taken place in this Government; and all process which may, before the organization of the Judicial Department under this Constitution, be issued under the authority of the Territory of Iowa, shall be as valid as if issued in the name of the State.
2. All laws now in force in this Territory, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the Legislature.
3. All fines, penalties, forfeitures, and escheats, accruing to the Territory of Iowa, shall accrue to the use of the State.
4. All recognizances heretofore taken, or which may hereafter be taken, before the organization of the Judicial Department under this Constitution, shall remain valid and shall pass over to, and may be prosecuted in the name of the State. And all bonds executed to the Governor of this Territory, or to any other officer in his official capacity, shall pass over to the Governor or other proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions, which have arisen or which may arise before the organization of the Judicial Department, under this Constitution, and which shall then be pending, may be prosecuted to judgment and executed in the name of the State.
5. All officers, civil and military, now holding their offices and appointments in this Territory, under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until superceded under this Constitution.
6. It is made the duty of the President of this Convention to transmit to the delegate, to the Congress of the United States, from this Territory, a copy of this Constitution, together with an authenticated copy of an act of the Legislative Assembly of this Territory, entitled "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 for the State of Iowa, and also a certified abstract of the census of this Territory, taken in the month of May 1844, and also a certified abstract of the vote of the people of this Territory upon the question of Convention or no Convention, to be by him submitted to Congress, at as early a day as practicable at its next session, for the purpose of gaining admission into the Union as a State. This Constitution together with whatever amendments may be made to the same by Congress, shall be ratified or rejected by a vote of the people of this Territory at the township elections in April next, in the manner prescribed by the act of the Legislative Assembly providing for the holding of this Convention: *Provided, however,* That the Legislative Assembly of this Territory may ratify or reject any amendments Congress may make to this Constitution after the first Monday in April next.

7. The clerks of the several Boards of County Commissioners, shall give at least thirty days notice, in the manner and form directed in the laws of this Territory regulating general elections, of the first general election under this Constitution, to be held on the first Monday in August next, after the admission of this Territory into the Union as a State, for the election of a Governor, Lieutenant Governor, Representative to the Congress of the United States, members of the Legislature, and one Auditor, Treasurer, and Secretary of State. And said election shall be conducted in accordance with the existing election laws of this Territory, and the said Governor, Lieutenant Governor, Representative in the Congress of the United States, Auditor, Treasurer and Secretary of State, duly elected at said election, shall continue to discharge the duties of their respective offices for the time prescribed by this Constitution, and until their successors are elected and qualified. The returns of said election shall be made in conformity to the existing election laws of this Territory.

8. Until the first enumeration of the inhabitants of this Territory, as directed by this Constitution, the following shall be the apportionment of the members of the State Legislature. The county of Lee shall be entitled to two Senators and five Representatives; the county of Van Buren two Senators and four Representatives; the counties of Davis and Wapello, one Senator jointly, and one Representative each; the county of Des Moines, two Senators and four Representatives; the county of Henry, one Senator and three Representatives; the county of Jefferson, one Senator and three Representatives; the counties of

Louisa and Washington, one Senator jointly, and two Representatives each; the counties of Keokuk and Mahaska, one Senator jointly, and one Representative each; the counties of Muscatine and Johnson, one Senator and three Representatives; the counties of Scott and Clinton, one Senator jointly, and one Representative each; the counties of Cedar and Linn, one Senator jointly, and one Representative each; the counties of Jackson and Jones, one Senator and two Representatives; the counties of Dubuque, Delaware, Clayton, Benton, Fayette, Buchanan and Black-Hawk, two Senators, and the county of Dubuque one Representative, and the counties of Delaware, Clayton, Benton, Fayette, Buchanan and Black-Hawk, one Representative. And any country attached to any county for judicial purposes, shall, unless otherwise provided for, be considered as forming part of such county for election purposes.

9. The first meeting of the Legislature, under this Constitution, shall be at Iowa City on the —

Which was read a first time and.

On motion of Mr. Gehon,

Ordered, That one hundred and fifty copies be printed.

The President announced the appointment of the following select committee to whom is referred the report of the committee on Incorporations.

Messrs. Hall, Galbraith, Bailey, Langworthy, Evans, Chapman and Randolph.

On motion of Mr. Gehon,

Ordered, That the committee be instructed to report on to-morrow morning.

The report of the committee on the Judiciary being in order,

The first amendment made in committee of the Whole, which reads as follows:

Strike out the word 'three' in the first line of the second section, and insert 'two.'

Was concurred in.

The question being on the third amendment, which reads as follows: Strike out all after the word 'district' in the fifth line of the sixth section.

Which was concurred in.

The fourth amendment being, to strike out the word 'six' in the third line of the seventh section, and insert 'four.'

Which was agreed to.

The fifth amendment being to strike out all between the word 'years' in the third line of the seventh section, and the word 'provided.'

Which was concurred in.

The sixth amendment reads as follows:

Strike out the word 'four' in the third line of the eighth section, and insert 'two.'

Which was concurred in.

The seventh amendment was to strike out the ninth section.

Which was agreed to.

Mr. Hawkins moved to disagree to the eighth amendment, which reads as follows:

Strike out the word 'four' in the second line of the tenth section, and insert 'two.'

Upon which he demanded the yeas and nays which were ordered,

And were as follows: Yeas 27—Nays 45.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brookbank, Campbell, of Washington, Chapman, Clarke, Cook, Delashmutt, Durham, Galland, Hall, Harrison, Hawkins, Hoag, Hobson, Kerr, Lowe, of Des Moines, Lucas, McCrory, Peck, Price, Randolph, Ross of Washington, Salmon, Sells, Shelleday and Mr President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Crawford, Cutler, Davidson, Evans, Felkner, Fletcher, Ferguson, Galbraith, Gehon, Gower, Grant, Hale, Hempstead, Hooton, Kirkpatrick, Langworthy, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Olmstead, Quinton, Ripley, Robinson, Ross, of Jefferson, Staley, Strong, Taylor, Toole, Thompson, Whitmore, Williams, Wright and Wyckoff.

The amendment was concurred in.

The question then being on concurring in the ninth amendment, which reads as follows:

Strike out the word 'four' in the second line of the eleventh section, and insert 'two'

Decided in the affirmative.

Mr. Cook moved to disagree to the tenth amendment, which reads as follows:

Strike out the twelfth section, and insert the following:

Section 12. The State shall be divided into three Judicial Districts for each of which a President Judge shall be appointed, who, during his continuance in office, shall reside therein.

*Provided*, That nothing herein contained shall prevent the Legislature from increasing the number of districts, and President Judges, as the exigencies of the State may require.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 11—Nays 60.

Those who voted in the affirmative were—Messrs. Brattain, Brown, Brookbank, Butler, Cook, Evans, Felkner, Fletcher, Ross, of Jefferson, Williams and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Wright and Wyckoff.

The amendment was concurred in.

The eleventh amendment being to strike out the fourteenth section, Was concurred in.

The twelfth amendment being to strike out the fifteenth section, Was concurred in.

The thirteenth amendment being to strike out the seventeenth section, Was concurred in.

Mr. Hempstead moved to amend the report by striking out the words 'and district' in the first line of the seventh section, and all after the word 'years' in the third line, and insert,

'A President Judge shall be elected by the qualified electors of each judicial district in this State, who, during his continuance in office, shall reside in the district for which he shall have been elected.'

Mr. Bailey offered the following amendment to the amendment,

'The Judges of the Supreme and District courts shall hold their offices for the term of four years, and shall be elected as may be fixed by law.'

Pending which.

Mr. Bissell moved a call of the Convention, when all the members appearing in their seats, the further call was dispensed with.

The question recurring upon the amendment to the amendment, offered by Mr. Bailey.

The yeas and nays were demanded by two members,

And were as follows: Yeas 4—Nays 67.

Those who voted in the affirmative were—Messrs. Bailey, Brown, Cutler and Sells.

Those who voted in the negative were—Messrs. Benedict, Bissell, Blankinship, Brattain, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

The question recurring upon the amendment of Mr. Hempstead,

The yeas and nays were demanded by two members,

And were as follows: Yeas 37—Nays 34.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Blankinship, Brattain, Charleton, Chapman, Crawford, Davidson, Delashmutt, Durham, Evans, Fletcher, Galbraith, Gehon, Gower, Hale, Harrison, Hempstead, Hooton, Kirkpatrick, Langworthy, Lucas, Marsh, McAtee, O'Brien, Olmstead, Price, Quinton, Ripley, Ross, of Jefferson, Salmon, Shelleday, Staley, Strong, Thompson, Whitmore and Wright.

Those who voted in the negative were—Messrs. Bailey, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Clarke, Cook, Cutler, Felkner, Ferguson, Galland, Grant, Hall, Hawkins, Hepner, Hoag, Hobson, Kerr, Lowe, of Des Moines, Mordan, McCrory, McKean, Murray, Peck, Randolph, Robinson, Ross, of Washington, Sells, Taylor, Toole, Williams, Wyckoff and Mr. President.

The amendment was agreed to.

On motion of Mr. Gehon,

The Convention adjourned until 2 o'clock.

TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report of the committee on the Judiciary.

Mr. Lucas offered the following amendment to the sixth section,

'Strike out the sixth section to include the word 'law' in the second line, and insert,

'The several District courts, in this State, shall consist of a President Judge, and Associate Judges. The President Judge, of each district, shall reside in the district assigned him by law, and the Associate Judges shall severally reside in the respective counties during their continuance in office.

On which the yeas and nays were demanded by two members,

And were as follows: Yeas 21—Nays 49.

Those who voted in the affirmative were—Messrs. Benedict, Campbell, of Washington, Charleton, Durham, Evans, Felkner, Fletcher, Ferguson, Galland, Gower, Hale, Harrison, Hobson, Kirkpatrick, Lucas, Price, Robinson, Ross, of Washington, Staley, Strong and Wright.

Those who voted in the negative were—Messrs. Bailey, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Galbraith, Gehon, Grant, Hall, Hawkins, Hempstead, Hepner, Hoag, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Quinton, Randolph, Ripley, Ross, of Jefferson, Salmon, Sells, Taylor, Thompson, Toole, Whitmore, Williams, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Evans offered the following amendment to the seventh section, by striking out all of the seventh section, before the word 'years' in the third line, and insert,

'The Judges of the Supreme court shall be elected by the qualified electors of the State, and shall hold their office for the term of four years.'

On which the yeas and nays were demanded by two members,

And were as follows: Yeas 20—Nays 50.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Brown, Charleton, Crawford, Cutler, Davidson, Delashmutt, Ev-

ans, Fletcher, Gehon, Hale, Kirkpatrick, McAtee, O'Brien, Olmstead, Ripley, Staley, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bissell, Blankinship, Brattain, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Durham, Felkner, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, McKean, Murray, Peck, Price, Quinton, Randolph, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Strong, Taylor, Thompson, Toole, Whitmore, Williams and Mr. President.

The amendment was not agreed to.

Mr. Hall offered the following amendment to the sixth section, 'Strike out the word 'have' in the second line of the sixth section, and insert, 'be a court of law and equity, and have'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 41—Nays 26.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Brattain, Brookbank, Butler, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Outler, Delashmutt, Durham, Ferguson, Galbraith, Galland, Hall, Hale, Harrison, Hawkins, Hempstead, Hoag, Hobson, Hooton, Kirkpatrick, Mordan, McAtee, McKean, Peck, Price, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Taylor, Thompson, Williams and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Blankinship, Campbell, of Scott, Charleton, Davidson, Evans, Felkner, Fletcher, Gehon, Gower, Hepner, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, McCrory, Murray, O'Brien, Quinton, Ripley, Ross, of Jefferson, Strong, Toole, Whitmore and Wright.

The amendment was adopted.

Mr. Grant moved that the report be engrossed and read a third time on to-morrow,

Upon which he called the previous question,

Which was ordered.

The question being 'shall the main question now be put,'

It was decided in the affirmative.

The question being on engrossing the report, and ordering the same to a third reading on to-morrow.

It was decided in the affirmative.

Mr. Chapman moved to take under consideration the report of the committee on State Boundaries.

Which motion was not agreed to.

The report of the committee on State Revenue being in order,

On motion of Mr. Peck,

The Convention resolved itself into committee of the Whole on said report, Mr. Hepner in the chair,

And after some time spent therein the committee arose, and by their chairman, reported the same back to the Convention with one amendment, and asked the concurrence of the Convention to the same.

The question being on agreeing to the amendment made in committee of the Whole, which reads as follows:

'After the word 'State' in the fifth line in the first section, insert,

'And such other property as may be exempted by law.'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 29—Nays 35.

Those who voted in the affirmative were—Messrs. Bissell, Blankinship, Campbell, of Washington, Chapman, Delashmutt, Durham, Felkner, Ferguson, Galbraith, Grant, Hall, Hempstead, Hoag, Hobson, Kerr, Langworthy, Marsh, McAtee, McKean, Ross, of Washington, Salmon, Sells, Staley, Strong, Taylor, Thompson, Whitmore, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Davidson, Evans, Fletcher, Galland, Gehon, Gower, Hale, Harrison, Hepner, Hooton, Lowe, of Des Moines, Lucas, Mordan, McCrory, Murray, O'Brien, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Shelleday, Toole, Williams and Wright.

The amendment was not agreed to.

Mr. Hall moved to amend the first section by inserting in the sixth line, after the word 'State,' 'and property set apart for School and Educational purposes.'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 39—Nays 25.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Blankinship, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Durham, Felkner, Ferguson, Galbraith, Grant, Hall, Hale, Harrison, Hempstead, Hoag, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Price, Randolph, Salmon, Sells, Shelleday, Strong, Taylor, Williams, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Brattain,

Brown, Butler, Crawford, Davidson, Delashmutt, Evans, Fletcher, Galland, Gehon, Gower, Hepner, Murray, O'Brien, Quinton, Ripley, Ross, of Jefferson, Ross, of Washington, Staley, Thompson, Toole, Whitmore and Wright.

The amendment was agreed to.

Mr. Sells moved to amend the first section by adding after the word 'purposes,' 'also churches and burying grounds.'

Mr. Crawford called for a division of the question.

The question being upon adding the word 'churches,'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 46--Nays 15.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Blankinship, Brattain, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Delashmutt, Durham, Felkner, Ferguson, Galbraith, Harrison, Hobson, Hooton, Kerr, Kirkpatrick, Lucas, Marsh, McCrory, Grant, Hall, Hale, McKean, O'Brien, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Crawford, Davidson, Evans, Fletcher, Galland, Gehon, Gower, Hempstead, Hepner, Langworthy, Murray, Olmstead, Quinton and Thompson.

The amendment was agreed to.

The question then recurring on the second division of the amendment offered, by adding 'and burying grounds.'

Which was adopted.

Mr. Chapman offered to amend the first section by adding the following:

'And such property as shall be exempt by law from execution.'

Mr. Ross, of Jefferson, offered to amend the first section by adding the following:

'That all ministers of the Gospel be exempt from paying tax.'

On motion of Mr. Wyckoff,

The Convention adjourned until to-morrow morning, at 9 o'clock.

FRIDAY MORNING, OCTOBER 25, 1844.

The Convention met pursuant to adjournment.

Mr. Gehon offered the following:

*Resolved*, That the Legislature of the State of Iowa, never shall entertain petitions in regard to negro suffrage.

On motion of Mr. Kirkpatrick,

Ordered, That the resolution be laid upon the table, subject to the order of the Convention.

Mr. Hall, chairman of the select committee, to whom was referred the report of the committee on Incorporations made the following report.

The select committee recommend that that portion of the report of the standing committee that refers to one bank, be indefinitely postponed, and the following section added to the report of the committee on incorporations, to come in as the fourth section.

J. C. HALL, Chairman.

SEC. 4. The Legislature shall create no bank or banking institution or corporation with banking privileges in this State, unless the charter with all its provisions shall be submitted to a vote of the people at a general election for State officers and receive a majority of the votes of the qualified electors of this State.

The report of the committee on State Revenue being in order.

Mr. Chapman withdrew his motion to amend the first section, and offered the following in lieu thereof,

*Provided*, That the Legislature may authorize the exemption from taxation, of such property as shall be deemed expedient not exceeding fifty dollars in value, to each individual or head of a family.

Which was not agreed to.

Mr. Ross, of Jefferson, asked leave to withdraw his amendment offered on yesterday.

Which was granted.

Mr. Fletcher offered the following amendment to the first section. Strike out the clause in the fourth and fifth lines, inserted in a parenthesis, and insert the following:

*Provided*, That the property of the United States, and the public

buildings, and other property belonging to the State, and the public property belonging to the several counties in the State, shall be exempt from taxation.

Which was not agreed to.

Mr. Langworthy offered the following amendment:

Strike out the first section and insert, "taxation shall be equal on property, polls, faculties and professions."

Mr. Quinton moved to amend by striking out the word "polls."

Upon which the yeas and nays were demanded by two members,

And were as follows. Yeas 33—Nays 37.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Blankinship, Brattain, Brown, Butler, Campbell, of Scott, Davidson, Ferguson, Galbraith, Galland, Gower, Hale, Harrison, Hepner, Kerr, Langworthy, Lucas, Marsh, McAtee, Murray, O'Brien, Quinton, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Whitmore, Wright and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Brookbank, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Delashmutt, Durham, Evans, Felkner, Fletcher, Grant, Hall, Hawkins, Hempstead, Hoag, Hobson, Hooton, Kirkpatrick, Lowe, of Des Moines, Mordan, McCrory, McKean, Olmstead, Price, Randolph, Ripley, Sells, Strong, Taylor, Thompson, Toole, Williams and Wyck-off.

The amendment was not agreed to.

Mr. Hall offered the following amendment to the first section:

Strike out all after the words "United States," in the fourth line, to the word "upon," in the fifth line, and insert "and property of the State and such other property as may be set aside by law and used for public purposes."

Which was agreed to.

Mr. Lowe, of Des Moines, offered the following as a substitute for the amendment offered by Mr. Langworthy:

Strike out all after the word "by," in the second line of the first section, and insert "a poll tax upon all the qualified electors of this State, and by an ad valorem tax."

Mr. Wyckoff called for the previous question.

Which was ordered.

And the question being "shall the main question be now put?"

It was decided in the affirmative.

Mr. Langworthy asked leave to withdraw his amendment.

Which was granted.

The question being on the amendment of Mr. Lowe, of Des Moines, the yeas and nays were demanded by two members,

And were as follows. Yeas 5—Nays 64.

Those who voted in the affirmative were—Messrs. Brookbank, Grant, Hempstead, Lowe, of Des Moines and Olmstead.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Hall, Hale, Harrison, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Wright, Williams, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Sells offered the following amendment to the third section:

Strike out all after the word 'by' in the first line, to the word 'Assembly' in the second line, and insert 'the qualified electors of this State.'

Which was agreed to.

Mr. Grant moved to amend the third section, by inserting after the word "treasurer," in the second line, "to hold their offices two years."

Which was agreed to.

Mr. Hall moved to strike out the fourth, fifth, sixth and seventh sections.

Mr. Fletcher called for a division of the question.

The motion being to strike out the fourth and fifth sections.

It was decided in the affirmative.

The question then being on striking out the sixth and seventh sections,

It was decided in the affirmative.

Mr. Lucas moved that the report be engrossed and read a third time to-morrow.

Mr. Grant called for a division of the question.

And the motion being to engross the first section,

It was decided in the affirmative.

The question then recurring on engrossing the balance of the report, and ordering the same to a third reading to-morrow,

It was decided in the affirmative.

Mr. Quinton moved that the Convention adjourn until 2 o'clock.

Which was not agreed to.

The recommendation of the committee in reference to the salaries of public officers, being in order.

Mr. Sells moved to strike out "\$1000," in the sixth line, as the salary of the Governor, and insert "\$600."

Mr. Quinton moved to amend by inserting '\$800.'

Mr. Gehon moved to strike out '\$1000,' and insert '\$1200.'

On motion of Mr. Wyckoff,

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

### TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report, so far as it relates to officers salaries.

The question being on striking out '\$1000,' in the sixth line, and inserting '\$1200.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 2—Nays 63.

Those who voted in the affirmative were—Messrs. Charleton and Gehon.

Those who voted in the negative were—Messrs. Bailey, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Murray, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

On motion of Mr. Evans,

A call of the Convention was had, when it appeared that Messrs.

Benedict, Campbell, of Scott, Chapman and Olmstead were absent.

On motion of Mr. Ferguson,

A further call of the Convention was dispensed with.

Mr. McCrory moved to amend the sixth line by striking out '1000,' and inserting '950.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 3—Nays 67.

Those who voted in the affirmative were—Messrs. Felkner, McCrory and Salmon.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McKean, Murray, O'Brien, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

The question then recurring on the amendment to the sixth line offered by Mr. Quinton, by striking out '1000,' and inserting '800.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 33—Nays 37.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brattain, Brown, Brookbank, Butler, Chapman, Cook, Cutler, Evans, Ferguson, Galbraith, Galland, Grant, Hall, Hale, Harrison, Kerr, Kirkpatrick, Lowe, of Des Moines, Murray, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Shelleday, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Crawford, Davidson, Delashmutt, Durham, Felkner, Fletcher, Gehon, Gower, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, O'Brien, Peck, Randolph, Ross, of Washington, Salmon, Sells, Staley, Strong, Taylor, and Thompson.

The amendment was not agreed to.

Mr. Hall moved to amend the sixth line by striking out '1000,' and inserting '750.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 28—Nays 42.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Brattain, Butler, Campbell, of Scott, Chapman, Evans, Ferguson, Galbraith, Gower, Grant, Hall, Hale, Kirkpatrick, Lowe, of Des Moines, Marsh, Mordan, Quinton, Ripley, Robinson, Ross, of Jefferson, Staley, Taylor, Toole, Whitmore, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Blankinship, Brown, Brookbank, Campbell, of Washington, Charleton, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Felkner, Fletcher, Galland, Gehon, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Langworthy, Lucas, McAtee, McCrory, McKean, Murray, O'Brien, Peck, Price, Ross, of Washington, Salmon, Sells, Shelleday, Thompson and Mr. President.

The amendment was not agreed to.

Mr. Wyckoff moved to amend the sixth line by striking out '1000,' and inserting '850.'

Mr. Galbraith moved to reconsider the vote taken on the question to strike out '1000' in the sixth line, and inserting '800.'

Which motion was decided in the affirmative.

The question being then on amending the sixth line by striking out '1000' and inserting '800.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 42—Nays 27.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Chapman, Cook, Cutler, Evans, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Marsh, Mordan, McAtee, Murray, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Shelleday, Taylor, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Campbell, of Washington, Charleton, Clarke, Crawford, Delashmutt, Durham, Felkner, Fletcher, Gehon, Hawkins, Hempstead, Hepner, Hoag, Hobson, Lang-

worthy, Lucas, McCrory, McKean, O'Brien, Peck, Randolph, Ross, of Washington, Salmon, Sells, Staley, Strong and Thompson.

The amendment was agreed to.

Mr. Cook moved to amend the seventh line by striking out '500.'

Which was not agreed to.

Mr. Gower moved to amend the seventh line by striking out '500,' and inserting '400.'

Mr. Hale moved to amend the seventh line by striking out '500,' and inserting '450.'

Which was not agreed to.

The question being on the amendment offered by Mr. Gower to the seventh line, by striking out '500' and inserting '400.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 33—Nays 38.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Blankinship, Brattain, Butler, Campbell, of Scott, Charleton, Chapman, Crawford, Cutler, Davidson, Evans, Ferguson, Galbraith, Gower, Hall, Hale, Harrison, Hawkins, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Marsh, Quinton, Ross, of Jefferson, Sells, Staley, Taylor, Toole, Whitmore and Williams.

Those who voted in the negative were—Messrs. Bailey, Brown, Brookbank, Campbell, of Washington, Clarke, Cook, Delashmutt, Durham, Felkner, Fletcher, Galland, Gehon, Grant, Hempstead, Hepner, Langworthy, Lowe, of Des Moines, Lucas, Mordan, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Randolph, Ripley, Robinson, Ross, of Washington, Salmon, Shelleday, Strong, Thompson, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Bissell moved to amend the eighth line by striking out '400' and inserting '300.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 37—Nays 33.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Blankinship, Brattain, Brookbank, Butler, Campbell, of Scott, Charleton, Chapman, Cook, Delashmutt, Durham, Evans, Ferguson, Galbraith, Gower, Hall, Hale, Harrison, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Marsh, Murray, Quinton, Ripley, Robinson, Ross, of Jefferson, Staley, Taylor, Toole, Whitmore, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Brown,

Campbell of Washington, Clarke, Crawford, Cutler, Davidson, Felkner, Fletcher, Galland, Gehon, Grant, Hawkins, Hempstead, Hepner, Langworthy, Lowe, of Des Moines, Lucas, Mordan, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Randolph, Ross, of Washington, Salmon, Sells, Shelleday, Strong, Thompson and Mr. President

The amendment was agreed to.

Mr. Evans moved to amend the ninth line by striking out '700' and inserting '400.'

Mr. Williams moved to strike out '700' and insert '500.'

Mr. Grant moved to amend the ninth line by striking out '700.'

On which the yeas and nays were demanded by two members, which were ordered,

And are as follows: Yeas 52—Nays 19.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Blankinship, Brattain, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Cutler, Davidson, Delashmutt, Durham, Evans, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Marsh, Mordan, McAtee, Murray, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Staley, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Brown, Brookbank, Clarke, Crawford, Felkner, Fletcher, Gehon, Hempstead, Langworthy, Lowe, of Des Moines, Lucas, McCrory, McKean, O'Brien, Olmstead, Randolph, Shelleday and Strong.

The amendment was agreed to.

Mr. Taylor moved to amend by filling the blank with '600.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 24—Nays 46.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Brattain, Brown, Clarke, Crawford, Cutler, Felkner, Galland, Hempstead, Hepner, Hooton, Langworthy, Lucas, Mordan, McCrory, McKean, Price, Randolph, Sells, Strong, Taylor Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Blankinship, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Gehon, Gower, Grant, Hall, Hale, Har-

ison, Hawkins, Hoag, Hobson, Kerr, Kirkpatrick, Lowe, of Des Moines, Marsh, Murray, O'Brien, Olmstead, Peck, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Thompson, Toole, Whitmore, Williams and Wright.

The amendment was not agreed to.

Mr. Hooton called for the previous question so far as the same relates to the 9th line.

Which was ordered.

The question being 'shall the main question be now put?'

It was decided in the affirmative.

The question being on filling the blank in the 9th line with '500.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 46—Nays 25.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Blankinship, Brattain, Brown, Butler, Campbell, of Washington, Charleton, Chapman, Crawford, Delashmutt, Durham, Felkner, Ferguson, Galbraith, Gower, Grant, Hall, Hale, Harrison, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Lowe, of Des Moines, Marsh, Mordan, McKean, Murray, Price, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Staley, Taylor, Thompson, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Brookbank, Clarke, Cook, Cutler, Davidson, Evans, Fletcher, Galland, Gehon, Hawkins, Hempstead, Langworthy, Lucas, McAtee, McCrory, O'Brien, Olmstead, Peck, Quinton, Randolph, Shelleday, Strong and Toole.

So the amendment was agreed to.

Mr. Cook moved to strike out the 10th line, being the salary of the Superintendent of Public Instruction.

Mr. Galbraith moved to amend by striking out '\$700' and inserting '\$600.'

Which was not agreed to.

The question then recurring on the motion to strike out the 10th line.

Which was decided in the affirmative.

Mr. Crawford moved to strike out '\$800, in the 11th line as the salary of the Judges of the Supreme Court, and insert '\$1000.'

Mr. Quinton moved to insert '\$600.'

Mr. Langworthy moved to insert '\$700.'

Mr. Langworthy moved to insert '\$500.'

Mr. Langworthy called for the previous question.

Which was ordered,

And the question being 'shall the main question now be put?'

It was decided in the affirmative.

The question then being on striking out '\$800' and inserting '\$1000.'

The yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 9—Nays 62.

Those who voted in the affirmative were—Messrs. Brookbank, Cook, Crawford, Gehon, Hempstead, McKean, Olmstead, Peck and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, O'Brien, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright and Mr. President.

So the motion was not agreed to.

The question then being on striking out '\$800' and inserting '\$700,'

It was not agreed to.

The question then being on striking out '\$800' and inserting '\$600.

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 21—Nays 50.

Those who voted in the affirmative were—Messrs. Benedict, Blankinship, Butler, Campbell, of Scott, Chapman, Davidson, Evans, Ferguson, Galland, Harrison, Hoag, Hobson, Kirkpatrick, McAtee, Murray, Quinton, Ross, of Jefferson, Staley, Toole, Whitmore and Williams.

Those who voted in the negative were—Messrs. Bailey, Bissell, Brattain, Brown, Brookbank, Campbell, of Washington, Charleton, Cook, Crawford, Cutler, Delashmutt, Durham, Felkner, Fletcher, Galbraith, Gehon, Gower, Grant, Hall, Hale, Hawkins, Hempstead, Hepner, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Randolph, Ripley, Robinson, Ross, of Washington, Salmon, Sells, Shelleday, Strong, Taylor, Thompson, Wright, Wyckoff and Mr. President.

So the motion was not agreed to.

The question then recurring on striking out '\$800' and inserting '\$500.

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 16—Nays 54.

Those who voted in the affirmative were—Messrs. Benedict, Campbell, of Scott, Charleton, Davidson, Grant, Hale, Harrison, Kerr, Kirkpatrick, Langworthy, McAtee, Quinton, Ripley, Ross, of Jefferson, Whitmore and Wright.

Those who voted in the negative were—Messrs. Bailey, Bissell, Blankinship, Brattain, Brown, Brookbank, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Cutler, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower, Hall, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Williams, Wyckoff and Mr. President.

So the motion was not agreed to.

Mr. Cook moved to amend the twelfth line by striking out 'court of Common Pleas' and inserting 'District Court.'

Which was agreed to.

Mr. Ferguson moved to amend the same by striking out the word 'President.'

Which was agreed to.

Mr. Harrison moved to amend the report by striking out the thirteenth and fourteenth lines.

Which was agreed to.

Mr. Grant offered to amend the report so as to read thus: "For the first ten years after the organization of the Government, the annual salary

|                                             |       |        |
|---------------------------------------------|-------|--------|
| Of the Governor, shall not exceed           | - - - | \$800, |
| " Secretary of State,                       | - - - | 500,   |
| " Treasurer,                                | - - - | 300,   |
| " Auditor,                                  | - - - | 500,   |
| " Judges of the Supreme and District Courts |       |        |
| each,                                       | - - - | 800,   |

Mr. Peck called for the previous question.

Which was ordered.

The question being 'shall the main question be now put?'

It was decided in the affirmative.

The question being on the amendment offered by Mr. Grant.  
Which was adopted.

The question then being on ordering the report to be engrossed and read a third time on to-morrow.

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 42—Nays 28.

Those who voted in the affirmative were—Messrs Bailey, Benedict, Bissell, Blankinship, Brattain, Campbell, of Scott, Campbell, of Washington, Chapman, Cutler, Davidson, Durham, Evans, Ferguson, Galbraith, Galland, Gower, Grant, Hall, Hale, Harrison, Hawkins, Hepner, Hoag, Hobson, Kerr, Kirkpatrick, Marsh, Mordan, Price, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Taylor, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Brown, Brookbank, Butler, Clarke, Cook, Crawford, Delashmutt, Felkner, Fletcher, Gehon, Hempstead, Hooton, Langworthy, Lowe, of Des Moines, Lucas, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Quinton, Randolph, Salmon, Staley, Strong and Thompson.

Which was decided in the affirmative.

On motion of Mr. Olmstead,

The Convention adjourned until to-morrow morning 9 o'clock.

### SATURDAY MORNING, OCTOBER 26, 1844.

The Convention met pursuant to adjournment.

Mr. Gower offered the following resolutions:

*Resolved,* That a respectful and appropriate address be presented to the people of this State, with the Constitution, that shall be approved by this Convention, and that a committee of five be appointed to report the same.

*Resolved,* That a committee of seven be appointed to draft and report to this Convention appropriate memorials to Congress, in relation to the adoption of the Constitution, and such other matters in relation to change of Government as may be deemed expedient and necessary.

On motion of Mr. Hobson,

Ordered, That the resolutions be laid upon the table subject to the order of the Convention.

Mr. Campbell, of Washington, moved to reconsider the vote on engrossing the report of the committee on State Revenue.

Pending which,

Mr. Gower moved a call of the Convention,

When Messrs. Charleton, Felkner, Hepner and Olmstead, were found to be absent.

On motion of Mr. Hooton,

Mr. Hepner was excused on account of indisposition.

On motion of Mr. Wyckoff,

Ordered, That the further proceedings under the call be dispensed with.

The question being on reconsidering the vote ordering the report of the committee on State Revenue, to be engrossed for a third reading.

The yeas and nays were demanded by two members,

And were as follows: Yeas 31—Nays 35.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Delashmutt, Durham, Grant, Harrison, Hempstead, Hoag, Hooton, Kerr, Lowe, of Des Moines, Marsh, McAtee, McKean, Peck, Price, Quinton, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Charleton, Crawford, Cutler, Davidson, Evans, Fletcher, Ferguson, Galland, Gehon, Gower, Hall, Hale, Hawkins, Hobson, Kirkpatrick, Langworthy, Lucas, Mordan, McCrory, Murray, O'Brien, Randolph, Ripley, Robinson, Strong, Taylor, Toole, Whitmore, Williams and Wyckoff.

The motion was not agreed to.

The report of the committee on the Schedule being the order of the day,

Mr. Langworthy moved that the Convention resolve itself into committee of the Whole for the consideration of the report.

Which was not agreed to.

Mr. Hawkins moved to amend the second section by striking out the words, 'which are not repugnant to this Constitution.'

Mr. Hall offered the following amendment to the amendment:

Strike out the word 'now' in the first line, and after the word 'Territory' insert 'at the time the State Government goes into operation.'

Which was not agreed to.  
The question then recurring upon the amendment offered by Mr. Hawkins.

The yeas and nays were demanded by two members.

And were as follows: Yeas 10—Nays 56.

Those who voted in the affirmative were—Messrs. Brattain, Charle-  
ton, Cook, Evans, Hawkins, Hoag, Hobson, Ross, of Washington,  
Shelleday and Toole.

Those who voted in the negative were—Messrs. Bailey, Benedict,  
Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott,  
Chapman, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham,  
Falkner, Fletcher, Ferguson, Galbraith, Galland, Gehon, Gower,  
Grant, Hall, Hale, Harrison, Hempstead, Hooton, Kerr, Kirkpatrick,  
Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee,  
McCrary, McKean, Murray, O'Brien, Peck, Price, Quinton, Ripley,  
Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thomp-  
son, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Hall moved to amend the second section by striking out the  
word 'now' in the first line, and inserting after the word 'Territory'  
'at the time the State Government goes into effect.'

Upon which the yeas and nays were demanded by two members.

And were as follows. Yeas 18—Nays 49.

Those who voted in the affirmative were—Messrs. Bissell, Brown,  
Brookbank, Clarke, Cook, Fletcher, Galbraith, Gower, Hall, Harrison,  
Kerr, Mordan, McAtee, McKean, Strong, Taylor, Whitmore and  
Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict,  
Blankinship, Brattain, Campbell, of Scott, Charleton, Chapman, Craw-  
ford, Davidson, Delashmutt, Durham, Evans, Falkner, Ferguson,  
Galland, Gehon, Grant, Hale, Hawkins, Hempstead, Hoag, Hobson,  
Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas,  
Marsh, McCrary, Murray, O'Brien, Peck, Price, Quinton, Randolph,  
Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon,  
Sells, Shelleday, Staley, Thompson, Toole, Williams, Wright and  
Mr. President.

The amendment was not agreed to.

Mr. Hall moved to amend the second section by striking out the  
word 'now' in the first line.

Which was not agreed to.

Mr. Bailey offered the following amendment to the third section.

Strike out 'and escheats' in the first line, and insert 'and' before the  
word 'forfeiture' in the same line.

Which was agreed to.

Mr. Bissell moved to amend the fourth section by inserting after the  
word 'capacity' in the fifth line, 'or to the people of this Territory.'

Which was not agreed to.

Mr. Hall moved to amend the same by inserting after the word 'ca-  
pacity' in the fifth line, 'the United States or Territory of Iowa.'

Which was not agreed to.

Mr. Chapman moved to amend the sixth section by striking out the  
word 'people' at the end of the twelfth line, and inserting 'qualified  
electors.'

Which was agreed to.

Mr. Gehon moved to amend the sixth section by striking out the fol-  
lowing words at the end of the section.

'Provided, however, That the Legislative Assembly of this Territory,  
may ratify or reject any amendments Congress may make to this Con-  
stitution after the first Monday in April next.'

Mr. Lucas moved to amend the amendment by striking out the word  
'Territory' and inserting 'State of Iowa.'

Which was agreed to.

The question then recurring upon the amendment offered by Mr.  
Gehon, as amended.

Upon which the yeas and nays were demanded by two members.

And were as follows: Yeas 25—Nays 40.

Those who voted in the affirmative were—Messrs. Bailey, Benedict,  
Bissell, Brown, Charleton, Chapman, Cook, Davidson, Fletcher, Fergu-  
son, Galbraith, Gehon, Hale, Hawkins, Hoag, Kerr, Langworthy, Mc-  
Kean, O'Brien, Sells, Shelleday, Strong, Whitmore and Wyckoff.

Those who voted in the negative were—Messrs. Blankinship, Brat-  
tain, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington,  
Clarke, Delashmutt, Durham, Evans, Falkner, Galland, Gower, Grant,  
Hall, Harrison, Hepner, Hooton, Kirkpatrick, Lowe, of Des Moines,  
Lucas, Marsh, Mordan, McCrary, Murray, Price, Quinton, Randolph,  
Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon,  
Staley, Taylor, Thompson, Toole, Williams, Wright and Mr. President.

The amendment was not agreed to.

Mr. McKean moved to amend the sixth section by striking out the  
word 'amendments' wherever it occurs, and inserting 'conditions.'

Which was agreed to.

Mr. Chapman moved to amend the sixth section by adding to the seventeenth line the words 'before the admission of the State of Iowa into the Union.'

Mr. Peck moved to amend the amendment by striking out all after the word 'however' in the fifteenth line, and inserting 'that the General Assembly may accept or reject any condition Congress may make to this Constitution, at their first session under this Constitution.'

Which was not agreed to.

The question then recurring on the amendment offered by Mr. Chapman.

It was decided in the negative.

Mr. Wyckoff offered the following amendment:

Strike out all after the word 'next' in the fourth line, seventh section, to the word 'for' in the fifth line, and insert the following:

'After the adoption of this Constitution by the people of this Territory.'

Which was agreed to.

Mr. Galbraith offered the following amendment to the seventh section:

After the word 'State' in the seventh line, and 'State' in the tenth line, insert 'and judges of the District Court.'

Which was not adopted.

Mr. Blankinship moved to amend the report by striking out the words 'Lieutenant Governor' wherever it occurs in the report.

Which was not agreed to.

Mr. Chapman offered the following amendment to the eighth section:

Strike out all after the word 'counties' in the fifth line, to the word 'the' in the sixth line, and insert 'of Davis, Wapello, Kishkekosh and Appanoose, one Senator jointly, and one Representative to each of the counties of Davis and Wapello, and one Representative to the counties of Kishkekosh and Appanoose jointly.'

Mr. Hall moved to recommit the eighth section of the report to the committee with instructions to reduce the number of Representatives and Senators, so that the whole number of both branches of the Legislature shall not exceed forty.

Pending which,

On motion of Mr. Ross, of Washington,

The Convention adjourned until 2 o'clock.

TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

The report of the committee on the Schedule being under consideration.

Mr. Galbraith offered the following amendment:

Add to the ninth section the following: 'first Monday of October after the adoption of this Constitution by the people.'

Mr. Benedict called for the previous question.

And the question being 'shall the main question now be put.'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 27—Nays 37.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Cook, Crawford, Davidson, Evans, Ferguson, Galland, Grant, Hall, Hale, Hoag, McAtee, McCrory, Murray, Ross, of Jefferson, Staley, Taylor, Whitmore, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bissell, Blankinship, Brookbank, Clarke, Cutler, Delashmutt, Durham, Felkner, Fletcher, Gehon, Gower, Harrison, Hawkins, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, McKean, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Shelleday, Strong, Thompson, Toole, Williams and Mr. President.

The previous question was not sustained.

The question then recurring on the motion of Mr. Hall to recommit the eighth section.

On which the yeas and nays were demanded by two members.

And were as follows: Yeas 8—Nays 56.

Those who voted in the affirmative were—Messrs. Davidson, Fletcher, Hall, Hawkins, McAtee, Randolph, Sells and Shelleday.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Washington, Charleton, Chapman, Clarke, Crawford, Cutler, Delashmutt, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Gehon, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Hoag, Hooton, Langworthy, Lowe, of Des Moines, Lucas, Marsh, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Robinson, Ross,

of Jefferson, Ross, of Washington, Salmon, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The motion to recommit was not agreed to.

The question recurring on the amendment offered by Mr. Chapman to the eighth section.

Was decided in the affirmative.

Mr. Quinton offered the following amendment to the eighth section.

Insert in the tenth line between the word 'Senator' and 'jointly,' one Representative.'

Mr. Langworthy offered the following amendment to the eighth section:

Strike out the word 'one' in the sixteenth line, and insert 'two.'

Mr. Sells offered the following amendment to the eighth section:

Strike out in the eleventh line from the word 'Senator' to the word 'the' and insert, 'and one Representative jointly, and each one Representative.'

Mr. Whitmore offered the following amendment to be added to the eighth section:

'The number of Representatives of this State shall not be increased till the number of inhabitants shall be four thousand per each Representative, and then the number may be increased at that ratio.'

Mr. Hobson offered the following amendment to be added to the eighth section:

'Iowa City, in Johnson county, shall be the seat of Government of the State of Iowa until the year eighteen hundred and sixty-five, and until removed by law.'

Mr. Grant offered the following amendment to the eighth section:

Strike out the words 'one Senator jointly and one Representative each,' in the thirteenth line, and insert 'and Benton one Senator, Cedar one Representative, and Linn and Benton one Representative.'

And strike out the word 'Benton,' in the fifteenth and seventeenth lines.

Mr. Grant moved to amend the ninth section by adding the following:

'On the first Monday in November following its ratification by the people.'

Mr. Grant moved that the report be engrossed and read a third time on Monday.

Mr. Grant called for the previous question.

And the question being 'shall the main question be now put?'

It was decided in the affirmative.

The question then being on the amendment offered by Mr. Quinton, the yeas and nays were demanded by two members,

And were as follows: Yeas 26—Nays 40.

Those who voted in the affirmative were Messrs. Bailey, Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Ferguson, Galbraith, Gehon, Harrison, Hawkins, Langworthy, Lucas, McAtee, McKean, Murray, O'Brien, Olmstead, Quinton, Randolph, Ross, of Washington, Shelleday, Toole, Wright and Mr. President.

Those who voted in the negative were—Messrs. Benedict Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Evans, Felkner, Fletcher, Gower, Grant, Hall, Hempstead, Hepner, Hoag, Hobson, Hooton, Kirkpatrick, Lowe, of Des Moines, Mordan, McCrory, Peck, Price, Robinson, Ross of Jefferson, Salmon, Sells, Staley, Strong, Taylor, Thompson, Whitmore, Williams and Wyckoff.

The amendment was not agreed to.

The question then recurring on the adoption of the amendment offered by Mr. Langworthy,

It was decided in the negative.

The question then recurring on the adoption of the amendment offered by Mr. Sells,

It was decided in the affirmative.

The question then recurred upon the amendment offered by Mr. Whitmore.

Which was not agreed to.

The question recurring upon the amendment offered by Mr. Hobson in relation to fixing the seat of Government until 1865,

The yeas and nays were demanded by two members,

And were as follows: Yeas 41—Nays 27.

Those who voted in the affirmative were Messrs. Benedict, Bissell, Brookbank, Campbell, of Scott, Campbell, of Washington, Clarke, Cook, Crawford, Evans, Felkner, Fletcher, Gehon, Gower, Grant, Harrison, Hempstead, Hoag, Hobson, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Strong, Taylor, Toole, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Blankinship,

Brattain, Brown, Butler, Chapman, Davidson, Delashmutt, Ferguson, Galbraith, Galland, Hall, Hale, Hawkins, Hepner, Kerr, McAtee, Murray, Quinton, Ripley, Ross, of Jefferson, Shelleday, Staley, Thompson, Whitmore, Wright and Mr. President.

The amendment was agreed to.

The question then recurred upon the amendment offered by Mr. Grant, to the eighth section in relation to Benton county.

Which was agreed to.

The question then recurring upon Mr. Grant's amendment to the ninth section in relation to fixing the time of the first meeting of the State Legislature,

It was decided in the affirmative.

The question then recurred upon engrossing the report and ordering the same to a third reading.

Which was decided in the affirmative.

Mr. Quinton moved that the Convention adjourn until Monday morning 9 o'clock.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 19—Nays 44.

Those who voted in the affirmative were—Messrs. Bissell, Butler, Charleton, Clarke, Crawford, Fletcher, Gehon, Gower, Hall, Kerr, Langworthy, Lowe, of Des Moines, McCrory, McKean, Murray, Olmstead, Peck, Quinton and Toole.

Those who voted in the negative were—Messrs. Bailey, Benedict, Brattain, Brown, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Davidson, Delashmutt, Felkner, Ferguson, Galbraith, Galland, Grant, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kirkpatrick, Lucas, Marsh, O'Brien, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Strong, Taylor, Thompson, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

Mr. Hepner, chairman of the select committee to whom was referred the report of the standing committee on county organization, by leave of the Convention made the following report:

#### Report of Select Committee on County Organization.

1. No new county shall be laid off of, nor old county reduced to less contents than four hundred square miles.
2. There shall be elected by the qualified electors of each organized

county in this State, one sheriff, one coroner, one county recorder, who shall discharge the duties of clerk of the county court, or court doing county business, one county surveyor, and one county treasurer who shall be ex-officio collector of the public revenues, and hold their offices for the term of two years, and until their successors are elected and qualified; who shall perform such duties and be entitled to such compensation as may be provided by law. They shall reside in their respective counties during their continuance in office, and be disqualified for the office a second time, if it should appear that they or either of them are in default for any moneys collected by virtue of their respective offices; but in no case shall the sheriff be eligible to the office for more than two terms in succession.

3. The Legislature may provide by law for a township organization and for the election of such number of justices and constables in each township as may be provided by law.

4. The Legislature shall provide by law for the jurisdiction of probate and of all matters relating to county taxes, disbursements of money for county purposes, and in every case that may be necessary to the internal improvement and local concerns of the respective counties.

5. The fees of all officers in the respective counties shall be defined by law, and no extra compensation either by the county or State shall be paid or allowed.

Which was read a first time.

On motion of Mr. Langworthy,

Ordered, That one hundred and fifty copies of the report be printed.

The report of the committee on State Boundaries being in order.

Mr. Chapman moved that the report of the select committee be concurred in.

Mr. Langworthy offered the following amendment:

Strike out all after the word 'river' in the tenth line, and insert 'thence up said Mississippi river to where the parallel of latitude forty-five crosses said river; thence West along said parallel to where the parallel of longitude ninety-six crosses the same; thence South to the middle of the main channel of the Missouri river; thence down the middle of the main channel of said river, to where a continuation of the old Indian boundary line, or line run by John C. Sullivan in the year 1816, strikes said river; thence along said line to the middle of the

main channel of the river Des Moines; thence down the middle of the main channel of said river to the place of beginning.'

Mr. Bailey called for the previous question.

Which was ordered.

The question being 'shall the main question be now put?'

Which was decided in the affirmative.

The question being on the adoption of the amendment offered by Mr. Langworthy.

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 29—Nays 33.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Brookbank, Campbell, of Scott, Clarke, Cook, Crawford, Durham, Evans, Fletcher, Gehon, Grant, Hempstead, Hepner, Kirkpatrick, Langworthy, Lowe, of Des Moines, McCrory, McKean, O'Brien, Price, Robinson, Sells, Staley, Strong, Taylor, Toole, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Blankinship, Brattain, Brown, Butler, Campbell, of Washington, Chapman, Cutler, Davidson, Delashmutt, Felkner, Ferguson, Galbraith, Galland, Hale, Harrison, Hawkins, Hoag, Hobson, Hooton, Kerr, Lucas, Marsh, Mordan, Murray, Quinton, Randolph, Ripley, Ross, of Washington, Salmon, Thompson, Whitmore, Williams and Wright.

The amendment was not agreed to.

Mr. Chapman moved that the report be engrossed and read a third time on Monday next.

Mr. Gehon moved that the Convention adjourn until Monday morning next, 9 o'clock.

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 23—Nays 42.

Those who voted in the affirmative were—Messrs. Benedict, Bissell, Brown, Clarke, Crawford, Durham, Evans, Fletcher, Gehon, Hempstead, Hepner, Kirkpatrick, Langworthy, Lowe, of Des Moines, Mordan, McAtee, McKean, O'Brien, Olmstead, Robinson, Staley, Strong and Toole.

Those who voted in the negative were—Messrs. Bailey, Blankinship, Brattain, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Cutler, Davidson, Delashmutt, Felkner, Ferguson, Galland, Grant, Hale, Harrison, Hawkins, Hoag, Hobson,

Hooton, Kerr, Lucas, Marsh, McCrory, Murray, Price, Quinton, Randolph, Ripley, Ross, of Washington, Salmon, Sells, Taylor, Thompson, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

Mr. Lowe, of Des Moines asked leave of absence for Mr. Hall, until Wednesday next.

Which was granted.

On motion of Mr. Hempstead,

A call of the Convention was had, when it appeared that Messrs. Charleton, Gower, McAtee, Peck, Ross, of Jefferson and Shelleday were absent.

On motion,

Messrs. McAtee and Shelleday were excused from their attendance until Monday next.

On motion of Mr. Bailey,

The Convention adjourned until Monday morning next, 9 o'clock.

### MONDAY MORNING, OCTOBER 28, 1844.

The Convention met pursuant to adjournment.

Mr. Ross, of Jefferson, offered the following resolution:

*Resolved*, That the committee on revision be instructed to strike out the first section of the report of the committee on State Revenue.

Mr. Lucas moved to lay the resolution on the table subject to the order of the Convention.

Mr. Chapman called for the previous question.

Mr. Lucas moved a call of the Convention,

Which was ordered, and

Messrs. Charleton, Felkner, Gehon and Lowe, of Muscatine, were found to be absent.

On motion of Mr. Hempstead,

Leave of absence was granted to Mr. Gehon during the balance of the session.

On motion of Mr. Sells,

Leave of absence was granted to Mr. Lowe, of Muscatine, for two days.

On motion of Mr. Wyckoff,

Ordered, That the further proceedings under the call be dispensed with.

The question then being 'shall the main question now be put?'

Was decided in the affirmative.

The question then recurring on the adoption of the resolution offered by Mr. Ross, of Jefferson,

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 46—Nays 22.

Those who voted in the affirmative were—Messrs. Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Delashmutt, Durham, Evans, Galbraith, Galland, Grant, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Marsh, Mordan, McKean, Murray, O'Brien, Olmstead, Peck, Price, Ripley, Robinson, Ross, of Washington, Ross, of Jefferson, Salmon, Sells, Shelleday, Staley, Thompson, Whitmore, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Charleton, Cutler, Davidson, Fletcher, Ferguson, Gower, Hale, Kirkpatrick, Lucas, McAtee, McCrory, Quinton, Randolph, Strong Taylor, Toole, Williams and Wright.

The resolution was adopted.

Mr. Gower moved to take from the table the resolution offered by him on Saturday, in relation to a memorial to Congress.

Which was not agreed to.

The report of the committee on State Boundaries being in order,

Mr. Langworthy moved to reconsider the vote of Saturday ordering the previous question.

Which was not agreed to.

The question being on ordering the report to be engrossed and read a third time on to-morrow.

The yeas and nays were demanded by two members,

And were as follows. Yeas 37—Nays 30.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cutler, Davidson, Delashmutt, Ferguson, Galbraith, Galland, Grant, Hale, Harrison, Hawkins, Hoag, Hobson, Kerr, Lucas, Marsh, McAtee, McKean, Murray, Randolph, Ripley, Ross, of Jefferson, Ross, of Washington, Shelleday, Thompson, Whitmore, Williams, Wright and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brookbank, Clarke, Cook, Crawford, Durham, Evans, Fletcher, Gower, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Mordan, McCrory, O'Brien, Peck, Price, Quinton, Robinson, Salmon, Sells, Staley, Strong, Taylor, Toole and Wyckoff.

The report was ordered to be engrossed.

The report of the committee on Education and School Lands being in order,

Mr. Taylor moved to fill the blank in the first section with 'two.'

Mr. Hooton moved to fill the same with 'four.'

Which was not agreed to.

The question then recurring on the motion of Mr. Taylor, to fill the blank with 'two,'

It was decided in the affirmative.

Mr. Salmon moved to amend the second section by striking out the words 'a will or,' in the fifth line.

Which was not agreed to.

Mr. Gower moved to amend the fifth section, by inserting in the third line after the word 'States,' the words 'or person or persons.'

Which was agreed to.

Mr. Hobson moved that the bill be engrossed and read a third time on to-morrow.

Mr. Campbell, of Scott, offered the following amendment to the first section:

Strike out all before the word 'superintendent,' in the second line, and insert, 'there shall be elected by the qualified voters.'

Which was not agreed to.

Mr. Wyckoff moved to amend the third section by inserting at the end of the fifth line the words 'during such neglect.'

Which was agreed to.

Mr. Shelleday moved to amend the second section by inserting after the word 'heirs,' in the fifth line 'and also three fifths of the five per cent. on the nett proceeds of the sale of public lands in this State.'

Mr. Quinton moved to amend the amendment by striking out the words 'three fifths.'

Which was not agreed to.

Mr. Langworthy offered the following substitute for the amendment offered by Mr. Shelleday.

Insert after the word 'heirs,' in the fifth line of the second section 'and also such per cent. as may be granted by Congress on the sale of

lands in this State?

Which was adopted.

Mr. Taylor offered the following amendment to be added to the first section:

'And who shall receive an annual salary of \$700 for his services.'

Mr. Durham offered the following substitute for the amendment offered by Mr. Taylor, to be added to the first section.

'And who shall receive such compensation as the Legislature may direct.'

Which was agreed to.

Mr. Hepner offered the following as a substitute for the first section:

'The Lieutenant Governor shall be ex-officio superintendant of public instruction for the next six years, whose duties and compensation for such service shall be prescribed by law.'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 16—Nays 51.

Those who voted in the affirmative were—Messrs. Bissell, Crawford, Durham, Galland, Gower, Hempstead, Hepner, Lowe, of Des Moines, Murray, Olmstead, Peck, Price, Salmon, Staley, Thompson and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Cutler, Davidson, Delashmutt, Evans, Felkner, Fletcher, Ferguson, Galbraith, Grant, Hale, Harrison, Hawkins, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, O'Brien, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Taylor, Toole, Whitmore, Williams and Wyckoff.

The substitute was not adopted.

Mr. Fletcher offered the following substitute for the first section:

'There shall be elected by the qualified electors of the State a superintendent of public instruction, who shall hold his office for the term of two years and shall receive a salary of seven hundred dollars per annum.'

Mr. Galbraith moved to amend by striking out '\$700,' and inserting '\$800.'

Which was not agreed to.

Mr. Hempstead moved to strike out '\$700' and insert '\$900.'

Upon which the yeas and nays were demanded by two members,

And were as follows. Yeas 9—Nays 57.

Those who voted in the affirmative were—Messrs. Chapman, Galbraith, Hempstead, Hepner, Kirkpatrick, McCrory, Olmstead, Randolph and Sells.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Felkner, Fletcher, Ferguson, Galland, Gower, Grant, Hale, Harrison, Hawkins, Hoag, Hobson, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Shelleday, Staley, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not adopted.

The question then recurring upon the substitute offered by Mr. Fletcher,

It was decided in the negative.

On motion of Mr. Ross, of Washington,

Ordered, That the report be engrossed and read a third time on to-morrow.

The report of the committee on Incorporations being in order,

Mr. Galbraith moved that the report be engrossed and read a third time on to-morrow.

On motion of Mr. Ferguson,

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

## TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the report of the committee on Incorporations.

Mr. Cook offered the following as a substitute for the fourth section, as reported by the select committee:

'Sec. 4. No act of incorporation passed by the General Assembly, to create any bank or institution with banking privileges, shall become a law, unless the charter with all its provisions shall be submitted to a vote of the qualified electors of this State, at such time as may be prescribed by law, and shall receive a majority of all the votes cast for and against such proposed law.'

Mr. Cook moved to amend the report by striking out the fourth and fifth sections, as reported by the select committee.

Mr. Cook offered the following amendment:

'Sec. 6. Nothing herein contained shall be so construed as to apply to any corporation, other than corporations with banking privileges.'

Mr. Wyckoff offered the following amendment to the fifth section:

'Whenever it shall be made to appear that such incorporated body have neglected to comply with all the provisions of their charter.'

Mr. Hempstead offered the following as a substitute for the fourth section:

Strike out the fourth section and insert, that 'No bank of circulation shall be established in this State.'

Mr. Galbraith offered the following amendment to the second section:

Strike out the words 'two thirds,' in the first line and insert 'a majority.'

Mr. Galbraith called for the previous question.

The question being 'shall the main question be now put?'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 24—Nays 39.

Those who voted in the affirmative were—Messrs. Campbell, of Washington, Ferguson, Galbraith, Grant, Hale, Hoag, Hobson, Marsh, Murray, Olmstead, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Staley, Thompson, Toole, Whitmore, Williams, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Campbell, of Scott, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Durham, Felkner, Fletcher, Galland, Gower, Harrison, Hawkins, Hempstead, Hepner, Hooton, Kerr, Langworthy, Lucas, Mordan, McCrory, McKean, O'Brien, Peck, Price, Quinton, Shelleday, Strong, Taylor and Mr. President.

The previous question was not ordered.

The question then being on the adoption of the amendment offered by Mr. Wyckoff to the fifth section.

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 25—Nays 43.

Those who voted in the affirmative were—Messrs. Blankinship, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Crawford, Delashmutt, Grant, Hawkins, Hoag, Hobson, Kerr, Mordan, McAtee,

McCrory, McKean, Price, Randolph, Ross, of Washington, Sells, Shelleday, Taylor, Toole, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Brookbank, Butler, Charleton, Clarke, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Murray, O'Brien, Olmstead, Peck, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Thompson, Whitmore, Wright and Mr. President.

The amendment was not agreed to.

The question then recurring on the adoption of the amendment offered by Mr. Galbraith to the second section.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 41—Nays 27.

Those who voted in the affirmative were—Messrs. Bailey, Bissell, Blankinship, Brattain, Brookbank, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Crawford, Delashmutt, Felkner, Ferguson, Galbraith, Galland, Hawkins, Hoag, Hobson, Hooton, Kerr, Lowe, of Des Moines, Mordan, McCrory, McKean, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Washington, Sells, Shelleday, Strong, Taylor, Thompson, Toole, Williams, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Brown, Butler, Campbell, of Scott, Cutler, Davidson, Durham, Evans, Fletcher, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Langworthy, Lucas, Marsh, McAtee, Murray, O'Brien, Olmstead, Ross, of Jefferson, Salmon, Staley, Whitmore and Wright.

The amendment was adopted.

The question then recurred on the amendment offered by Mr. Hempstead to the fourth section, as reported by the select committee.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 16—Nays 52.

Those who voted in the affirmative were—Messrs. Brattain, Clarke, Crawford, Davidson, Evans, Fletcher, Galland, Harrison, Hempstead, Langworthy, McKean, O'Brien, Olmstead, Quinton, Ripley, and Ross, of Jefferson.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Cook, Cutler, Delashmutt, Durham, Felkner, Ferguson, Galbraith, Gower, Grant, Hale, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Lowe, of Des Moines,

Lucas, Marsh, Mordan, McAtee, McCrory, Murray, Peck, Price, Randolph, Robinson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

The question then being on the adoption of the substitute offered by Mr. Cook to the fourth section, as reported by the select committee.

On which the yeas and nays were demanded by two members,

And were as follows: Yeas 21—Nays 44.

Those who voted in the affirmative were—Messrs. Blankinship, Campbell, of Washington, Chapman, Cook, Delashmutt, Felkner, Hawkins, Hepner, Hoag, Hooton, Kerr, Marsh, Mordan, McCrory, Randolph, Ross, of Washington, Sells, Shelleday, Taylor, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hempstead, Hooton, Langworthy, Lowe, of Des Moines, Lucas, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The substitute was not adopted.

Mr. Chapman offered to amend the fourth section in the printed report, by inserting after the word 'create,' and before the word 'shall,' in the second line, 'to the extent of their stock respectively subscribed.'

On which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 20—Nays 46.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Clarke, Cook, Delashmutt, Grant, Hawkins, Hoag, Hobson, Kerr, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Charleton, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Gower, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

The question then recurring on the amendment offered by Mr. Cook by striking out the fourth and fifth sections.

Mr. Hepner called for a division of the question.

Which was had.

The question then being on striking out the fourth section, which reads as follows:

'4. The personal and real property of the individual members of all corporations hereafter created, shall at all times be liable for the debts due by any such corporation.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 18—Nays 48.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Evans, Hawkins, Hoag, Hobson, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Clarke, Crawford, Cutler, Davidson, Durham, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

The question then being on striking out the fifth section, which reads as follows:

'5. The Legislative Assembly shall have power to repeal all acts of incorporations by them granted.'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 21—Nays 46.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Crawford, Delashmutt, Hawkins, Hoag, Hobson, Mordan, McAtee, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Gal-

braith, Galland, Grant, Hale, Harrison, Hempstead, Hepner, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright and Mr. President.

The amendment was not agreed to.

The question then being on the amendment offered by Mr. Cook as a sixth section.

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 22—Nays 46.

Those who voted in the affirmative were—Messrs. Benedict, Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Delashmutt, Grant, Hawkins, Hoag, Hobson, Kerr, Kirkpatrick, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Bissell, Brattain, Brown, Butler, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

Mr. Davidson offered the following amendment to come in as a sixth section:

'6. The property of the people of this State shall never be used by any incorporated company without the consent of the owner.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 41—Nays 26.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Butler, Chapman, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Hale, Harrison, Hempstead, Lucas, Marsh, McCrory, O'Brien, Olmstead, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Shelleday, Staley, Strong, Taylor, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Brookbank, Camp-

bell, of Scott, Campbell, of Washington, Cook, Delashmutt, Grant, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Mordan, McAtee, McKean, Murray, Peck, Price, Ross, of Washington, Salmon, Thompson, Toole and Williams.

The amendment was adopted.

Mr. Galbraith offered the following amendment:

Add to the fourth section as reported by the select committee, 'cast for and against it.'

Which was adopted.

Mr. Cook offered the following amendment:

In the fourth section strike out in the second line the words 'at all times,' and insert at the close of the section, 'after the property of the corporation shall have been exhausted.'

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 29—Nays 37.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Delashmutt, Durham, Felkner, Ferguson, Grant, Hawkins, Hoag, Hobson, Kerr, Langworthy, Lucas, McAtee, McCrory, McKean, Quinton, Randolph, Ross, of Washington, Sells, Shelleday, Strong, Taylor, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Clarke, Crawford, Cutler, Davidson, Evans, Fletcher, Galbraith, Galland, Gower, Hale, Harrison, Hempstead, Hepner, Hooton, Lowe, of Des Moines, Marsh, Mordan, Murray, O'Brien, Olmstead, Peck, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The amendment was not adopted.

Mr. O'Brien offered the following amendment, to be added to the fourth section:

'Provided, That no bank or banking institution shall be established in this State before the year one thousand eight hundred and sixty.'

Which was not agreed to.

Mr. Davidson offered the following amendment:

'Seventh section, any bank established in this State shall secure the payment of all their liabilities, with three times the amount of their capital stock in real estate, to be valued according to law.'

The yeas and nays were demanded by two members,

And were as follows: Yeas 15—Nays 47.

Those who voted in the affirmative were—Messrs. Bailey, Brown, Butler, Davidson, Evans, Fletcher, Gower, Hempstead, McAtee, O'Brien, Olmstead, Quinton, Ross, of Jefferson, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brattain, Brookbank, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Cutler, Delashmutt, Durham, Felkner, Ferguson, Galbraith, Galland, Grant, Hale, Harrison, Hawkins, Hepner, Hoag, Hobson, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McCrory, McKean, Murray, Peck, Randolph, Ripley, Robinson, Ross, of Washington, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams and Wright.

The amendment was not adopted.

Mr. Grant offered the following amendment as an additional section: 'Sec. 7. The State shall not directly or indirectly become interested in any bank or banking corporation.'

Mr. Hepner moved to amend by striking out the word 'banking,' and inserting the word 'other.'

Which was agreed to.

The question then recurring on the amendment as amended.

The yeas and nays were demanded by two members,

And were as follows: Yeas 31—Nays 31.

Those who voted in the affirmative were—Messrs. Benedict, Brattain, Brown, Butler, Crawford, Davidson, Fletcher, Galbraith, Galland, Grant, Hale, Hempstead, Hepner, Hooton, Lowe, of Des Moines, Marsh, Murray, O'Brien, Olmstead, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Bissell, Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Delashmutt, Durham, Evans, Felkner, Ferguson, Gower, Harrison, Hawkins, Hoag, Hobson, Kerr, Langworthy, Lucas, McAtee, McCrory, McKean, Quinton, Randolph, Ross of Washington, Sells, Shelleday, Toole and Williams.

The amendment was not agreed to.

Mr. McAtee moved that the Convention adjourn until to-morrow morning at 9 o'clock.

Which was not agreed to.

Mr. Campbell, of Scott, offered the following amendment:

'The State shall not be a party to any bank.'

Mr. McAtee moved a call of the Convention.

Pending which,

On motion of Mr. Durham.

The Convention adjourned until to-morrow morning at 9 o'clock.

## TUESDAY MORNING, OCTOBER 29, 1844.

The Convention met pursuant to adjournment.

Mr. Lucas offered the following resolution:

Resolved, That the following articles be added to the bill of rights:

1. That no power of suspending laws shall be exercised unless by legislative authority.
2. No person shall be liable to be transported out of this State for any offence committed within this State.
3. That no person shall ever be imprisoned in this State, other than for an offence against the penal laws of this State or the United States.
4. Capital punishment shall never be executed in public in this State; but may be abolished when in the opinion of the General Assembly, the safety and interest of the community will justify the same.
5. No hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State; neither shall any law be passed granting exclusive privileges to any class of community.
6. No foreign corporation shall be permitted to hold lands within this State without the consent of the General Assembly.
7. That every person residing in this State shall have a right to hold exempt from sale, on executions or other process issued from any court held under the authority of this State, a tract of land not to exceed eighty acres, with the improvements thereon, or a house and lot in a town on which they may respectively reside, together with such other property as the General Assembly may, from time to time, exempt by law.

On motion of Mr. Chapman,

Ordered, That the resolution be laid upon the table and that one hundred and fifty copies be printed.

Mr. Grant, chairman of the committee of Revision, made the following report:

The committee to whom were referred the several reports on the

subject of the constitution, for the purpose of revision, ask leave to make the following report:

The committee have collected the several parts of the constitution under the following heads:

- 1ST. Preamble and Boundary.
- 2ND. Bill of Rights.
- 3RD. Suffrage.
- 4TH. Legislative Department.
- 5TH. Executive Department.
- 6TH. Judiciary Department.
- 7TH. Militia.
- 8TH. State Debts.
- 9TH. Incorporations.
- 10TH. Education and School Lands.
- 11TH. County organization.
- 12TH. Amendments to the Constitution.
- 13TH. Schedule.

The committee suggest the following changes in the various reports.

#### BILL OF RIGHTS.

SEC. 4. In the last clause of the fourth section, alter the sentence to read thus, 'in consequence of his opinions on the subject of religion,' instead of his religious opinions.

#### LEGISLATIVE DEPARTMENT.

SEC. 2. Alter the language of commencement of the section to read thus:

'The sessions of the General Assembly shall be biennial, and shall commence.'

And strike out after members all the section, and insert the following clause:

'Unless the Governor of the State, shall, in the interim, convene the General Assembly by proclamation.'

SEC. 5. Change the language to read thus:

'Senators shall be chosen for the term of four years, at the same time and place as Representatives. They shall be twenty five years of age, and possess the qualifications of Representatives as to residence and citizenship.'

SEC. 7. Change the language to read thus:  
'When the number of Senators are increased, they shall be annexed by lot, &c.'

SEC. 8. Strike out 'but,' after the word members.

SEC. 17. Strike out the words 'in which case it shall be no law,' in last line.

SEC. 16. Strike out 'free discussion be allowed thereon.'

SEC. 20. Strike out 'but' in second line.

SEC. 21. Alter to read thus:

'The Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, and Judges of the Supreme and District courts, shall be liable to impeachment,' &c.

Add at the end of the section, 'all other civil officers shall be tried for misdemeanors in office in such manner as the General Assembly may provide.'

SEC. 25. Strike out 'but' in fourth line—strike out 'thirty' in sixth line, and insert fifty.

SEC. 27. Strike out all after 'provided,' and insert as follows:

'If the General Assembly shall deem any law of immediate importance they may provide that the same shall take effect by publication in newspapers in the State.'

SEC. 32. Strike out 'thirty-six' and insert 'thirty-nine.'

SEC. 33. Strike out section 'thirty-three,' and add section relative to salaries.

#### EXECUTIVE DEPARTMENT.

SEC. 8. Change the language and substance as follows:

'When any office shall, from any cause become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the Governor shall make an appointment for such vacated office, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.'

SEC. 16. Strike out section sixteen entirely.

SEC. 23. The first Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer and Superintendent of Public Schools, shall hold their offices for two years after the first Monday in January, succeeding their election, and until their successors shall be elected and qualified, and forever after, &c.,

SEC. 22. Amend by inserting after the word Secretary of State,

'Auditor of Public Accounts and Treasurer,' and strike them out of the article on Revenue.

The committee have remodeled the entire Judiciary report, in language, but have retained all the provisions adopted by the House except two unimportant particulars.

### MILITIA.

Strike out 'section five' of Militia report, as it is provided for in Executive Department.

JAMES GRANT, Chairman.

The report of the committee on Incorporations being in order,

Mr. Quinton moved to reconsider the vote of yesterday, on Mr. Grant's amendment, in relation to the State becoming interested in Banks or other corporations.

Which was agreed to.

Mr. Grant asked leave to amend the amendment by striking out the word "interested" and inserting "a stockholder."

Which was granted.

And the question being on the adoption of the amendment,

The yeas and nays were demanded by two members,

And were as follows. Yeas 44—Nays 21.

Those who voted in the affirmative were Messrs. Bailey, Benedict, Brattain, Brown, Butler, Campbell, of Scott, Clarke, Crawford, Cutler, Davidson, Evans, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross of Jefferson, Salmon, Staley, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Durham, Hawkins, Hoag, Hobson, Kerr, Kirkpatrick, Lucas, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Strong, Toole and Williams.

The amendment was adopted.

Mr. Campbell, of Scott, asked leave to withdraw his amendment offered yesterday in relation to the State becoming a party to banks.

Which was granted.

Mr. Chapman offered the following as an additional section to be added to the report:

'The provisions herein contained shall not be construed to apply to public corporations.'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 29—Nays 39.

Those who voted in the affirmative were—Messrs. Blankinship, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Cutler, Delashmutt, Galbraith, Gower, Grant, Hawkins, Hoag, Hobson, Hooton, Kerr, Langworthy, McAtee, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Strong, Taylor, Toole, Williams, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Brookbank, Butler, Charleton, Clarke, Crawford, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galland, Hale, Harrison, Hempstead, Hepner, Lowe, of Des Moines, Lucas, Marsh, Mordan, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Thompson, Whitmore and Wright.

The amendment was not adopted.

Mr. Peck offered the following as a substitute for the whole report:

SEC. 1. No bank or banking corporation shall be established by the Legislature of this State, except,

1ST. It shall have passed both Houses of the Legislative Assembly, by a majority of all the members elected to each House; be approved by the Governor, and the charter with all its provisions have been submitted to a vote of the people at some general election, and have received a majority of all the votes cast for and against it.

2ND. The individual stockholders shall be jointly and severally liable for the debts of such bank or banking institution in their private property; but private property shall not be subjected to execution so long as there is property within the jurisdiction of the court, belonging to the bank not exhausted.

3RD. The State shall not be a stockholder in any bank or banking institution.

4TH. The Legislature may repeal any bank or banking charter, when in their opinion the public good requires it.

SEC. 2. No corporation, except for banks, towns, cities, churches, literary societies, or counties, shall be established or chartered by the

Legislative Assembly of this State, except they receive the assent of a majority of both branches of the Legislature of this State, and be approved by the Governor. The stockholders, in all incorporations provided for in this section, shall be liable in the same manner as the stockholders of banks are for the debts of the corporation, and the Legislature may repeal the charter whenever, in their opinion, the public good requires it.

Mr. Brattain called for the previous question.

And the question being 'shall the main question now be put?'

Was decided in the affirmative.

The question then recurring on the substitute offered by Mr. Peck.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 6—Nays 59.

Those who voted in the affirmative were—Messrs. Bissell, Blankinship, Peck, Price, Salmon and Staley.

Those who voted in the negative were—Messrs. Bailey, Benedict, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Chapman, Clarke, Cook, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, O'Brien, Olmstead, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The substitute was not adopted.

The question then being on engrossing the report and ordering the same to a third reading on to-morrow.

The yeas and nays were demanded by two members,

And were as follows: Yeas 44—Nays 24.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook,

Delashmutt, Fletcher, Hawkins, Hempstead, Hoag, Hobson, Kerr, Mordan, McAtee, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole, Williams and Wyckoff.

The report was ordered to be engrossed.

The report of the Select Committee to whom was referred the report of the committee on County Organization, being in order,

Mr. Sells offered the following amendment to the second section:

Strike out all after the word 'two' in the eleventh line, and insert 'years, in any term of six years.'

Which was not agreed to.

Mr. Bailey moved to amend the second section by striking out all after the word 'offices' in the tenth line.

Which was not agreed to.

Mr. Lucas offered the following amendment to the second section:

Strike out the following words in the second and third lines, 'who shall discharge the duties of clerk of the county court or court doing county business' and insert 'one county auditor who shall be ex-officio Superintendent of Schools.'

Which was not agreed to.

Mr. McCrory moved to amend the second section by striking out all in the eleventh line, after the word 'two' and inserting 'years after four.'

Which was not agreed to.

Mr. Ferguson moved to reconsider the vote on the amendment of Mr. Bailey; to strike out all after the word 'offices' in the tenth line of the second section.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 25—Nays 40.

Those who voted in the affirmative were—Messrs. Bailey, Brattain, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Evans, Ferguson, Grant, Hale, Harrison, Hepner, Kirkpatrick, Lucas, McKean, Murray, Peck, Price, Quinton, Salmon, Strong, Taylor and Mr. President.

Those who voted in the negative were—Messrs. Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Washington, Chapman, Cook, Delashmutt, Durham, Felkner, Galbraith, Galland, Gower, Hawkins, Hempstead, Hoag, Hobson, Hooton, Kerr, Langworthy, Mordan, McAtee, McCrory, O'Brien, Olmstead, Randolph, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Staley, Thompson, Toole, Whitmore, Williams, Wright and Wyckoff.

The motion to reconsider was not agreed to.

Mr. Lucas offered the following amendment to be added to the third section:

'There shall be elected in each township, by the qualified electors, not less than two Justices of the Peace, at such times and places as may be prescribed by law, who shall severally hold their offices for two years, and until their respective successors are elected and qualified. Their jurisdiction shall be co-extensive with their respective townships, and shall extend to all civil cases where the amount in controversy does not exceed one hundred dollars, and by the consent of parties, may be extended to any amount not exceeding five hundred dollars. They shall be conservators of the peace and shall possess such criminal jurisdiction as may be prescribed by law.'

Mr. Quinton moved to amend the amendment by striking out the words 'five hundred' and inserting 'two hundred.'

Mr. Sells called for the previous question,

And the question being 'shall the main question now be put?'

It was decided in the affirmative.

The question then recurring upon the amendment offered by Mr. Quinton to the amendment,

It was decided in the negative.

The question then recurring upon the amendment offered by Mr. Lucas.

The yeas and nays were demanded by two members,

And were as follows: Yeas 49—Nays 18.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell; Blankinship, Brattain, Brown, Butler, Campbell, of Washington, Charleton, Chapman, Clarke, Crawford, Davidson, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Hale, Harrison, Hawkins, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Lucas, Mordan, McCrory, O'Brien, Peck, Price, Quinton, Randolph, Ripley, Robinson, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Toole, Williams, Wright and Mr. President.

Those who voted in the negative were—Messrs. Brookbank, Campbell, of Scott, Cook, Delashmutt, Grant, Hempstead, Hepner, Langworthy, Marsh, McAtee, McKean, Olmstead, Ross, of Jefferson, Ross, of Washington, Thompson, Whitmore and Wyckoff.

The amendment was adopted.

The question then being on engrossing the report and ordering the same to a third reading on to-morrow,

It was decided in the affirmative.

Mr. Langworthy moved to take from the table the report of the committee on Internal Improvements.

Upon which the yeas and nays were demanded by two members,

And were as follows. Yeas 18—Nays 45.

Those who voted in the affirmative were—Messrs. Bissell, Brown, Butler, Cook, Davidson, Hoag, Kerr, Langworthy, Murray, O'Brien, Quinton, Ripley, Ross, of Jefferson, Robinson, Staley, Strong, Whitmore and Wright.

Those who voted in the negative were—Messrs. Bailey, Benedict, Blankinship, Brookbank, Campbell, of Scott, Chapman, Clarke, Crawford, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hawkins, Hepner, Hobson, Hooton, Kirkpatrick, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, Olmstead, Peck, Price, Randolph, Ross, of Washington, Salmon, Sells, Shelleday, Taylor, Thompson, Toole, Williams, Wyckoff and Mr. President.

The motion was not agreed to.

Mr. Kirkpatrick asked and obtained leave to introduce the following resolution:

*Resolved*, That there be a committee appointed by the President, whose duty it shall be to report to this Convention, a fair statement of all incidental and other expenses accruing from the session of this Convention.

Mr. Hepner moved to strike out the words 'and other expenses.'

Which was not agreed to.

The question then recurring upon the adoption of the resolution,

It was decided in the affirmative.

The President appointed Messrs. Kirkpatrick, Hepner and Hawkins said committee.

Mr. Grant moved to take up the report of the committee on Revision.

Which was agreed to.

Mr. Wyckoff moved to adjourn until two o'clock, P. M.

Which was not agreed to.

Mr. Chapman moved to lay the engrossed report on the Judiciary upon the table, subject to the order of the Convention.

The Convention concurred in all the amendments made by the committee of revision, excepting the one in relation to 'blacks and mulattoes.'

Mr. Galbraith on leave granted, offered the following resolution:

*Resolved*, That the committee appointed to ascertain the expenses of this Convention, be instructed to ascertain and report to this Conven-

tion, the expense of printing in pamphlet form, of \_\_\_\_\_ copies of the Constitution, to be distributed in the different counties of this Territory.

Mr. Hooton moved to fill the blank with 3000.

Mr. Gower moved to fill the blank with 5000.

Which was not agreed to.

The question recurring on filling the blank with 3000,

It was decided in the negative.

The question then recurring on the adoption of the resolution,

It was decided in the affirmative.

On motion of Mr. O'Brien,

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

### TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

Mr. Evans moved to reconsider the vote taken on yesterday, adopting the resolution offered by Mr. Ross, of Jefferson, instructing the committee on Revision to strike out the first section of the article on State Revenue.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 18—Nays 48.

Those who voted in the affirmative were Messrs. Brattain, Charleton, Cutler, Durham, Evans, Felkner, Fletcher, Gower, Harrison, Kirkpatrick, Langworthy, Lucas, McAtee, McCrory, O'Brien, Quinton, Strong and Taylor.

Those who voted in the negative were—Messrs. Bailey, Benedict, Blankinship, Brown, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Crawford, Davidson, Delashmutt, Ferguson, Galbraith, Galland, Grant, Hale, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Marsh, Mordan, McKean, Murray, Olmstead, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

Mr. Grant, Chairman of the committee on Revision, by leave of the Convention reported to the same, the article on Education and School Lands, as correctly engrossed.

Mr. Grant moved to take from the table the ballance of the report of

the committee of revision so far as relates to the Legislative Department.

Which was agreed to.

Mr. Langworthy offered to amend the thirty-third section by inserting at the end of the section, 'who are not citizens of other States.'

Which was agreed to.

The question then being on agreeing to the report of the committee of revision in striking out the thirty-third section.

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 35—Nays 32.

Those who voted in the affirmative were—Messrs. Bissell, Blankinship, Brown, Campbell, of Washington, Charleton, Chapman, Clarke, Cook, Galland, Gower, Grant, Hale, Hawkins, Hoag, Hobson, Hooton, Kerr, Lucas, McAtee, McCrory, McKean, Peck, Price, Randolph, Ripley, Robinson, Ross, of Washington, Salmon, Sells, Shelleday, Thompson, Toole, Williams, Wright and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Brattain, Brookbank, Butler, Campbell, of Scott, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Harrison, Hempstead, Hepner, Kirkpatrick, Langworthy, Marsh, Mordan, Murray, O'Brien, Olmstead, Quinton, Ross, of Jefferson, Staley, Strong, Taylor, Whitmore and Wyckoff.

The report of the committee was agreed to, and the section stricken out.

Mr. Langworthy offered the following proposition:

The Constitution shall be read by sections if a section is objected to, it shall be put to a vote of the House.

Which was not agreed to.

The Article on State Boundaries being in order,

It was read a third time and passed.

The Article on the Bill of Rights being in order,

It was taken up for a third reading.

Mr. Lucas moved to lay the same on the table, subject to the order of the Convention.

Which was not agreed to.

Mr. Felkner moved to lay it on the table, subject to the order of the Convention.

Which was agreed to.

The Article on the Right of Suffrage being in order,

It was read a third time and passed.

The Article on the Judiciary Department being in order,

It was read a third time.

And the question being on its passage,

The yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 56—Nays 12.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Chapman, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Langwerthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Shelleday, Staley, Strong, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Brookbank, Campbell, of Washington, Cook, Hawkins, Hoag, Hobson, McKean, Randolph, Ross, of Washington, Sells, Toole and Williams.

The question was decided in the affirmative and the Article passed.

The Article on the Militia being in order,

It was read a third time and passed.

The Article on Public Debts and Liabilities being in order,

It was read a third time.

Mr. Hepner moved to refer the Article to a select committee with instructions to strike out 'thirty-five' and insert 'twenty.'

Which motion was agreed to.

The President appointed Messrs. Hepner, Grant and Hawkins said committee.

Mr. Fletcher moved to instruct the committee to strike out '100,000' and insert '50,000.'

Mr. Taylor moved to amend the motion made by Mr. Fletcher by inserting '75,000.'

Which was not agreed to.

The question then recurring on the motion made by Mr. Fletcher,

It was decided in the negative.

The Article on Education and School Lands being in order,

It was read a third time and passed.

Mr. Cook moved to instruct the committee to whom was referred the Article on Public Debts and Liabilities, to insert after the word lia-

bilities in the third line, 'except for the ordinary expenses of the State Government.'

Which was not agreed to.

The Article on Amendments to the Constitution being in order,

It was read a third time and passed.

Mr. Hepner, Chairman of the select committee to whom was referred the Article on Public Debts and Liabilities, made the following report: Strike out the word 'thirty-five,' and insert the word 'twenty' immediately preceding the word 'years' in the fourteenth line.

Which was read a first, second and third time.

The question being on the passage of the Article,

The yeas and nays were demanded by two members,

And were as follows: Yeas 57—Nays 12.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Crawford, Cutler, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Cook, Davidson, Delashmutt, Hawkins, Hoag, Hobson, McCrory, McKean, Quinton and Shelleday.

The Article passed.

The Article on the Schedule being in order,

It was read a third time and passed.

On motion of Mr. Hawkins,

Ordered, That a committee of four be appointed to examine and compare the enrolled with the engrossed Constitution, and report to this Convention.

The President appointed Messrs. Hawkins, Lucas, Taylor and Chapman said committee.

Mr. Hawkins asked and obtained leave, to withdraw from the committee on incidental expenses of this Convention.

The President appointed Mr. Hooton on the committee on incidental expenses, in the place of Mr. Hawkins.

Mr. Chapman offered the following, to be inserted in the Constitution:

*Resolved*, That this State shall, from time to time, be divided by the Legislature into such number of Congressional Districts, as shall correspond with the number of members of the House of Representatives of the United States, to which the State from time to time may be entitled.

On motion of Mr. Grant,

Ordered, That the Secretary be authorized to employ such additional number of clerks as may be necessary.

On motion of Mr. Blankinship,

The Convention adjourned until to-morrow morning 9 o'clock.

### WEDNESDAY MORNING, OCTOBER 30, 1844.

The Convention met pursuant to adjournment.

On motion of Mr. Bailey,

Ordered, That the vote on the passage of the article on Education and School Lands be reconsidered.

The article on Education and School Lands was read a third time and passed.

Mr. Lucas offered the following resolution:

*Resolved*, That a committee of three members be appointed to prepare and report to the Convention an Ordinance to be submitted to Congress with this Constitution.

Which was agreed to.

The President appointed Messrs. Lucas, Lowe, of Des Moines and Chapman.

Mr. Shelleday offered the following resolution:

*Resolved*, That a select committee be appointed to enquire into the expediency and probable cost of printing \_\_\_\_\_ copies of the Journal of this Convention.

Which was agreed to.

Mr. Durham offered the following resolution:

*Resolved*, That this Convention adjourn *sine die* on Friday next.

Which was,

On motion of Mr. Kirkpatrick,

Ordered, To lie upon the table.

Mr. Kirkpatrick, chairman of the committee on incidental expenses, submitted the following report:

The committee on expenditures have made the enquiry in relation to the cost of printing ten thousand copies of the Constitution, and find that the cost will not exceed one hundred dollars; *Provided*, The pamphlet does not exceed sixteen pages; your committee therefore recommend the adoption of the following resolution:

*Resolved*, That the printer to the Convention be authorized to print in pamphlet form, ten thousand copies of the Constitution for the state of Iowa, and that he be allowed the same prices as are fixed in the statute of the Territory of Iowa, for similar work.

Mr. Galbraith moved to amend the resolution by striking out '10,000' and inserting '15,000.'

Which was not agreed to.

Mr. Thompson moved to amend by striking out '10,000' and inserting '12,000.'

Which was agreed to.

The question then recurring on the passage of the resolution as amended,

It was decided in the affirmative.

Mr. Grant chairman of the committee of revision, made the following report:

Amend the report on County Organization as follows:

SEC. 3. Strike out the words 'by law' in first line, and the words 'and for the election of such number of justices and constables in each township as may be provided by law,' in second, third, fourth and fifth lines.

In ninth line strike out 'severally.'

In eleventh line strike out 'respective.'

Alter the language of the last line to read thus, 'as the legislature may prescribe.'

SEC. 5. Strike out 'in the respective counties,' and insert before officers the word 'county.'

On Incorporations the committee suggest the following amendments:

Strike out 'section one.'

Strike out the word 'people' in the first line sixth section, and insert 'citizens.'

Insert between sections sixth and seventh, the following section:

'Corporations of a public nature, such as counties, towns, villages, and the like shall not be subject to the foregoing provisions.'

Mr. Lowe, of Des Moines, chairman of the committee on the Schedule made the following

## REPORT.

To the Senate and House of Representatives of the United States:

The Convention for the formation of a Constitution for the State of Iowa, having performed that duty, herewith present the Constitution which they have adopted, and ask to be admitted into the Union of the States.

A large majority of the votes, in every county in this Territory, were given at the township elections, in April last, for a Convention to form a Constitution for a State Government, and in pursuance of that determination delegates were elected on the first Monday in August last, who met at Iowa City on the first Monday of the present month, and will close their labors with this address.

The population of this Territory, as will appear from an abstract of the census, was in the month of May last, upwards of eighty thousand, and having conformed to the principles of the Federal Constitution, we confidently rely upon the guaranty, in the third article of the treaty between the United States and France, for admission in the Union of the United States, at as early a day as possible.

Liberal donations of land for Education, Internal Improvements, Seats of Government, for ameliorating the condition of the deaf and dumb, the blind and the insane, have invariably been made by Congress to the new States, and this well settled precedent, fraught as it is with incalculable benefits, and based upon considerations extending far beyond the mere limits of the particular State to which such grants may be made, it is confidently believed, will not be departed from now, to the detriment and injustice of Iowa.

The Delegate to the Congress of the United States from this Territory, is fully acquainted with the several objects for which donations should be made, and without further specification upon this subject, we submit it to the magnanimity and justice of Congress, trusting that in this and all other respects, we shall be placed upon an equal footing with the States which have preceded us.

The revenue for the support of a State Government must necessarily

be derived, to a great extent, from a tax upon real estate, and for this State to be deprived the right of taxing the lands of her citizens for five years from the time of sale by the General Government, would place a heavy and unjust burden where there is less ability to bear it. Against this restriction, contained in the compacts with many of the new States, this Convention would respectfully protest, as one that would be calculated, if applied to Iowa, to effect unjustly and unequally, portions of her citizens and greatly retard the prosperity of the State.

Which was read a first time,

Mr. Lucas moved that one hundred and fifty copies be printed,

Which was not agreed to.

On motion of Mr. Hempstead,

Ordered, That the rules be suspended and that the report be read a second time.

On motion of Mr. Hempstead,

Ordered, That the report be engrossed and read a third time to-morrow.

The President laid before the Convention the following communication:

IOWA CITY, October 1844.

HON. SHEPHERD LEFFLER,

President of the Convention,

SIR:—At the request of the Hon. Samuel J. Burr, Secretary of the Territory, who was authorised by law to prepare a room for the accommodation of the Convention, I have performed that duty and herewith submit for approval, an account of the expenditures therein, to-wit:—

|                                         |         |
|-----------------------------------------|---------|
| To A. B. Newcomb for thirty-six chairs, | \$48,00 |
| " John Brown,                           | 16,13   |
| " W. H. Hunt,                           | 15,00   |
| " Charles Geyman,                       | 13,00   |
| " John Lerue,                           | 2,50    |
| " E. Linsey,                            | 4,75    |
| " Malcomb Murray,                       | 6,13    |
| " D. Cox                                | 2,25    |
| " Powell & Jones,                       | 9,69    |
| " Wesley Jones,                         | 4,87    |

|                                  |          |
|----------------------------------|----------|
| " 12 Desks at \$3.00, - - - - -  | 36.00    |
| " Fitting up the Hall, - - - - - | 40.00    |
|                                  | <hr/>    |
|                                  | \$200.32 |

Respectfully submitted,

JOHN M. COLMAN.

Which was,

On motion of Mr. Hempstead,

Referred to the committee on Incidental Expenses.

The resolution offered by Mr. Chapman on yesterday, in relation to districting the State into Congressional districts, being in order,

Mr. Grant moved that it be indefinitely postponed.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 43—Nays 23.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Brattain, Brown, Butler, Campbell, of Scott, Clarke, Crawford, Cutler, Durham, Felkner, Fletcher, Galbraith, Galland, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Langworthy, Lowe, of Des Moines, Marsh, Mordan, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Taylor, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Chapman, Cook, Davidson, Delashmutt, Evans, Ferguson, Gower, Hoag, Hobson, Kerr, Kirkpatrick, Lucas, McAtee, McCrory, Randolph, Ross, of Washington, Sells, Shelleday, Toole and Williams.

The resolution was indefinitely postponed.

The resolution offered by Mr. Lucas on yesterday, proposing additional sections to the Bill of Rights, being in order,

Mr. Peck moved that the Convention resolve itself into committee of the Whole for the consideration of the same.

Which was not agreed to.

Mr. Hempstead moved that the third section be stricken out.

Mr. Cook moved to amend the third section by striking out the word 'or' in the second line, and inserting 'other States of the Union.'

Which was agreed to.

Mr. Thompson moved a call of the Convention.

Pending which,

On motion of Mr. Wright,

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

TWO O'CLOCK P. M.

The Convention met pursuant to adjournment.

The Convention resumed the consideration of the resolution offered by Mr. Lucas on yesterday, as additional sections to be added to the Bill of Rights.

Mr. Galbraith called for the previous question,

And the question being 'shall the main question now be put?'

Was decided in the negative.

The question then being on striking out the third section as amended, which reads as follows:

'3. That no person shall ever be imprisoned in this State other than for an offence against the penal laws of the State, the United States or against the laws of any sister State.

The yeas and nays were demanded by two members,

And were as follows: Yeas 40—Nays 23.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Brattain, Brookbank, Campbell, of Scott, Campbell, of Washington, Clarke, Cutler, Davidson, Delashmutt, Durham, Ferguson, Galbraith, Galland, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Kerr, Langworthy, Lowe, of Des Moines, Marsh, McAtee, Murray, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross of Washington, Salmon, Sells, Staley, Thompson, Whitmore, Wright and Mr. President.

Those who voted in the negative were—Messrs. Bissell, Blankinship, Brown, Chapman, Cook, Evans, Felkner, Fletcher, Gower, Hoag, Hobson, Kirkpatrick, Lucas, Mordan, McCrory, O'Brien, Olmstead, Quinton, Shelleday, Strong, Taylor, Toole and Williams.

The motion was decided in the affirmative.

Mr. Davidson moved to indefinitely postpone the whole resolution.

Mr. Williams offered the following amendment to the seventh section by inserting after the word 'town' in the fourth line, the following:

*Provided*, That in either case the same shall not exceed in value the sum of three hundred dollars.'

Mr. Felkner offered the following substitute for the amendment offered by Mr. Williams:

'Strike out in the seventh section, third line, all after the word 'State' and insert, 'such property as the debtor may select, not to exceed in value one hundred dollars.'

Mr. Ferguson moved a reconsideration of the vote taken on the call for the previous question by Mr. Galbraith.

Which was agreed to.

The question being 'shall the main question now be put?'

Was decided in the affirmative.

The question then recurring on the substitute offered by Mr. Felkner, in lieu of the amendment offered by Mr. Williams.

Which was not agreed to.

The question then recurring on the amendment offered by Mr. Williams to the seventh section.

Which was not agreed to.

Mr. Felkner, by leave of the Convention, offered the following amendment to the fourth section:

'Strike out the words 'in public' in first line, and all after the word 'State' in the same line.'

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 19—Nays 49.

Those who voted in the affirmative were—Messrs. Butler, Campbell, of Scott, Chapman, Cutler, Felkner, Gower, Harrison, Hoag, Hobson, Hooton, Kirkpatrick, Langworthy, McAtee, Murray, Quinton, Salmon, Strong, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Brookbank, Campbell, of Washington, Charleton, Clarke, Cook, Crawford, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Grant, Hale, Hawkins, Hempstead, Hepner, Kerr, Lucas, Marsh, Mordan, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Sells, Shelleday, Staley, Taylor, Thompson, Toole, Whitmore, Williams and Mr. President.

Which was decided in the negative.

The question then recurring on indefinitely postponing the resolution as amended, which reads as follows:

*Resolved*, That the following article be added to the Bill of Rights:

1. That no power of suspending laws shall be exercised unless by Legislative Authority.
2. No person shall be liable to be transported out of this State for any offence committed within this State.
4. Capital punishment shall never be executed in public in this State, but may be abolished when in the opinion of the General Assembly, the safety and interest of the community will justify the same.
5. No hereditary emoluments, privileges, or honors, shall ever be

granted or conferred in this State, neither shall any law be passed granting exclusive privileges to any class of community.

6. No foreign corporation shall be permitted to hold lands within this State, without the consent of the General Assembly.

7. That every person residing in this State shall have a right to hold exempt from sale, on execution or other process issued from any court held under the authority of this State, a tract of land not to exceed eighty acres, with the improvements thereon, or a house and lot in a town, on which they may respectively reside, together with such other property as the General Assembly may, from time to time, exempt by law.

On which the yeas and nays were demanded by two members,

And were as follows: Yeas 40—Nays 30.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Brattain, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Clarke, Cook, Cutler, Davidson, Galbraith, Galland, Grant, Hale, Harrison, Hempstead, Hepner, Langworthy, Marsh, Mordan, McCrory, Murray, Peck, Price, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Thompson, Toole, Whitmore, Wright and Mr. President.

Those who voted in the negative were—Messrs. Bissell, Blankinship, Brown, Chapman, Crawford, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Gower, Hawkins, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Lucas, McAtee, McKean, O'Brien, Olmstead, Quinton, Shelleday, Staley, Strong, Taylor, Williams and Wyckoff.

The resolution was indefinitely postponed.

Mr. Grant, Chairman of the committee on Revision, reported to the Convention the Article on the Legislative Department, and Executive Department as correctly engrossed.

Mr. Cook asked and obtained leave to introduce the following resolution:

*Resolved*, That the following section be added to the Bill of Rights.

Sec. No law ought to be passed which will bring convict labor in competition with the labor of the mechanics of this State.

Which was read a first time.

Mr. Cook moved to suspend the rules, that the same may be read a second time.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 22—Nays 45.

Those who voted in the affirmative were—Messrs. Brookbank,

Campbell, of Scott, Campbell, of Washington, Chapman, Clarke, Cook, Davidson, Durham, Felkner, Grant, Harrison, Hoag, Hobson, McCrory, McKean, Quinton, Randolph, Ross, of Washington, Sells, Shelleday, Taylor and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Butler, Charleton, Crawford, Cutler, Delashmutt, Evans, Fletcher, Ferguson, Galbraith, Galland, Gower, Hale, Hawkins, Hempstead, Hepner, Hooton, Kerr, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Thompson, Toole, Whitmore, Wright, Wyckoff and Mr. President.

The Convention refused to suspend the rules.

Mr. Peck moved to take from the table the Article on the Bill of Rights.

Which motion was agreed to.

Mr. Peck moved to refer the Article on the Bill of Rights to a select committee of three members, with instructions to strike out all in the sixth section, after the word 'press,' and insert the following:

'In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury, that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact.'

Which was agreed to.

The President appointed Messrs. Peck, Galbraith and Bissell said committee.

The report of the committee of Revision being in order, the amendments proposed to the article on County Organization were considered, and agreed to.

Mr. Quinton moved to disagree to that part of the report striking out the first section of the article on Incorporations.

Which was not agreed to.

Mr. Grant moved to amend the report by striking out 'citizen,' and inserting 'inhabitants,' in the first line of the sixth section of the article on Incorporations.

Which was agreed to.

And the balance of the report was concurred in.

The Article on the Legislative Department, was read a third time,

And passed.

Mr. Peck, Chairman of the select committee to whom was referred the Bill of Rights with instructions, reported the same back with the following amendment:

Strike out the last sentence of section sixth, and insert the following:

'In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libellous was true, and was published with good motives and for justifiable ends, the party shall be acquitted, and the jury shall have the right to determine the law and the fact.'

The question being on agreeing to the report of the committee,

The yeas and nays were demanded by two members.

And were as follows: Yeas 34—Nays 32.

Those who voted in the affirmative were—Messrs. Bissell, Blankinship, Brattain, Chapman, Clarke, Cutler, Davidson, Durham, Evans, Galbraith, Gower, Grant, Hale, Harrison, Hepner, Hoag, Hobson, Hooton, Lowe, of Des Moines, Marsh, McCrory, McKean, Olmstead, Peck, Price, Robinson, Ross, of Washington, Salmon, Sells, Staley, Taylor, Toole, Williams, and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Benedict, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Cook, Crawford, Delashmutt, Felkner, Fletcher, Ferguson, Galland, Hawkins, Hempstead, Kerr, Kirkpatrick, Langworthy, Lucas, Murray, O'Brien, Quinton, Randolph, Ripley, Ross, of Jefferson, Shelleday, Thompson, Whitmore, Wright and Mr. President.

The report was concurred in.

Mr. Bissell moved to refer the Article on the Bill of Rights to a select committee, with instructions to strike out the tenth section and insert the following:

'No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service, in time of war or public danger.'

Which was not agreed to.

Mr. Cook moved to lay the report on the table.

Which was not agreed to.

Mr. Cook moved that the report be indefinitely postponed

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 3—Nays 62.

Those who voted in the affirmative were—Messrs. Bissell, Cook and Fletcher,

Those who voted in the negative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Brown, Brookbank, Butler, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Clarke, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Gower, Grant, Hale, Harrison, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, McAtee, McCrory, McKean, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Thompson, Taylor, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The question being on the passage of the Article on the Bill of Rights,

It was decided in the affirmative,

The Article on the Executive Department was read a third time,

And passed.

Mr. Lucas, Chairman of the committee appointed to draft an Ordinance, made the following report:

#### ORDINANCE.

BE IT ORDAINED, By the Convention assembled to form a Constitution for the State of Iowa, in behalf and by the authority of the people of said State, that the following propositions be submitted to the Congress of the United States, which, if assented to by that body, shall be obligatory on the State.

1. Section number sixteen in every surveyed township of public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of Schools.

2. The seventy-two sections of land set apart and reserved for the use and support of a University, by an act of Congress approved on the twentieth of July, one thousand eight hundred and forty, entitled an act granting two townships of land, shall, together with such further quantities as may be agreed upon by Congress, be transferred to the State, and shall be appropriated solely to the use and support of such University, in such manner as the General Assembly may prescribe.

3. That five entire sections of land, in addition to the one heretofore granted, to be selected and located under the direction of the Legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States, for the pur-

pose of completing the public buildings of the State at the seat of government, to be applied in such manner as the General Assembly may direct.

4. That all salt springs within the State, with six sections adjoining or as contiguous as may be to each, shall be granted to the State for its use, to be selected by the Legislature.

5. That five per cent. of the nett proceeds of the sales of public lands lying within the State, which shall be sold by Congress, after the admission of the State into the Union, shall be granted to the State.

6. That thirty-six sections of land be granted to the State for a lunatic assylum, thirty-six sections for an assylum for the deaf and dumb, and thirty-six sections for an assylum for the instruction of the blind, to be selected from any of the United States lands within the State of Iowa, that may be subject to private entry, to be selected in not less quantities than the legal subdivisions of quarter sections, in such manner as the Legislature may direct.

That in consideration of the grants specified in the six foregoing propositions, it is declared that this State will never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil, to the bona-fide purchaser thereof, and that no tax shall be imposed on lands, the property of the United States, and that in no case shall non-resident proprietors be taxed higher than resident.

Which was read a first time.

On motion of Mr. Peck,

Ordered, That the rules be suspended and that the report be now read a second time.

Mr. Peck moved to amend the same by inserting the following as a fourth section:

'One township of any of the public lands within this State, not otherwise disposed of, for the purpose of finishing the Penitentiary of the Territory of Iowa, to be selected as the General Assembly may direct.'

Which was adopted.

Mr. Chapman moved to strike out in the sixth section, these words 'appropriated to such purposes as the Legislature may direct,' and insert 'granted to the State.'

Which was agreed to.

Mr. Thompson moved to add the following as the eighth section:

'One quarter section of land in each township for the purpose of purchasing a Library for the benefit of the township.'

Which was agreed to.

On motion of Mr. Peck,

Ordered, That the report be engrossed and read a third time on to-morrow,

On motion of Mr. Peck,

The Convention adjourned until to-morrow morning, 9 o'clock.

#### THURSDAY MORNING, OCTOBER 31, 1844.

The Convention met pursuant to adjournment.

The President announced the following as the Select Committee on the subject of printing the journals:

Messrs. Shelleday, Langworthy and Bissell.

Mr. Hawkins offered the following resolution:

*Resolved*, That James Clarke be appointed a committee to superintend the printing of the Constitution which has been ordered by this Convention.

Which was agreed to.

Mr. Kirkpatrick offered the following resolution:

*Resolved*, That the members of the Convention be allowed three dollars per day for their services, and three dollars for every twenty miles travel going to and returning from said Convention; the Secretary of the Convention five dollars per day; Assitant Secretary four dollars per day, the Sergeant-at-arms and door-keeper three dollars per day each.

Mr. Wyckoff moved that four dollars be stricken out as the per diem of the assistant secretary, and five be inserted.

Which was not agreed to.

Mr. Cook moved to amend the resolution by striking out all in relation to the per diem and mileage of members of this Convention.

Which was not agreed to.

Mr. Cook moved to amend the resolution by striking out three dollars as the per diem of members, and inserting two.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 24—Nays 41.

Those who voted in the affirmative were—Messrs. Brown, Brookbank, Butler, Cook, Cutler, Felkner, Fletcher, Ferguson, Galbraith, Grant,

Hawkins, Lowe, of Des Moines, Lowe, of Muscatine, Murray, Peck, Price, Robinson, Ross, of Jefferson, Sells, Thompson, Toole, Whitmore, Williams and Mr. President.

Those who voted in the negative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Crawford, Davidson, Delashmutt, Durham, Evans, Galland, Hale, Harrison, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, O'Brien, Olmstead, Quinton, Randolph, Ripley, Ross, of Washington, Salmon, Staley, Strong, Wright and Wyckoff.

The amendment was not agreed to.

Mr. Clarke asked leave to be excused from voting.

Which was granted.

Mr. Peck offered the following as a substitute for that part of the resolution relating to the per diem and mileage of members.

*Resolved*, That the President and Secretary of this Convention give to each member a certificate of the number of days each member has served, and the number of miles he has traveled in going to and returning from this Convention.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 15—Nays 54.

Those who voted in the affirmative were—Messrs. Brookbank, Clarke, Cook, Felkner, Galbraith, Grant, Lowe, of Des Moines, Lowe, of Muscatine, McKean, Peck, Price, Robinson, Staley, Thompson and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brattain, Brown, Campbell, of Scott, Campbell, of Washington, Charleton, Chapman, Crawford, Cutler, Davidson, Delashmutt, Durham, Evans, Fletcher, Ferguson, Galland, Hale, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, Murray, O'Brien, Olmstead, Quinton, Randolph, Ripley, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Strong, Taylor, Toole, Whitmore, Wright, Wyckoff and Mr. President.

The substitute was not adopted.

Mr. Campbell, of Scott, moved to strike out five dollars and four dollars, as the per diem allowance of Secretary and Assistant Secretary, and insert three fifty.

Mr. Hempstead called for the previous question.

Which was ordered.

The question then being on the amendment offered by Mr. Campbell, The yeas and nays were demanded by two members,

And were as follows: Yeas 8—Nays 58.

Those who voted in the affirmative were—Messrs. Bailey, Blankinship, Brattain, Campbell, of Scott, Davidson, Grant, Hale and Murray.

Those who voted in the negative were—Messrs. Benedict, Bissell, Brown, Brookbank, Butler, Campbell, of Washington, Chapman, Cook, Crawford, Cutler, Delashmutt, Durham, Evans, Felkner, Fletcher, Galbraith, Galland, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

The amendment was not agreed to.

The question being on the resolution.

Mr. Cutler called for a division of the question.

The first question being on the per diem allowance of members of the Convention.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 39—Nays 29.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Blankinship, Brattain, Campbell, of Scott, Campbell, of Washington, Chapman, Crawford, Davidson, Delashmutt, Durham, Evans, Galland, Hale, Harrison, Hempstead, Hepner, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lucas, Marsh, Mordan, McAtee, McCrory, O'Brien, Olmstead, Quinton, Randolph, Ripley, Ross, of Washington, Salmon, Shelleday, Staley, Strong, Wright and Wyckoff.

Those who voted in the negative were—Messrs. Bissell, Brown, Brookbank, Butler, Clarke, Cook, Cutler, Felkner, Fletcher, Ferguson, Galbraith, Grant, Hawkin, Hoag, Lowe, of Des Moines, Lowe, of Muscatine, McKean, Murray, Peck, Price, Robinson, Ross, of Jefferson, Sells, Taylor, Thompson, Toole, Whitmore, Williams and Mr. President.

The first division of the resolution was agreed to.

The question then recurring on the second division in relation to the pay of officers of the Convention.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 61—Nays 5.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Blankinship, Brown, Brookbank, Butler, Campbell, of Washington, Charleton, Chapman, Crawford, Cutler, Delashmutt, Durham, Evans, Felkner, Fletcher, Ferguson, Galbraith, Galland, Harrison, Hawkins, Hempstead, Hepner, Hoag, Hobson, Hooton, Kerr, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lowe, of Muscatine, Lucas, Marsh, Mordan, McAtee, McCrory, McKean, O'Brien, Olmstead, Peck, Price, Quinton, Randolph, Ripley, Robinson, Ross, of Jefferson, Ross, of Washington, Salmon, Sells, Shelleday, Staley, Strong, Taylor, Thompson, Toole, Whitmore, Williams, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Brattain, Campbell, of Scott, Davidson, Grant and Murray.

The second division of the resolution was agreed to.

Mr. Grant, chairman of the committee of Revision, reported that the committee had examined the Ordinance and Memorial, and find the same to be correctly engrossed.

The article on Incorporations being in order, was read a third time.

Mr. Cook moved to refer the article on Incorporations, to a Select Committee, with instructions to strike out all after the word 'incorporations' in the fourth section, and insert 'by which banking privileges are granted.'

On motion of Mr. Cook,

A call of the Convention was had,

When it appeared that Messrs. Felkner, Gower, Grant, Hall, Hawkins, Price and Taylor were absent.

On motion of Mr. Galbraith,

Further leave of absence was granted to Mr. Hall.

On motion of Mr. Bissell,

A further call of the Convention was dispensed with.

The question being on referring the article on Incorporations to a Select Committee.

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 24—Nays 41.

Those who voted in the affirmative were—Messrs. Benedict, Blankinship, Brookbank, Campbell, of Scott, Campbell, of Washington, Chapman, Cook, Delashmutt, Felkner, Hoag, Hobson, Kerr, Lowe, of Muscatine, Mordan, McAtee, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Toole, Williams and Wyckoff.

Those who voted in the negative were—Messrs. Bailey, Bissell,

Brattain, Brown, Butler, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Fletcher, Ferguson, Galbraith, Galland, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Lucas, Marsh, Murray, O'Brien, Olmstead, Peck, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Strong, Thompson, Whitmore, Wright and Mr. President.

The motion was not agreed to.

Mr. Hobson moved to indefinitely postpone the article on Incorporations,

Upon which the yeas and nays were demanded by two members,

And were as follows: Yeas 21—Nays 44.

Those who voted in the affirmative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt, Fletcher, Hoag, Hobson, Kerr, Lowe, of Muscatine, Lucas, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Strong, Toole and Williams.

Those who voted in the negative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Ferguson, Galbraith, Galland, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

The motion was not agreed to.

The question then being on the passage of the article on Incorporations.

Upon which the yeas and nays were demanded by two members, which were ordered,

And were as follows: Yeas 45—Nays 22.

Those who voted in the affirmative were—Messrs. Bailey, Benedict, Bissell, Brattain, Brown, Butler, Campbell, of Scott, Charleton, Clarke, Crawford, Cutler, Davidson, Durham, Evans, Felkner, Galbraith, Galland, Grant, Hale, Harrison, Hempstead, Hepner, Hooton, Kirkpatrick, Langworthy, Lowe, of Des Moines, Marsh, Mordan, McAtee, Murray, O'Brien, Olmstead, Peck, Price, Quinton, Ripley, Robinson, Ross, of Jefferson, Salmon, Staley, Thompson, Whitmore, Wright, Wyckoff and Mr. President.

Those who voted in the negative were—Messrs. Blankinship, Brookbank, Campbell, of Washington, Chapman, Cook, Delashmutt,

Fletcher, Hawkins, Hoag, Hobson, Kerr, Lowe, of Muscatine, Lucas, McCrory, McKean, Randolph, Ross, of Washington, Sells, Shelleday, Strong, Toole and Williams.

The Article passed.

Mr. Shelleday, Chairman of the committee appointed to enquire into the expediency and cost of printing the Journal of this Convention, made the following report:

The select committee, to whom was referred a resolution instructing said committee to inquire into the expediency and probable cost of printing ——— copies of the Journal of this Convention, would report the following resolution:

*Resolved*, That four hundred and eighty copies of the Journal be printed for the use of the members of this Convention.

S. B. SHELLEDAY, Chairman.

The article on county Organization being in order,

It was read a third time and passed.

The Ordinance being in order,

It was read a third time and passed.

The Memorial to the Congress of the United States was read a third time,

And passed.

Mr. Galbraith moved a reconsideration of the vote passing the article on county Organization.

Which motion was agreed to.

Mr. Galbraith moved to amend the section by striking out all between the word 'be,' and before the word 'default,' and inserting these words 'respectively disqualified for the office a second time on default.'

Which was agreed to.

The question then being on the final passage of the Article.

It was decided in the affirmative.

The Resolution introduced by the select committee on printing the Journal of the Convention, was taken under consideration,

And agreed to.

Mr. Chapman offered the following resolution:

*Resolved*, That the Secretary of this Convention superintend the printing and distribution of the Journal of this Convention.

Which was agreed to.

On motion,

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

## TWO O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion,

The Convention adjourned until 4 o'clock, P. M.

## FOUR O'CLOCK, P. M.

The Convention met pursuant to adjournment,

Mr. Peck in the Chair.

Mr. Harrison offered the following resolution:

*Resolved*, That the President of this Convention be allowed three dollars per day, extra pay.

Which was adopted.

On motion of Mr. Galbraith,

A call of the Convention was had,

Pending which.

On motion of Mr. Cook,

Leave of absence was granted to Messrs. Campbell of Scott and Grant, for the ballance of the session of this Convention.

On motion,

A further call of the Convention was dispensed with.

Mr. Hawkins from the committee on enrollments made the following report:

The committee, to whom was assigned the duty of superintending the enrollment of the Constitution, have with great care compared the enrolled with the engrossed copy, and find it correct. They therefore tender it to the Convention, and ask the attestation of the members of this Convention and the Secretary thereof.

J. C. HAWKINS, Chairman.

Which was adopted.

The members then came forward and signed their names to the Constitution, as adopted by the Convention.

## CONSTITUTION.

## ARTICLE 1.

## PREAMBLE AND BOUNDARIES.

WE, the people of the Territory of Iowa, within the boundaries hereinafter designated, by our representatives in Convention assembled at Iowa City, on Monday the seventh day of October, in the year of our Lord one thousand eight hundred and forty-four, grateful to the Supreme Ruler of the Universe for the blessings hitherto enjoyed as a people, and acknowledging our dependence upon him for a continuation of those blessings, in order to establish justice, ensure tranquility, provide for the common defence, promote the general welfare, secure to ourselves and our posterity, the rights of life, liberty, and the pursuit of happiness, do agree to form and establish a free and independent government, by the name of the State of Iowa, the boundaries whereof shall be as follows, to wit: Beginning in the middle of the main channel of the Mississippi river opposite the mouth of the Des Moines river; thence up the said river Des Moines in the middle of the main channel thereof, to a point where it is intersected by the Old Indian Boundary line, or line run by John C. Sullivan in the year 1816; thence westwardly along said line to the "Old North-west corner of Missouri;" thence due west to the middle of the main channel of the Missouri river; thence up in the middle of the main channel of the river last mentioned to the mouth of the Sioux or Calumet river; thence in a direct line to the middle of the main channel of the St. Peters river, where the Watonwan river (according to Nicollet's map) enters the same; thence down the middle of the main channel of said river to the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said river, to the place of beginning.

## ARTICLE 2.

## OF THE BILL OF RIGHTS.

1. All men are by nature free and independent, and have certain

unalienable rights, among which, are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right at all times, to alter, or reform the same, whenever the public good may require it.

3. The Legislature shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or for the maintenance of any minister or ministry.

4. No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

5. All laws of a general nature shall have a uniform operation.

6. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libellous was true, and was published with good motive, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

7. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches, shall not be violated, and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the papers and things to be seized.

8. The right of trial by jury shall remain inviolate; but the Legislature may authorize trial by a jury of a less number than twelve men in the inferior courts.

9. In all criminal trials, the accused shall have a right to a speedy trial by an impartial jury, to be informed of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for his own witnesses, and to have the assistance of counsel.

10. No person shall be held to answer for a criminal offence, unless on presentment, or indictment by a grand jury, except in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia when in actual service in time of war or public danger.

11. No person shall after acquittal be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences, where the proof is evident or the presumption great.

12. The writ of Habeas Corpus shall not be suspended unless in case of rebellion or invasion, the public safety require it.

13. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

14. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in manner prescribed by law.

15. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort.— No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open court.

16. Excessive bail shall not be required. Excessive fines shall not be imposed; and cruel and unusual punishments shall not be inflicted.

17. Private property shall not be taken for public use without just compensation.

18. No person shall be imprisoned for debt in any civil action on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

19. The people have the right freely to assemble together to consult for the common good, to make known their opinions to their representatives and to petition for redress of grievances.

20. No bill of attainder, ex post facto law, or law impairing the obligation of contract, shall ever be passed.

21. Foreigners who are residents of this State shall enjoy the same rights, in respect to the possession, enjoyment, and descent of property, as native born citizens.

22. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

23. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

## ARTICLE 3.

## RIGHT OF SUFFRAGE.

1. In all elections which are now or hereafter may be authorized, every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election, and of the county in which he claims his vote thirty days, shall be entitled to vote.

2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

3. Except in time of war or public danger, no elector shall be obliged to perform militia duty on the day of election.

4. No person in the military, naval, or marine service of the United States, shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within the State.

5. No idiot or insane person, or persons declared infamous by act of the Legislature, shall be entitled to the privileges of an elector.

6. All elections shall be by ballot.

## ARTICLE 4.

## OF THE DISTRIBUTION OF POWERS.

1. The powers of the government of Iowa shall be divided into other separate departments; the legislative, the executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any function appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

## LEGISLATIVE DEPARTMENT.

1. The legislative authority of this State shall be vested in a senate and house of representatives, which shall be designated the General Assembly of the State of Iowa, and the style of their laws shall commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

2. The sessions of the General Assembly shall be biennial, and shall commence on the 1st Monday of January next ensuing the election

of its members; unless the Governor of the State shall in the interim convene the General Assembly by proclamation.

3. The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, on the 3d Tuesday in October, whose term of office shall continue two years from the day of the general election.

4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years; who shall not be a free white male citizen of the United States; who shall not have been an inhabitant of this State or Territory, one year next preceding his election, and who shall not, at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent.

5. Senators shall be chosen for the term of four years, at the same time and place as representatives. They shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

6. The number of Senators shall not be less than one third nor more than one half of the representative body; and at the first session of the General Assembly after this Constitution takes effect, the Senators shall be divided by lot, as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen every two years.

7. When the number of senators is increased they shall be annexed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. The house of representatives, when assembled, shall choose a Speaker and its other officers, and the senate shall appoint its own officers except the President; and each body shall judge of the qualifications, elections, and returns of its own members. A contested election shall be determined in such manner as shall be directed by law.

9. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties, as each house may provide.

10. Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same offence;

and shall have all other powers necessary for a branch of the legislature of a free and independent State.

11. Every member of the General Assembly shall have the liberty to dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall at the desire of any two members present, be entered on the journals.

12. Senators and representatives, in all cases except for treason, felony, and breach of the peace, shall be privileged from arrest during the session of the legislature, and in going to and returning from the same.

13. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

14. The doors of each house shall be open, except on such occasion as in the opinion of the house, may require secrecy.

15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. Bills may originate in either house, and be amended, altered or rejected by the other; but no bill shall have the force of a law until on three several days it be read in each house, and unless, in cases of urgency, two thirds of the house in which the bill shall be depending may deem it expedient to dispense with the rules: and every bill having passed both houses, shall be signed by the Speaker and President of their respective houses.

17. Every bill which shall have passed the general assembly shall, before it become a law, be presented to the governor. If he approve, 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 same upon the journal and proceed to reconsider it: if, after such reconsideration, it again pass both houses by yeas and nays, by a majority of two thirds of the members of each house present, it shall become a law notwithstanding the governor's objections. If any bill shall not be returned within five days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature, by adjournment prevent such return.

18. No money shall be drawn from the treasury but in consequence of appropriations made by law.

19. An accurate statement of the receipts and expenditures of the

public money shall be attached to and published with the laws, at every regular session of the legislature.

20. The house of representatives shall have the sole power of impeachment. All impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation: no person shall be convicted without the concurrence of two-thirds of the members present.

21. The governor, lieutenant governor, secretary of state, auditor, treasurer, and judges of the Supreme and District Courts shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend farther than to removal from office, and disqualification to hold any office of honor, trust or profit, under this State; but the party convicted or acquitted shall nevertheless be liable and subject to indictment, trial and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the General Assembly may provide.

22. No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people.

23. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to the general assembly: *Provided*, That officers in the militia to which there is attached no annual salary, or the office of justice of the peace, shall not be deemed lucrative.

24. No person who may hereafter be a collector or holder of public moneys shall have a seat in either house of the general assembly, or be eligible to any office of trust or profit under this State, until he shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

25. Each member of the general assembly shall receive a compensation to be fixed by law, for his services, to be paid out of the treasury of the State. Such compensation shall not exceed two dollars per day for the period of fifty days from the commencement of the session, and shall not exceed the sum of one dollar per day for the remainder of the session; when convened in extra session by the governor, they shall receive such sum as shall be fixed for the first fifty days of the ordinary session. They shall also receive two dollars for every twenty miles they shall travel, in going to and returning from their place of

meeting, on the most usual route: *Provided, however,* That the members of the first Legislature under this constitution, shall receive two dollars per day for their services during the entire session.

26. To obviate confusion, and improper influences which may result from intermingling in one and the same act, such things as have no proper relation to each other, every law shall embrace but one object, which shall be expressed in the title.

27. No law of the general assembly, of a public nature, shall take effect until the same shall be published and circulated in the several counties of this State by authority: If the general assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

28. No divorce shall be granted by the legislature.

29. No county or counties shall be liable for the expense of laying out or establishing any road or roads authorized by special act of the assembly.

30. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed.

31. Members of the general assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear or affirm (as the case may be) that I will support the constitution of the United States and the constitution of the State of Iowa, and that I will faithfully discharge the duties of senator (or representative as the case may be) according to the best of my ability;" and members elect of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

32. Within two years after the first meeting of the General Assembly, under this constitution, and within every subsequent term of four years for the term of sixteen years, an enumeration of all the white inhabitants of this State shall be made, in such manner as shall be directed by law. The number of senators and representatives shall, at the first regular session of the legislature after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each; and the house of representatives shall never be less than twenty-six, nor greater than thirty-nine, until the number of white inhabitants shall be one hundred and twenty-five thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-nine nor exceed seventy-two.

33. When a senatorial and representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a senatorial or representative district.

34. In all elections by the General Assembly the members thereof shall vote viva voce, and the votes shall be entered on the journal.

35. For the first ten years after the organization of the government, the annual salary of the Governor shall not exceed eight hundred dollars; Secretary of State, five hundred dollars; Treasurer, three hundred dollars; Auditor, five hundred dollars; Judges of the Supreme and District Courts, each, eight hundred dollars.

## ARTICLE 5.

### OF THE EXECUTIVE DEPARTMENT.

1. The Supreme Executive power shall be vested in a Governor, who shall hold his office for two years, and a Lieutenant Governor shall be chosen at the same time and for the same term.

2. No person shall be eligible to the office of Governor or Lieutenant Governor who is not a citizen of the United States, been a resident of the State two years next preceding the election, and who has not attained the age of thirty years at the time of said election.

3. The Governor and Lieutenant Governor shall be elected by the electors at times and places of choosing members of the Legislature. The persons having the highest number of votes for Governor and Lieutenant Governor shall be elected; but in case two or more have an equal and the highest number of votes for Governor or Lieutenant Governor, the Legislature shall, by joint ballot, choose one of said persons so having an equal and the highest number, for Governor or Lieutenant Governor.

4. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmitted to the Seat of Government by the returning officers, directed to the President of the Senate, who shall open and publish them in the presence of the members of both houses.

5. The Governor shall be commander-in-chief of the militia and of the army and navy of this State.

6. He shall transact all executive business with the officers of government, civil and military; and may require information in writing from the officers in the executive department upon any subject relating to the duties of their respective offices.

7. He shall take care that the laws be faithfully executed.

8. When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the Governor shall make an appointment for such vacated office, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

9. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to them, when assembled, the purpose for which they shall have been convened.

10. He shall communicate, by message to the Legislature at every session, the condition of the State, and recommend such matters to them as he shall deem expedient.

11. In case of disagreement between the two houses with respect to the time of adjournment, the Governor shall have the power to adjourn the General Assembly to such time as he may think proper, provided it be not to a period beyond the next meeting of the Legislature.

12. In case of the impeachment of the Governor, his removal from office, death, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor until such disability shall cease, or the vacancy be filled.

13. If, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or be absent from the State, the President pro tempore of the Senate shall act as Governor until the vacancy be filled; and should a vacancy occur by the impeachment, death, resignation or absence from the State of the President pro tempore of the Senate, the Speaker of the House of Representatives shall discharge the duties of Governor during the existence of such vacancy.

14. The Lieutenant Governor shall, by virtue of his office, be President of the Senate; in committee of the whole he may debate on all questions; and when there is an equal division he shall give the casting vote.

15. No member of Congress, nor any other person holding office under the United States or this State, shall execute the office of Governor.

16. The Governor shall have power to grant reprieves and pardons, and commute punishments after conviction, except in cases of impeachment, in such manner and upon such conditions as may be prescribed by law.

17. The Governor shall, at stated times, receive for his services a

compensation which shall neither be increased nor diminished during the time for which he shall have been elected.

18. The Lieutenant Governor, except when acting as Governor, and President of the Senate pro tempore, shall each receive the same compensation as shall be allowed to the Speaker of the House of Representatives.

19. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called the great Seal of the State of Iowa.

20. All grants and commissions shall be in the name, and by the authority of the people of Iowa, sealed with the seal, signed by the Governor, and countersigned by the Secretary of State.

21. A Secretary of State, Auditor of Public Accounts, and Treasurer, shall be elected by the qualified electors at the time and place of voting for Governor, who shall continue in office two year. The Secretary of State shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law.

22. The first Governor, Lieutenant Governor, Secretary of State Auditor of Public Accounts, Treasurer and Superintendent of public schools, shall hold their offices for two years after the first Monday in January succeeding their election, and until their successors shall be elected and qualified; and forever after the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, and Superintendent of public schools, shall hold their offices for the term of two years and until their respective successors shall be elected and qualified to office.

## ARTICLE 6.

### JUDICIAL DEPARTMENT.

1. The Judicial power shall be vested in a Supreme Court, District Courts, and such other inferior courts, as the Legislature may from time to time establish.

2. The Supreme Court shall consist of a Chief Justice and two Associates, two of whom shall be a quorum to hold court.

The Supreme Court shall have appellate jurisdiction only, in all cases in chancery, and constitute a court for the correction of errors at

law, under such restrictions as the General Assembly may by law prescribe.

The sessions of the court shall be at the Seat of Government, at such times as may be fixed by law; and the Judges thereof shall appoint a Clerk, who shall hold his office during their pleasure.

3. The Supreme Court shall have power to issue all writs and process necessary to do justice to parties, and exercise a supervisory control over all inferior judicial tribunals. The Judges of the Supreme Court shall be conservators of the peace throughout the State.

4. The District Court shall consist of a Judge, who shall reside in the district assigned him by law, be elected by the qualified voters thereof, and hold his office for the term of four years, until his successor is elected and qualified.

The District Court shall be a court of law and equity, and have jurisdiction in all civil and criminal matters arising in the respective counties in the district, in such manner as shall be prescribed by law. The Judges of the District Courts shall be conservators of the peace in their respective districts.

The first session of the General Assembly shall divide the State into three districts, which shall be increased as the exigencies of the State may require.

5. The Judges of the Supreme Court shall be elected by joint vote of the General Assembly, and shall hold their offices for the term of four years, and until their successors are elected and qualified.

6. There shall be elected in each county, one Judge of Probate, one Prosecuting Attorney, and one Clerk of the District Court, who shall continue in office for two years, and until their successors are elected and qualified. Vacancies in the office of Clerk shall be filled by appointment by the Judge of the District Court, and such appointments shall continue, until a successor is elected and qualified.

7. The style of all process shall be "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

#### ARTICLE 7.

##### OF THE MILITIA.

1. The Militia of this State shall be composed of all able bodied white male persons between the ages of eighteen and forty-five years, except such persons as are, or may hereafter, be exempted by the laws of the United States or of this State.

2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do militia duty in time of peace: *Provided*, That such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

3. The Legislature shall provide by law for organizing, equipping, and disciplining the militia of this State, in such manner as they deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

4. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty, and shall be commissioned by the Governor.

#### ARTICLE 8.

##### OF PUBLIC DEBTS AND LIABILITIES.

1. The Legislature shall not in any manner create any debt or debts, liability or liabilities which shall singly or in the aggregate, with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, suppress insurrection, unless the same shall be authorized by some law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interests of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrevocable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all money raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in newspapers in the State for three months preceding the election at which it is submitted to the people.

#### ARTICLE 9.

##### INCORPORATIONS.

1. No act of incorporation shall continue in force for a longer period than twenty years, without the re-enactment of the Legislature, unless it be an incorporation for public improvement.

2. The personal and real property of the individual members of all corporations hereafter created, shall, at all times, be liable for the debts due by any such corporation.

3. The Legislature shall create no bank or banking institution, or corporation with banking privileges in this State, unless the charter with all its provisions, shall be submitted to a vote of the people at a general election for State officers, and receive a majority of the votes of the qualified electors of this State, cast for and against it.

4. The Legislative Assembly shall have power to repeal all acts of incorporation by them granted.

5. The property of the inhabitants of this State shall never be used by any incorporated company, without the consent of the owner.

6. Corporations of a public nature, such as counties, towns, villages, and the like, shall not be subject to the foregoing provisions.

7. The State shall not, directly or indirectly, become a stockholder in any bank or other corporation.

#### ARTICLE 10.

##### EDUCATION AND SCHOOL LANDS.

1. The Legislature, by joint vote, shall appoint a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that have been or hereafter may be granted by the United States to this State for the support of schools, which shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress distributing the proceeds of the Public Lands among the several States of the Union, approved, A. D. 1841, and all estates of deceased persons, who may have died without leaving a will, or heirs, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund; the interest of which, together with all the rents of the unsold lands, shall be inviolably appropriated to the support of schools throughout the State.

3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each school district, at least three months in every year; and any school district neg-

lecting to keep up and support such a school, may be deprived of its equal proportion of the interest of the public fund, during such neglect.

4. As soon as the circumstances of the State will permit, the Legislature shall provide for the establishment of libraries—one at least in each township; and the moneys which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines assessed in the several counties for any breach of the penal laws, shall be exclusively applied to the support of said libraries.

5. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a University: and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund for the support of said University, with such branches as the public convenience may hereafter demand for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

#### ARTICLE 11.

##### COUNTY ORGANIZATION.

1. No new county shall be laid off of, nor old county reduced to less contents than four hundred square miles.

2. There shall be elected by the qualified electors of each organized county in this State, one sheriff, one coroner, one county recorder, who shall discharge the duties of clerk of the county court, or court doing county business; one county surveyor, and one county treasurer, who shall be ex-officio collector of the public revenues, and hold their offices for the term of two years, and until their successors are elected and qualified, and shall perform such duties and be allowed such compensation as may be provided by law. They shall reside in their respective counties during their continuance in office, and be respectively disqualified for the office a second time, on default for any moneys collected by virtue of their respective offices, but in no case shall the sheriff be elected for more than two terms in succession.

3. The legislature may provide for a township organization. There shall be elected in each township, by the qualified electors, not less

than two justices of the peace, at such time and place as may be provided by law, who shall hold their respective offices for two years, and until their successors are elected and qualified. Their jurisdiction shall be co-extensive with their respective townships, and shall extend to all civil cases where the amount in controversy does not exceed one hundred dollars, and by the consent of parties, may be extended to any amount not exceeding five hundred dollars. They shall be conservators of the peace, and shall possess such criminal jurisdiction as the Legislature may prescribe.

4. The Legislature shall provide by law for the jurisdiction of probate, and of all matters relating to county taxes, disbursement of moneys for county purposes, and in every case that may be necessary to the internal improvement and local concerns of the respective counties.

5. The fees of all county officers shall be defined by law, and no extra compensation, either by the county or State, shall be paid or allowed to such officers.

#### ARTICLE 12.

##### ON AMENDMENTS TO THE CONSTITUTION.

1. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen, and shall be published for three months previous to the time of making such choice; and, if, in the General Assembly then next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the General Assembly shall prescribe, and if the people shall approve and ratify such amendment or amendments by a majority of all the qualified electors of the State voting for and against said amendment or amendments voting in their favor, such amendment or amendments shall become part of this Constitution. When any amendment or amendments to this Constitution shall be proposed in pursuance of the foregoing provisions, the same shall, at each of the said sessions, be read three several days in each house. The General Assembly shall not propose the same amendments to this Constitution oftener than once in six years.

2. And if, at any time, two-thirds of the Senate and House of Representatives shall think it necessary to revise or change this Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a Convention, and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next session, provide by law for calling a Convention, to be holden within six months after the passage of such law, and such Convention shall consist of a number of members not less than of both branches of the Legislature.

#### ARTICLE 13.

##### SCHEDULE.

1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, contracts, claims and rights, shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Iowa, shall be as valid as if issued in the name of the State.

2. All laws now in force in this Territory, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the Legislature.

3. All fines, penalties, and forfeitures, accruing to the Territory of Iowa, shall accrue to the use of the State.

4. All recognizances heretofore taken, or which may hereafter be taken, before the organization of the judicial department under this constitution, shall remain valid, and shall pass over to, and may be prosecuted in the name of the State. And all bonds executed to the Governor of this Territory, or to any other officer in his official capacity, shall pass over to the Governor or other proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for, and recovered accordingly. All criminal prosecutions and penal actions, which have arisen, or which may arise before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and executed in the name of the State.

5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States,

or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until superceded under this constitution.

6. It is made the duty of the President of this Convention, to transmit to the Delegate to the Congress of the United States, from this Territory, a copy of this constitution, together with an authenticated copy of an act of the Legislative Assembly of this Territory, entitled "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 for the State of Iowa," and also a certified abstract of the census of this Territory, taken in the month of May, 1844, and also a certified abstract of the vote of the people of this Territory upon the question of Convention or no Convention, to be by him submitted to Congress at as early a day as practicable at its next session, for the purpose of gaining admission into the Union as a State. This constitution, together with whatever conditions may be made to the same by Congress, shall be ratified or rejected by a vote of the qualified electors of this Territory at the township elections in April next, in the manner prescribed by the act of the Legislative Assembly providing for the holding of this Convention: *Provided, however,* that the General Assembly of this State may ratify or reject any conditions Congress may make to this Constitution after the first Monday in April next.

7. The Clerks of the several boards of County Commissioners shall give at least thirty days notice, in the manner and form directed in the laws of this Territory regulating general elections, of the first general election under this Constitution, to be held on the first Monday in August next after the adoption of this Constitution by the people of this Territory, for the election of a Governor, Lieutenant Governor, Representative in the Congress of the United States, members of the Legislature, and one Auditor, Treasurer and Secretary of State. And said election shall be conducted in accordance with the existing election laws of this Territory; and the said Governor, Lieutenant Governor, Representative in the Congress of the United States, Auditor, Treasurer and Secretary of State, duly elected at said election, shall continue to discharge the duties of their respective offices for the time prescribed by this Constitution, and until their successors are elected and qualified.--The returns of said election shall be made in conformity to the existing laws of this Territory.

8. Until the first enumeration of the inhabitants of this Territory as directed by this Constitution, the following shall be the apportionment

of the members of the State Legislature. The county of Lee shall be entitled to two Senators and five Representatives; the county of Van Buren, two Senators and four Representatives; the counties of Davis, Wapello, Kishkekosh and Appanoose, one Senator jointly, and one Representative to each of the counties of Davis and Wapello, and one Representative to the counties of Kishkekosh and Appanoose jointly; the county of Des Moines, two Senators and four Representatives; the county of Henry, one Senator and three Representatives; the county of Jefferson, one Senator and three Representatives; the counties of Louisa and Washington, one Senator jointly, and two Representatives each; the counties of Keokuk and Mahaska, one Senator jointly, and one Representative each; the counties of Muscatine and Johnson, one Senator and one Representative jointly, and each one Representative; the counties of Scott and Clinton, one Senator jointly, and one Representative each; the counties of Cedar, Linn and Benton, one Senator jointly, the county of Cedar, one Representative, and the county of Linn and Benton, one Representative jointly; the counties of Jackson and Jones, one Senator and two Representatives; the counties of Dubuque, Delaware, Clayton, Fayette, Buchanan and Blackhawk, two Senators; and the county of Dubuque, one Representative, and the counties of Delaware, Clayton, Fayette, Buchanan and Blackhawk, one Representative. And any country attached to any county for judicial purposes, shall, unless otherwise provided for, be considered as forming part of such county for election purposes.

9. The first meeting of the Legislature under this Constitution shall be on the first Monday in November following its ratification by the people, at Iowa City, in Johnson county, which place shall be the Seat of Government of the State of Iowa, until the year eighteen hundred and sixty-five, and until removed by law.

DONE in Convention at Iowa City, this first day of November one thousand eight hundred and forty-four, and of the Independence of the United States of America the sixty-ninth.

IN TESTIMONY WHEREOF, We have hereunto subscribed our names.

SHEPHERD LEFFLER, PRESIDENT.

|                       |                       |
|-----------------------|-----------------------|
| ROBERT LUCAS,         | JOSEPH C. HAWKINS,    |
| STEPHEN HEMPSTEAD,    | GEORGE HOBSON,        |
| JAMES GRANT,          | HENRY M. SALMON,      |
| WILLIAM L. TOOLE,     | CHARLES STALEY,       |
| ANDREW W. CAMPBELL,   | DAVID GALLAND,        |
| WRIGHT WILLIAMS,      | JAMES MARSH,          |
| HENRY FELKNER,        | O. S. X. PECK,        |
| S. A. BISSELL,        | A. HOOTON,            |
| WILLIAM H. GALBRAITH, | E. SELLS,             |
| WILLIAM MORDEN,       | DAVID FERGUSON,       |
| JOHN D. WRIGHT,       | LYMAN EVANS,          |
| MICHAEL O'BRIEN,      | ELISHA CUTLER, Jr.    |
| HENRY ROBINSON,       | JAMES I. MURRAY,      |
| JAMES CLARKE,         | PAUL BRATTAIN,        |
| V. B. DELASHMUTT,     | ALEXANDER KERR,       |
| EBENEZER COOK,        | JOHN RIPLEY,          |
| WILLIAM R. HARRISON,  | JOHN HALE, Jr.        |
| THEOPHILUS CRAWFORD,  | J. C. BLANKINSHIP,    |
| LUMAN M. STRONG,      | ENOCH ROSS,           |
| SAMUEL W. McATEE,     | JOHN. H. RANDOLPH,    |
| C. B. CAMPBELL,       | STEPHEN B. SHELLIEDY, |
| RALPH R. BENEDICT,    | RICHARD QUINTON,      |
| SULIFAND S. ROSS,     | JONATHAN E. FLETCHER, |
| S. W. DURHAM,         | SAMUEL WHITMORE,      |
| THO. J. McKEAN,       | JOHN DAVIDSON,        |
| ROBERT BROWN,         | THOMAS CHARLTON,      |
| SAMUEL H. McCRORY,    | W. W. CHAPMAN,        |
| RICHARD B. WYCKOFF,   | JOHN W. BROOKBANK,    |
| ENOS LOWE,            | CALVIN J. PRICE,      |
| GEORGE HEPNER,        | JONATHAN C. HALL,     |
| JOHN TAYLOR,          | EDWARD LANGWORTHY,    |
| HARDIN BUTLER,        | R. P. LOWE,           |
| G. S. BAILEY,         | JOSEPH D. HOAG,       |
| S. B. OLMSTEAD,       | JAMES H. GOWER,       |
| FRANCIS GEHON,        | JOHN THOMPSON,        |
| J. S. KIRKPATRICK,    |                       |

ATTEST,

GEORGE S. HAMPTON,

Secretary of the Convention.

ORDINANCE,

BE IT ORDAINED, By the Convention assembled to form a Constitution for the State of Iowa, in behalf and by the authority of the people of said State, that the following propositions be made to the Congress of the United States, which, if assented to by that body, shall be obligatory on the State.

1. Section number sixteen in every surveyed township of public lands, and where such section has been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of Schools.
2. The seventy-two sections of land set apart and reserved for the use and support of a University, by an act of Congress approved on the twentieth of July, one thousand eight hundred and forty, entitled an act granting two townships of land for the use of a University in the Territory of Iowa, shall, together with such further quantities as may be agreed upon by Congress, be conveyed to the State, and shall be applied solely to the use and support of such University, in such manner as the General Assembly may prescribe.
3. That five entire sections of land, in addition to the one heretofore granted, to be selected and located under the direction of the Legislature, in legal divisions of not less than one quarter section, from any of the unappropriated lands belonging to the United States, within this State, shall be granted to the State for the purpose of completing the public buildings of the State at the seat of government, to be applied in such manner as the General Assembly may direct.
4. One township of any of the public lands within this State not otherwise disposed of, for the purpose of finishing the Penitentiary of the Territory of Iowa, to be selected as the General Assembly may direct.
5. That all salt springs within the State, with six sections adjoining or as contiguous as may be to each, shall be granted to the State for its use, to be selected by the Legislature.
6. That five per cent. of the nett proceeds of the sales of all public lands lying within the State, which shall be sold by Congress, after the admission of the State into the Union, shall be granted to the State.
7. That thirty-six sections of land be granted to the State for a lunatic assylum, thirty-six sections for an assylum for the deaf and dumb, and thirty-six sections for an assylum for the instruction of the blind, to be selected from any of the United States lands within the State of

Iowa, that may be subject to private entry, to be selected in not less quantities than the legal subdivisions of quarter sections, in such manner as the Legislature may direct.

8. One quarter section of land in each township for the purpose of purchasing a library for the benefit of the township.

That in consideration of the grants specified in the eight foregoing propositions, it is declared that this State will never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil, to the bona-fide purchaser thereof, and that no tax shall be imposed on lands, the property of the United States, and that in no case shall non-resident proprietors be taxed higher than resident.

MEMORIAL.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

The Convention for the formation of a Constitution for the State of Iowa, having performed that duty, herewith present the Constitution which they have adopted, and ask to be admitted into the Union of the States.

A large majority of the votes in every county in this Territory were given at the township elections in April last, for a convention to form a Constitution for a State government, and in pursuance of that determination, delegates were elected on the first Monday in August last, who met at Iowa City on the first Monday of the present month, and will close their labors with this address.

The population of the Territory, as will appear from an abstract of the census, was, in the month of May last, upwards of eighty thousand, and having conformed to the principles of the Federal Constitution, we confidently rely upon the guarantee in the third article of the treaty between the United States and France, for admission in the Union of the United States at as early a day as possible. Liberal donations of land for education, internal improvements, seats of government, for ameliorating the condition of the deaf and dumb, the blind, and the insane, have invariably been made by Congress to the new States, and this well settled precedent, fraught as it is with incalculable benefits, and based upon considerations extending far beyond the mere limits of the particular State to which such grants may be made, it is confidently be-

lieved, will not be departed from now, to the detriment and injustice of Iowa.

The Delegate to the Congress of the United States from this Territory, is fully acquainted with the several objects for which donations should be made; and without further specification upon this subject, we submit it to the magnanimity and justice of Congress, trusting that in this, and all other respects, we shall be placed upon an equal footing with the States which have preceded us.

The revenue for the support of a State government must necessarily be derived, to a great extent, from a tax upon real estate; and for this State to be deprived of the right of taxing the lands of her citizens for five years from the time of sale, by the general government, would place a heavy and unjust burden where there is less ability to bear it. Against this restriction, contained in the compacts with many of the new States, this Convention would respectfully protest, as one that would be calculated, if applied to Iowa, to affect unjustly and unequally, portions of her citizens, and greatly retard the prosperity of the State.

Mr. Kirkpatrick, Chairman of the committee on incidental expenses, made the following report:

The select committee appointed to ascertain and report to the Convention the expenses thereof, have performed the duty assigned them, and herewith report the amount of the several charges with the bills of items.

Your committee will here remark, that they have not been able to ascertain the amount of the Secretary's bill for stationary, but with that exception, they believe all charges which should be noticed are reported for the action of the Convention.

Your committee recommend the adoption of the following resolution:

Resolved That Jesse Williams be allowed for incidental printing for the Convention, as per bill rendered, two hundred and sixty-two dollars and fifty cents.

|                                         |          |
|-----------------------------------------|----------|
| To A. B. Newcomb for thirty-six chairs, | \$262,50 |
| " John Brown,                           | 48,00    |
| " W. H. Hunt,                           | 16,13    |
| " John Lerue,                           | 12,00    |
| " E. Linsey,                            | 2,50     |
| " D. Cox,                               | 4,75     |
| " Powell & Jones,                       | 2,25     |
|                                         | 9,69     |

|                                                               |          |
|---------------------------------------------------------------|----------|
| To Wesley Jones,                                              | 4,88     |
| " George S. Hampton,                                          | 4,00     |
| " John M. Coleman,                                            | 24,00    |
| " John Lerue,                                                 | 10,00    |
| " Columbus C. Catlett                                         | 7,50     |
| " Pay of the members of the Convention, as per resolution,    | 5,616,00 |
| " John Hawkins,                                               | 6,00     |
| " Milage the of members of the Convention, as per resolution, | 1,746,00 |
| " Extra pay to the President, as per resolution,              | 78,00    |

*Resolved further,* That the President of this Convention be authorized to issue certificates to the members, for their per day allowance and milage, which shall be countersigned by the Secretary, also to the officers of the Convention and others, to whom allowances have been made by the Convention.

The question being on the adoption of said report,

It was decided in the affirmative.

Mr. Langworthy offered the following resolution:

*Resolved,* That the Assistant Secretary be allowed the sum of twenty-six dollars for engrossing the reports of this Convention.

Which was not agreed to.

Mr. Shelleday offered the following resolution:

*Resolved unanimously,* That the thanks of this Convention be tendered to the Hon. SHEPHERD LEFFLER, for the able, dignified and impartial manner in which he has discharged the duties of President of this Convention.

Which was unanimously agreed to.

On motion of Mr. Kirkpatrick,

The Convention adjourned until to-morrow morning 6 o'clock.

### FRIDAY MORNING, NOVEMBER 1, 1844.

The Convention met pursuant to adjournment.

Mr. Taylor offered the following resolution:

*Resolved,* That F. M. Irish be allowed the sum of three dollars per

day for one day's services as Sergeant-at-Arms, pro tem, to this convention.

Mr. Olmstead offered to amend the resolution by striking out the word 'one' before 'days' and inserting 'two.'

Which was agreed to.

The question then being on the adoption of said resolution.

Which was decided in the affirmative.

Mr. Lowe, of Des Moines, offered the following resolution:

*Resolved,* That James W. Woods be allowed the sum of ten dollars for two days services as Secretary pro tem, of this Convention.

Which was adopted.

Mr. Lowe, of Des Moines, offered the following resolution:

*Resolved,* That the President and Secretary of this Convention be authorized to settle with Jesse Williams, Editor of the Reporter, for printing 12,000 copies of the Constitution, and that they give him a certificate for the amount due him at the rates established by law for Legislative printing.

Which was adopted.

Mr. Chapman offered the following resolution:

*Resolved,* That the Secretary distribute equally, the copies of the journal and constitution, ordered to be printed, among the members of this convention, and that he be allowed the sum of ----- dollars for his services in superintending the printing and distribution aforesaid.

Mr. O'Brien offered to amend the resolution by filling the blank with 'one hundred.'

Which was agreed to.

The question then being on the adoption of said resolution as amended.

Was decided in the affirmative.

Mr. Hawkins moved that this convention do now adjourn *sine die*.

After a short address from the President, the question was decided in the affirmative, and the convention adjourned accordingly.

## APPENDIX.

### RULES OF THE CONVENTION.

#### RULE I.

The President shall take the Chair every day precisely at the hour to which the Convention shall have adjourned on the preceding day, shall immediately call the House to order, and on the appearance of a quorum shall cause the journal to be read.

#### RULE II.

He shall preserve order and decorum, and may 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 Convention by any two members.

#### RULE III.

He shall rise to put a question, but may state it sitting.

#### RULE IV.

Questions shall be distinctly put in this form, "as many as are of an opinion that (as the case may be,) say aye," and after the affirmative voice is expressed, "as many as are of the contrary opinion, say No." If the President doubt, or a division be called for, the Convention shall divide, those in the affirmative of the question shall first rise from their seats and afterwards those in the negative.

## APPENDIX.

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#### RULE V.

The President shall examine and correct the journal before it is read. He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

#### RULE VI.

All committees shall be appointed by the President, unless otherwise specially ordered by the Convention, in which case they shall be elected *viva voce*.

#### RULE VII.

The first named member of any committee shall be its chairman, and in his absence or being excused by the Convention, the next named member and so on, unless the committee by a majority of their number elect a chairman.

#### RULE VIII.

All addresses and motions shall be made to the President, the member rising from his seat for that purpose, and shall confine himself to the question under debate and avoid personality.

#### RULE IX.

On any question the yeas and nays shall be taken if requested by two members.

#### RULE X.

If two or more members rise at once, the President shall decide which shall first speak.

#### RULE XI.

That there be appointed standing committees composed of members, on the following subjects to wit:

1ST.—On the Bill of Rights.

2ND.—On the Executive Department.

3RD.—On the Legislative Department.

4TH.—On the Judicial Department.

5TH.—On Suffrage and Citizenship.

6TH.—On Education and School Lands.

7TH.—On Incorporations.

8TH.—On State Boundaries.

9TH.—On County Organization.

10TH.—On Internal Improvements.

11TH.—On State Debts.

#### RULE XII.

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.

#### RULE XIII.

A motion to adjourn and a motion to fix a day on which the Convention shall adjourn shall always be in order, the motion to adjourn and the motion to lie on the table shall be decided without debate.

#### RULE XIV.

The previous question shall be put in this form, "Shall the main question now be put." It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the Convention to a direct vote upon amendments reported by a committee, if any, then upon pending amendments, and then upon the main question. On a motion for the previous question and prior to the demanding the same, a call of the Convention shall be in order, but after a majority shall have demanded such motion, no call shall be in order prior to a decision of the main question.

#### RULE XV.

All incidental questions of order arising after a motion is made for the previous question, and preceding such motion, shall be decided by the President without debate, but subject to an appeal.

#### RULE XVI.

When a motion has been made and carried in the affirmative or nega-

ive, it shall be in order for any members voting with the majority to move for a reconsideration thereof, on the same or the succeeding day of the setting of the Convention, and such motion shall take precedence of all other motions except the motion to adjourn.

#### RULE XVII.

The rules of Parliamentary practice comprised in Jefferson's Manual shall govern the Convention in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the Convention.

#### RULE XVIII.

Immediately on the journal having been read the President shall call for resolutions by counties in the order in which they stand on the journal, alternately reversing the call. If a resolution give rise to debate it shall lie over one day. Resolutions being disposed of, Reports from standing committees shall be in order, calling them in the order in which they stand on the journal.

#### RULE XIX.

It shall be in the power of the majority to alter or amend the rules; but a majority of two-thirds shall be necessary to suspend the rules.

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