

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

SECOND LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF IOWA,

BEGUN AND HELD AT THE CITY OF BURLINGTON, IN THE COUNTY OF DES
MOINES, ON THE FOURTH DAY OF NOVEMBER, ONE THOU-
SAND EIGHT HUNDRED AND THIRTY-NINE.

BURLINGTON :
PRINTED BY J. GARDINER EDWARDS.

1840.

JOURNAL OF THE HOUSE OF REPRESENTATIVES
OF THE
SECOND LEGISLATIVE ASSEMBLY
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TERRITORY OF IOWA,

BEGUN and held at the city of Burlington, in the county of Des Moines, on Monday, the fourth day of November, in the year of our Lord one thousand eight hundred and thirty-nine, by virtue of an act of the Legislative Assembly, approved the 23d day of January, 1839, entitled "An act fixing the time for the annual meeting of the Legislative Assembly."

At one o'clock, P. M. the House was called to order by Joseph T. Fales, Chief Clerk of the last session, when the following named gentlemen presented their credentials and were admitted to their seats, the requisite oath having been first administered by David Hendershott, Esq.

From the County of Lee—Edward Johnston, Alfred Rich, Joshua Owen, William Patterson.

From the County of Des Moines—William R. Ross, Shepherd Leffler, L. N. English, Isaac Fleenor, Joseph C. Hawkins.

From the County of Van Buren—James Hall, Uriah Biggs.

From the Counties of Henry and Jefferson—William G. Coop, Jacob L. Myers, John B. Lash.

From the Counties of Louisa and Washington—Daniel Brewer, Jacob Mintun.

From the Counties of Muscatine and Johnson—S. C. Hastings, T. T. Clark.

From the Counties of Scott and Clinton—Laurel Summers, Joseph M. Robertson.

From the County of Jackson—Thomas Cox.

From the Counties of Du Buque, Clayton, &c.—Edward Langworthy, Loring Wheeler, James Churchman.

On motion of Mr Hastings,

G. S. Bailey, member elect from the county of Van Buren, was admitted to a seat, the requisite oath having been first administered to him.

On motion of Mr Hastings,

Ordered, That the House now proceed to the election of Speaker.
Messrs Patterson and Cox were appointed tellers.

Mr Hastings nominated Edward Johnston.

Mr Wheeler nominated James Churchman.

The members then proceeded to ballot, which resulted as follows:

For Edward Johnston,	-	-	-	17	votes.
James Churchman,	-	-	-	6	“
Thomas Cox,	-	-	-	1	“
Alfred Rich,	-	-	-	1	“

Mr Johnston having received a majority of the whole number of votes, was declared to be duly elected Speaker, and was conducted to the chair by Messrs Hastings and Summers, when he addressed the House in the following manner:

GENTLEMEN—When I say that I am deeply grateful for the honor you have done me, I but faintly express what I feel.

When I look around upon the intelligent faces present, my own unworthiness for the situation in which I am placed is rendered more palpable, and my thankfulness for your kindness redoubled.

A mere novice in law making, I shall be continually compelled to require the aid of my fellow members, whose assistance, I flatter myself, will be promptly and cheerfully rendered. Whilst doing my duty, I look for your support; and your interference shall be gratefully received whenever I am errant from the right way.

The rapid progress of business will doubtless depend much upon the conduct of the members themselves; and I feel assured that the amenity and courtesy which distinguish you all in private life, will not be found wanting in you while clothed with the dignity of law makers for the Territory.

In the infancy of States and Territories the behavior of every body of Legislators has great influence upon their future legislation, and will be productive of much good or evil. Let us, therefore, so conduct ourselves in our respective stations through the present session, that when we separate for our homes, we may have no reason to regret our proceedings, and no recollections but those which please and gratify.

Gentlemen, for the confidence reposed in me to day, you have my unfeigned thanks; and believe me, it shall be my earnest endeavor to retain it undiminished.

Messrs Payne and Parker, a committee from the Council, were announced, and informed the House that the Council had organized pro tempore, and were ready to receive communications.

On motion of Mr Summers,

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

Tuesday Morning, Nov. 5, 1839.

On motion of Mr Churchman,

The House proceeded to the election of chief clerk. Messrs Churchman and Lash, were appointed tellers.

Mr Langworthy nominated Joseph T. Fales.

On counting the ballots, it was found that Mr Fales had received the whole number of votes, he was therefore declared duly elected chief clerk.

On motion of Summers,

The House proceeded to elect an assistant clerk. Messrs Summers and Ross were appointed tellers.

Mr Summers nominated Samuel R. Murray. On counting the ballots, it was found that Mr Murray had received 24 votes: blank 1. Mr Murray was declared duly elected assistant clerk.

On motion of Mr Brewer,

The House proceeded to elect a recording clerk. Mr Brewer nominated Jacob S. Rinearson. Mr Mintun nominated R. W. Gray. Messrs Brewer and Rich were appointed tellers. On counting the ballots, it was found that Mr Rinearson had received 19 votes, and Mr Gray had received 6 votes. Mr Rinearson was declared duly elected recording clerk.

On motion of Mr Leffler,

The House proceeded to elect an enrolling clerk. Mr Leffler nominated Thornton Bayless. Messrs Leffler and Biggs were appointed tellers; upon counting the ballots, it was found that Mr Bayless had received a majority of the whole number of votes, and was declared to be duly elected enrolling clerk.

On motion of Mr Lash,

The House proceeded to elect an engrossing clerk. Messrs Hawkins and Hall were appointed tellers. Mr Lash nominated John P. Grantham; on counting the votes, it was found that Mr Grantham had received a majority of all the votes, and was declared to be duly elected engrossing clerk.

On motion of Mr Bailey,

The House proceeded to elect a Sergeant-at-arms. Mr Hall nominated S. W. Summers. Mr Bailey nominated Obadiah Selby. Messrs Cox and English were appointed tellers; on counting the ballots, it was found that Mr Selby had received 16 votes, and that Mr Summers had received 9 votes. Mr Selby was thereupon declared duly elected Sergeant-at-arms.

On motion of Mr Summers,

The House proceeded to the election of door keeper. Mr Langworthy nominated John G. McDonald. Messrs Clark and Coop were appointed tellers; upon counting the ballots, it was found that Mr McDonald received the whole number of votes given, and was declared duly elected door keeper.

On motion of Mr Patterson,

The House proceeded to elect a messenger. Mr Patterson nominated O. S. X. Peck. Mr Owen nominated John O. Smith. Mr Patterson nominated C. E. Stone. Messrs Langworthy and Robertson were appointed tellers; on counting the votes, it was found that Mr Smith received 12 votes, Mr Peck 12 votes, blank 1 vote. There being no election, the House proceeded to a second balloting, and upon counting the votes, it was found that Mr Peck had received 13 votes. Mr Smith received 12 votes. Mr Peck having received a majority of the votes given, was declared duly elected messenger.

On motion of Mr Hastings,

The House proceeded to elect a fireman. Mr Hastings nominated Samuel Wilson. Messrs Bailey and Fleenor were appointed tellers; upon counting the ballots it was found that Mr Wilson had received 24 votes and blank 1. Mr Wilson was declared duly elected fireman.

The officers elected were severally sworn by the Speaker to the faithful discharge of their duties.

On motion of Mr Cox,

Resolved That a committee be appointed to inform the Council that the House of Representatives is now organized and ready to proceed to business.

Messrs Bailey and Hawkins were appointed said committee.

On motion of Mr Hastings,

Resolved That a committee of two be appointed in conjunction with a similar committee to be appointed on the part of the Council to wait on his Excellency the Governor of the Territory, and inform him that the Legislative Assembly is now organized and ready to receive any communications that he may have to make to them.

Messrs Hastings and Biggs were appointed said committee on the part of the House.

Mr Summers offered the following:

Resolved That the standing rules of the House of Representatives of the last session, be adopted for the government of this House.

Mr Biggs moved to lay the resolution on the table; which motion was lost.

Mr Hall moved to amend by appointing a committee to prepare standing rules for the House, which was accepted by Mr Summers, and the resolution as amended, adopted.

Messrs Summers Hall, Biggs, Cox, Bailey and Leffler were appointed said committee.

On motion of Mr Hastings,

Resolved, That the chief clerk make out written instructions, to the respective officers of this House, and that it shall be his duty to report any officer to the House, who fails, or is incompetent to perform his duty.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker—I am directed to inform the House that the Council have adopted the following resolution:

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

Messrs Parker and Hughes are appointed said committee on the part of the Council.

And then he withdrew.

On motion of Mr Patterson,

Resolved, That the Governor, Secretary, Members of the Council, Judges of the Supreme Court, Members of the former Council and House of Representatives of the Wisconsin and Iowa Legislatures be invited to take seats within the bar of this House.

On motion of Mr Hall,

Resolved, That the Secretary of the Territory, be requested to furnish each member of this House with a copy of the laws passed at the last session of the Legislative Assembly, also the Journals of the House of Representatives.

On motion of Mr Hastings,

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

Messrs Hastings, Hawkins and Rich, were appointed said committee.

On motion of Mr Biggs,

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

TWO O'CLOCK, P. M.

On motion of Mr Summers,

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

On motion of Mr Hastings,

Resolved That each member of this House, be furnished with fifteen copies of the Gazette, and Hawk Eye, each, weekly.

Mr Hastings from the joint committee appointed to wait on the Governor, reported that his Excellency will deliver a message to the House of Representatives at 3 o'clock, P. M.

On motion of Mr Summers,

Resolved, That the editors of the several newspapers in this Territory and all ministers of the gospel be admitted to take seats within the bar of this House at pleasure.

On motion of Mr Hastings,
Resolved, That the following be the standing committees of this House.

On the Judiciary,
Common Schools,
Internal Improvements,
The Militia,
Claims,
Enrollments,
Expenditures,
Territorial Affairs,
Roads and Highways,
Elections,
Corporations
Engrossments,
Township and county boundaries.

A motion was made by Mr Fleenor that the House go into an election for assistant messenger and assistant doorkeeper: upon this motion Mr Wheeler called for the yeas and nays, which were ordered and are as follow:

Yeas—Messrs Churchman, Coop, English, Fleenor, Hastings, Hawkins, Lash, Leffler Myers, Owen, Robertson, Ross, Summers, 13.

Nays—Messrs Bailey, Biggs, Brewer, Clark, Cox, Hall, Langworthy, Patterson, Rich, Wheeler and Johnston, Speaker, 11.

Mr Coop nominated A. Kennedy, for assistant messenger.

Mr Langworthy nominated D. F. Blythe.

Mr Biggs nominated D. M'Collum.

Mr Leffler nominated John Ross.

Mr Robertson nominated C. H. Shepherd.

Mr Patterson nominated C. E. Stone.

Messrs Coop and Myers were appointed tellers.

Upon counting the ballots it was found that Mr Kennedy had received 3 votes, Mr Ross 3 votes, Mr Stone 2 votes, Mr Blythe 4 votes and Mr M'Collum 3 votes—no choice.

The House then proceeded to a second ballot, when

Mr Kennedy received 10 votes, Mr Ross received 6 votes, Mr M'Collum received 3 votes, Mr Blythe received 3 votes, Mr Shepherd received 2 votes.

There being no choice, the House proceeded to ballot a third time, when

Mr Kennedy received 11 votes, Mr Ross received 8 votes, Mr M'Collum 3 votes, Mr Blythe 2 votes—no choice.

Mr Bailey moved to postpone indefinitely the election of assistant messenger, which was agreed to.

Mr Rich moved that the House now go into an election for Assistant Doorkeeper.

Mr Bailey moved to amend the motion, by postponing the election indefinitely, which was agreed to.

Mr Williams, the private secretary of the Governor, being announced, laid before the House the annual Message of His Excellency, accompanied by sundry documents. The message was read by the chief clerk, and is as follows:

GENTLEMEN OF THE COUNCIL AND
HOUSE OF REPRESENTATIVES:

It becomes my duty, as Executive, to submit to you a statement of the affairs of the Government, and to recommend to your consideration, such measures as are deemed advisable, in perfecting the internal organization of the Territory; and such other measures as are best calculated to advance the interest, promote the prosperity, and secure the happiness of the people.

It is with the most heartfelt gratitude to ALMIGHTY GOD, whose superintending care has extended over us, and sustained us through various vicissitudes for the last year. that I am, through his *special Providence*, permitted again to address the Legislative Assembly of a Territory, that has advanced, since its organization, in improvement, population and wealth, beyond a parallel of all former history. With a genial and healthful climate—a soil unsurpassed for fertility—abounding with pure water, navigable rivers and inexhaustible mineral resources—containing a population that may safely, at this time, be estimated at upwards of fifty thousand inhabitants, and which will in all probability be doubled by the time the census of the United States is taken in eighteen hundred and forty—with this glowing prospect before us, we have great cause of gratitude to the author of all good for the peculiar manifestation of His favor and blessings, conferred upon us as a political community, as well as a people collectively and individually.

When we consider the rapidly increasing population, and advancing prosperity of the Territory, we may, in my opinion, with propriety proceed to measures preparatory to the formation of a Constitution and State Government, and for our admission into the Union as an independent State. I know it is the opinion of some, that such measures would be premature at this time, inasmuch as our expenses are defrayed by the United States. This consideration is entitled to weight; but when we consider the imperfect organization of the Territorial Government, and the consequent embarrassment in the administration of its internal affairs—and by referring to past history, compare the condition of the inhabitants of Ohio, Indiana, Illinois and Michigan, while under a Territorial Government, to their subsequent prosperity after their admission into the Union as independent States, the preponderance is much in favor of a State Government—for the prosperity and improvement within each of the aforesaid States languished while Territories, but advanced with rapid strides from the moment of their several admissions into the Union as independent States. With these facts before us, I would earnestly recommend to the Legislative Assembly the early passage of a memorial to Con-

gress, respectfully asking of that body the passage of an Act, at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a Constitution and State Government, and to provide for their admission into the Union upon an equal footing with the original States.

In recommending this subject to the consideration of the Legislative Assembly, I respectfully suggest the following as the most natural and suitable boundaries for our State, to wit: beginning in the middle of the main channel of the Mississippi river at a point east of the middle of the main channel of the Des Moines river where it empties into the Mississippi river; thence up the Mississippi river, following the middle of the main channel of the same to the mouth of the St. Peters river; thence up the St. Peters river following the middle of the main channel of the same to the mouth of Blue Earth river; thence up the Blue Earth river, following the middle of the main channel of the same to the most westerly source of said river; thence on a direct line to the source of Cactus river, an east branch of Calumet or Sioux river; thence down said river, following the middle of the main channel thereof to the middle of the main channel of the Missouri river; thence down the Missouri river following the middle of the main channel thereof to a point west of the line that may be established by Congress under the act approved June 18th, 1838, entitled, "An Act to authorize the President of the United States to cause the southern boundary line of the Territory of Iowa to be ascertained and marked;" thence east with said line to the middle of the main channel in the Des Moines river; thence downward along the middle of the main channel of the Des Moines river to the place of beginning.

The foregoing, appears by a reference to the geographical position of the country to be the most natural boundaries for our state. It embraces the head-waters of all our principal rivers, extends from the Mississippi river to the Missouri river, and will leave the northern portion of the Territory as now bounded in a suitable situation for the future formation of two additional states, each extending from the Mississippi to the Missouri river.

I would also recommend the passage of a law to provide for the calling a convention to form a state constitution, so soon as Congress may grant by law the privilege to do so.

Congress, at their last session, made two important amendments to the organic law of the Territory, both of which were approved the 3d of March, 1839. The first, entitled "An Act to alter and amend the organic law of the Territories of Wisconsin and Iowa, declares, that every bill which shall have passed the Council and House of Representatives of the Territories of Iowa and Wisconsin, shall, before it becomes a law, be presented to the Governor of the Territory, if he approves of it, he shall sign it, but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it; if after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays; and the names of the persons voting for and against

the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within three days (Sunday excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the Assembly by adjournment prevent its return, in which case it shall not be a law."

The foregoing is a salutary amendment to the original organic law, and is truly gratifying to the executive. It defines the powers and duties of the executive, when those duties stand connected with the Legislative Assembly, relieves him from much legislative responsibility, and places it where all legislative responsibility should ever rest, with the immediate representatives of the people. In the original law all the responsibility was thrown upon the executive. No law could take effect without his approval, and there was no provision made for a consideration by the Legislative Assembly when the executive differed with them in opinion. This amendment will doubtless tend to harmonize the proceedings between the Legislative Assembly and the Executive, and lead to a more convenient despatch of business.

The second is "An act entitled an act to authorize the election or appointment of certain officers in the Territory of Iowa, and for other purposes." This act prescribes "that the legislative assembly of the Territory of Iowa shall be, and are hereby authorized, to provide by law for the election of Sheriffs, Judges of Probate, Justices of the Peace, and County Surveyors within said Territory, in such way or manner, and at such times and places as to them may seem proper; and after a law shall have been passed by the Legislative Assembly for that purpose, all elections or appointments of the above named officers, thereafter to be had or made, shall be in pursuance of such law."

The foregoing section vests in the Legislative Assembly, the right to provide by law for the election of the aforesaid officers. This, no doubt, will be a pleasant duty to perform, as it is in strict accordance with the spirit of our institutions. Our government is a government of public sentiment, and I have ever been of the opinion, that the only safe depository of power is with the people. They are the only legitimate sovereigns of the land, and with them should be vested the power of electing all public functionaries from the highest to the lowest degrees. This has ever been my sentiment, and I take pleasure in urging upon the consideration of the legislative assembly, on the present occasion, the passage of a law to provide for the election, by the people, not only the officers above mentioned, but all others within the Territory that are not expressly prohibited by the organic law.

I will again call your attention to the importance of providing by law for the organization of townships. Such an organization was doubtless contemplated by Congress, when they declared in the organic law, that all township officers should be elected by the people. The organization of townships are so intimately connected with every well regulated system of common schools, as well as that of public roads, that neither system can be conveniently carried out in detail, without such organization. Further, it has been proven by experience, that the ordinary local business of the country can be done with much more convenience and less expensive to the people, where the township system has been adopted, than in com-

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munities where it has been dispensed with. I, therefore, earnestly press upon your consideration, the importance of passing a law the present session, to provide for the civil organization of townships, and that provision be made for the election by the people, of a competent number of Justices of the Peace, in such organized townships, as well as other township officers.

The subject of a well digested system of common schools, is one of as great importance as can possibly be pressed upon legislative consideration. The act passed at the last session, is too limited in its provisions to serve as a foundation for a well regulated system. I would therefore, recommend its revision, and call your attention to the school law of the State of Michigan, as worthy of your attention, and from which much useful information may be obtained.

The resolution of the last session of the Legislative Assembly on the subject of printing the laws and journals, approved November 27, 1838, reads as follows, to wit:

Resolved. That Messrs Clarke & M'Kenny, publishers of the Territorial Gazette, in this city, be employed to publish the Journal of the proceedings of the House of Representatives, in pamphlet form, and that they be paid the same prices as are paid to the printers of Congress for such work; and that Russell and Reeves of Dubuque, be employed to print the laws passed at the present session on the same terms, and that said Russell and Reeves, be required to enter into bonds, with good and sufficient security, to the Secretary of the Territory, in the sum of five thousand dollars, to have the same ready for delivery on the first day of May, A. D. 1839."

The act regulating the publication of the Laws and Journals of the Legislative Assembly of the Territory of Iowa, approved January 21, 1839, (see page 321,) points out the manner in which the laws shall be printed, bound and distributed.

The 4th section declares, that "It shall be the duty of the Secretary of the Territory to superintend the printing, in such manner as he may conceive most conducive to the public good, the Acts and Joint Resolutions of the Legislative Assembly, and to correct the same by the enrolled bills in his office; and when the printing of the same shall be finished, to certify the fact, of his having compared and found the same correct, which certificate shall be signed and dated by the Secretary, and annexed in print to the volumes of the Acts and Joint Resolutions as aforesaid."

The 10th section of said act declares, that "the Secretary of the Territory be and he is hereby required to furnish the public printer with a copy of all the acts of Congress now in force relative to the naturalization of aliens, as soon as practicable, and that it shall be the duty of the printer aforesaid, to publish the same, as an appendix with the statutes of a public nature, of the present Legislative Assembly."

The manner in which the obligation in the aforesaid resolution has been fulfilled, and the duty specified in the Act relative to publishing the Laws, has been performed, will be manifested by a reference to the time the laws were ready for delivery, and by an examination into the correctness and contents of the volume published. The obligation in the resolution required the laws to be ready for delivery on the first day of May last.

They have just been received at this city, within a few days of six months after the time specified in the obligation. On examining the printed volume, delivered to me by the Secretary of the Territory, I find it contains his official certificate, dated the 23d of July, A. D. 1839, (nearly three months after the time the laws should have been ready for delivery) certifying that he had compared the pages with the "engrossed bills" deposited in his office, and that they contained true and correct copies. (The Secretary, I suppose meant the enrolled bills, as no "engrossed bills" are ever filed in the Secretary's office as laws.) In this certificate the Secretary has been in error in one particular at least; for, in the first section of the act providing for and regulating general elections, in the Territory, I discover a very important interpolation in the printed copy, that changes materially the meaning of the law. The original enrolled bill signed by the presiding officers of both branches of the Legislative Assembly, approved by the Executive, and deposited in the Secretary's office, in the clause relating to the election of Delegate to Congress, reads as follows: "An election for Delegate to Congress, for members of the council, and county recorder, shall take place on the first Monday in August next—and forty, and on the same day in every second year thereafter." The printed copy is made to read "An election for Delegate to Congress, for members to the council, and county Recorder, shall take place on the first Monday of August, *Eighteen hundred* and forty, and on the same day in every second year thereafter." Thus we find the word "*next*" where it occurs after the word "*August*" in the original enrolled bill omitted, and the words "*Eighteen hundred*" that are not in the original roll interpolated in the printed copy. I have also examined the appendix with care, and find under the head *Naturalization of aliens* An act of Congress entitled "an Act to amend an Act concerning Naturalization," approved 24th May, 1828, printed which is the only act on this subject that I could find in the volume. The acts of the Legislative Assembly require the publication, in an appendix to the laws of the Territory, all acts of Congress now in force, relative to the naturalization of aliens, which would have included a general law on that subject, approved 14th April 1802, an additional act approved 26th of March 1804, an act regulating seamen, &c. approved 3d of March 1813, an act supplementary to acts heretofore passed, &c. approved July 30th 1813, an act relative to evidence in case of naturalization, approved May 29th, 1824, all of which acts are in force and should have preceded the act published in the appendix.

I have considered it my duty to call the attention of the Legislative Assembly to the foregoing facts. The immense injury that has been sustained by the people of the Territory for want of the laws at the proper time, must present itself forcibly upon the consideration of their Representatives, and calls loudly for Legislative interference, to secure a prompt publication of the laws in future. I would therefore suggest to the consideration of the Legislative Assembly, the propriety of creating, by law, the office of Public Printer, and to define his duties, and fix his compensation by law—holding him responsible, under heavy penalties, to have all public printing done promptly at the time provided by law.

The appropriation made by Congress for the purchase of a Territorial Library has been expended, and the books received. The Legislative

Assembly having failed, at the last session, to pass a law to regulate the Library, the Executive procured a room, had it fitted up as a library room, with cases for the books, in which they are now placed, and under the care of Charles Weston, Esq. who was, on the 18th of October last, appointed Librarian pro tem. This course was thought advisable by the Executive, so that the members of the Legislative Assembly might have the benefit of the Library at the commencement of the session. There being no provision made by law for paying the rent of the library room, and other incidental expenses connected therewith, Mr John S. David, the proprietor of the building, agreed to fit up the room, and wait the pleasure of the Legislature to make him such an allowance as they might deem reasonable.

I would respectfully recommend to the Legislative Assembly the early passage of a law to regulate the Territorial Library—to provide for the appointment of Librarian—fix his compensation, define his duties, and provide for the payment of other necessary expenses of the Library. I think it also would be of great importance to provide for a gradual increase of the Library, by a small annual appropriation, to be expended by the Librarian in subscription to important periodical works, and the purchase of such other books as might be deemed most useful to the Territory, and diffuse the greatest degree of useful knowledge among the people. A catalogue of the books and maps in the library will be submitted to the consideration of the Legislative Assembly by the Librarian as soon as it can be conveniently made out.

The directors appointed under the provisions of the act, “to provide for the erection of a Penitentiary, and establish and regulate prison discipline for the same,” organized their board, and reported to me, on the 29th of April last, that they had procured a site for the Penitentiary in accordance with the provisions of said act, and desired that I would make a requisition on the Treasury of the United States for the sum appropriated by Congress for the erection of public buildings in the Territory of Iowa, in their act of the 7th of July, 1838.

In compliance with the request of the directors, I transmitted to the Secretary of the Treasury of the United States, on the same day, a copy of the act of the Legislative Assembly, and called his attention particularly to the 5th section, which required the Governor to draw the appropriation, and pay it over to the Superintendent of the Penitentiary. I also in my letter, called the attention of the Secretary of the Treasury to the appropriation made in the organic law for erecting public buildings at the seat of government, and explained to him the reason why the two appropriations would be drawn for under different legislative acts; and in conclusion, requested him to give me the views of the Department on the subject.” On the 20th of May, the Secretary of the Treasury acknowledged the receipt of my letter of the 29th of April, and its enclosures. He referred me, in reply, to an act of Congress, approved 31st of January, 1828, and informed me that the money could not be advanced, except as the service was performed, and articles delivered, unless the President was applied to, and reasons stated, which satisfies him to advance as much as would be wanted for the next thirty or sixty days. A copy of this letter was furnished to the directors of the Penitentiary, and also to

the commissioners appointed to superintend the public buildings at the seat of Government. On the 9th of September, the Superintendent presented a bill of the work done at the Penitentiary amounting to \$2077,00; also an estimate for the funds wanting for the ensuing sixty days, amounting to \$3,800,00, with a certificate of approval, endorsed by the directors. These estimates, together with a petition directed to the president of the United States by the directors, was transmitted by me to the Secretary of the Treasury of the United States, on the 14th of September last, requesting him to transmit to Amos Ladd, the Superintendent, a check either on the Receiver of Public Moneys at this place, or the State Bank of Missouri, for the sum of \$5,877,00—the amount required by the directors. The check, I understand, has been received recently by Mr Ladd, on the Bank of Missouri. Subsequent to forwarding the aforesaid estimates and requisition, I received a letter from the Secretary of the Treasury of the United States, dated the 9th of September, 1839, in which he informs me that since the receipt of my communication of the 29th of April last, on the subject of the appropriation to defray the expenses of erecting public buildings in the Territory of Iowa, the Comptroller had reported, in answer to a call from the Department, in a similar case, that the appropriation must be considered as a grant, and an account can be stated in favor of the Treasurer of the Territory, as my assignee for such parts of the whole as I may require; and that on receiving from me a requisition in his favor, stating the amount that may be required to meet the liabilities of the Territory on account of the erection of public buildings, within thirty days subsequent to the date of my requisition, it would be referred to the accounting officer for settlement in conformity with the Comptroller's decision, and so hereafter when further sums may be needed."

I have submitted the subject in detail, and request that you would give it your serious attention, and that provisions may be made by law to authorise the Treasurer of the Territory to receive from the Treasurer of the United States, and to pay over all moneys appropriated by Congress for the erection of public buildings in the Territory, in accordance with the views of the Comptroller of the Treasury of the United States.

While on this subject, I will call the attention of the Legislative Assembly, in an explicit manner, to the importance of providing, by law, for the transmission to the penitentiary, of all prisoners that may be sentenced to imprisonment within any part of the territory, for a violation of our criminal laws. It would be attended with but little expense to prepare a temporary prison to secure the convicts at night; and by surrounding [the works with pickets, with the attention of a few guards they might be kept safely at work through the day, and shut up in the prison at night. Thus they might be made to erect a prison for themselves, and relieve the Territory from considerable expense.

By the 4th section of the act supplementary to an act to locate the seat of government of the Territory of Iowa, and for other purposes, approved 21st of January, 1839, it was made the duty of the Governor to apply to Congress, for a donation of, or a pre-emption to, four sections of land, on which to locate the seat of Government of the Territory of Iowa. In discharge of this duty, the Governor did, on the 24th of January, within four days after the passage of the bill, transmit a memorial to the Senate

and House of Representatives of the United States of America in Congress assembled, together with a copy of the original and supplementary acts to locate the seat of Government of the Territory of Iowa. The memorial first asked Congress permission to locate the seat of Government of the Territory upon the land of the United States, in the county of Johnson, and within the late purchase made by the United States from the Sac and Fox Indians. Second—that they would grant unto the Territory a donation of four sections of land upon which to locate the said seat of Government, or if they should not deem it expedient to grant the land as a donation, that they would secure to the Territory a pre-emption right to four sections of land at the place that might be selected for the seat of Government, and that a title to the same might be perfected on payment being made, in such manner as Congress might deem expedient. A copy of the memorial and acts of the Legislature, was transmitted to the President of the Senate, and Speaker of the House of Representatives in Congress, together with a request that they might be laid before their respective Houses. We see, by the journal of Congress, that the memorial was received and referred to the respective committees on public lands, but no further action was had on them prior to the adjournment of Congress. We see among the acts of the last session of Congress, an act entitled “An act making a donation of land to the Territory of Iowa for the purpose of erecting public buildings thereon, approved 3d March 1839, in the following words: “That there be and hereby is appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory, for the purpose of erecting thereon, the public buildings for the use of the Executive and Legislative departments of the government of the said Territory: *Provided*, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the Register of the Land Office in the district in which the land is situated, within one year from the passing of this act: *And provided further*, That nothing herein contained shall authorise the selection of the sixteenth section in any township reserved for the use of schools, nor of any lot reserved for public purposes; and that in the selection to be made as aforesaid, no pre-existing improvement or right of pre-emption recognized by law, shall be prejudiced thereby.

“*SEC. 2. And be it further enacted*, That if, at the time of the selection of the section of land to be made as aforesaid, the contiguous sections thereto have not been made subject to public sale, or being so subject have not been sold, at public sale or private entry, then each and every section contiguous to said selected section and not so sold, shall be thereafter reserved and withheld from sale in any manner, until the further order of Congress thereon. But nothing herein expressed shall be construed to restrain the said Territory of Iowa, after appropriating a sufficient quantity of land within said selected section for the site and accommodation of the said public buildings, from selling and disposing of the residue of said section in lots or otherwise for the use of said Territory, in the erection and completion of said building.

The act of Congress comes in direct conflict with the acts of the Legislative Assembly, and the memorial presented to Congress by their order.

It confines the selection to surveyed public lands, when there were at the time of its passage but two townships of surveyed public land, within the county of Johnson—one lying between the line of Washington and Muscatine counties, and the other north of the same in the south east corner of the county, being entirely in the prairie, and had been offered for sale in the Du Buque land district, at the public land sales in November, 1838. The restrictions under which the selection is to be made, and the conditions connected with the grant are such as never can be acceded to without an entire disregard to the interests and prosperity of the Territory. First, the selection is confined to surveyed townships, when the memorial presented to Congress prayed for the grant to be within the late purchase of the Sac and Fox Indians.—Second—the section of land must be selected under the authority of the Territorial Legislature, the seat of government located thereon and notice of said selection officially returned to the Register of the Land office. Third—that when the official return is made to the Land Office, every contiguous section to the section selected as the seat of government becomes Congressional reservations, and ever thereafter is reserved from sale in any manner until the sale shall be ordered by a special act of Congress.

What would be the effect of the last condition? It would inevitably tend to check the improvement of the city and retard the prosperity of the inhabitants. The city would be surrounded on every side by Congressional reservations of a contiguous section, and must ever remain so, until a special act of Congress should provide for the disposal of these contiguous sections, which would probably not be for many years, and then upon terms that would check the improvement of the city. I am clearly of the opinion that the grant proposed under the aforesaid act of Congress ought not to be accepted by the Territory and that it would be better for the Territory to pay the government price for ten sections of land than to accept the donation of one section under such embarrassing conditions. I therefore recommend to the Legislative Assembly the passage of a memorial to Congress, calling their attention to the memorial that was forwarded by their direction to the late Congress, and requesting that a grant or pre-emption right may be secured to the Territory, for the land on which the seat of government is located, without any restrictive conditions, or Congressional reservation in the vicinity thereof.

The Commissioners appointed by the late Legislative Assembly, proceeded to locate the seat of government in the county of Johnson, (and I think very properly too) without regard to the act of Congress of the 3d of March last, and have made report of the proceedings to the Executive, in accordance with the provisions of the legislative acts of the Territory. The section selected by them has been laid out into city lots, and on application of the acting commissioner, public sale of lots were by proclamation of the Executive ordered to be held on the 3d Monday of August, and on the first Monday in October last at which sale there was 203 in lots and 3 out lots sold for the aggregate sum of \$28,854 75. The lots sold cannot be estimated at more than one fourth in value of the whole city plat. A special report, it is expected, will be submitted to the Legislative Assembly by the commissioners.

I would suggest to the Legislative Assembly, the revision of the act es-

establishing the seat of government, so as to define the manner of disbursing the funds appropriated by Congress in accordance with the views of the Secretary of the Treasury, as expressed in his letter to me of the 9th of September, heretofore referred to. Also to point out the mode of making deeds of conveyance to the purchasers of lots in Iowa city; Also to define more definitely the plan for the public buildings, and the manner of superintending their construction by an experienced architect.

The 10th section of the militia law states, that in order to secure uniformity in the organization, discipline and government of the militia of this Territory, it shall be the duty of the commander-in-chief, from time to time, to provide at the expense of the Territory, such books of instruction as are or may be, prescribed for the use of the army or militia of the United States, and to furnish each commissioned officer with a copy. This duty would have been performed with pleasure by the Commander-in-chief, had funds been placed under his control for the purchase of such books: but there being neither funds in the Territorial Treasury, nor any law by which they could be drawn therefrom, for the purpose aforesaid, I addressed a letter on the 9th of July last, to the Secretary of War, making inquiry whether such books could be furnished by the War Department. I also made inquiry respecting a supply of arms to the militia of the Territory, and the establishment of a depository of arms and munitions of war at some central point on the Mississippi river, within this Territory, for the use of the militia in case of need. To which letter I received a reply from the acting secretary of War, dated the 7th of August last, in substance as follows:

The acting Secretary of War, (S. Cooper) acknowledged the receipt of my letter of the 9th of July, enquiring whether there could be furnished by that department a number of Cooper's books of tactics and regulations sufficient for the instruction of the officers of the militia of Iowa, and on the subject of supplying arms, &c. to enable the citizens of the Territory to defend themselves against Indian depredations; and stated that the department at that time had no means at its disposal, that would enable it to furnish the work referred to; but that the matter would be submitted to the Secretary of War on his return to the seat of Government for his consideration. In respect to the arms, &c., the acting Secretary of War enclosed me a report from the officer in charge of the ordnance department, to whom was referred my letter of the 9th of July. This report states that "the communication of the Executive of the Territory of Iowa shows that arms and equipments may be required for the defence of the inhabitants against Indian hostilities at some future day. That the organization of the militia is not yet completed, and consequently no return of the militia can have been made to the adjutant general of the army.

Issues of arms to the States and Territories, under the law of 1808, can be made only on the militia returns, which is indispensable in distributing the number due. In the absence of such returns, and that the Territory may have a resource in case of need, I would respectfully suggest that a suitable place be selected and a deposition of arms, accoutrements and ammunition be made, the whole to remain in the custody of the United States subject to the order of the Governor of the Territory, in certain contingencies to be specified. It appears to me, that any other disposi-

tion of public arms would lead to disappointment in case they were relied upon for our future service. Some central point on the Mississippi is named is a proper location for the depository of arms. Fort Armstrong and Prairie du Chien, would both be safe places, and are under the control of the government. My limited knowledge of that part of the country forbids the attempt to name at once a more suitable place."

The foregoing report was addressed to the Secretary of War, and dated 3d of August, 1839. It contains the views of the ordnance department on the subject of public arms: but I have received no further communications from the Secretary of War on the subject of the enquiries made of the department, in my letter of the 9th of August last.

The foregoing statements and correspondence is respectfully submitted for the information and consideration of the Legislative Assembly. It must convince them of the necessity of perfecting the organization of the militia of the Territory as speedily as practicable.

In pursuance of the militia law, the Territory has been divided into three divisions, six brigades and twelve regiments. The general and field officers have been appointed, and in all the regiments (except the regiment composed of the counties of Henry and Jefferson, from which no company officers have been reported,) company officers have been recommended and commissioned. Some of the regiments are organized entire, and others partially so; but no return of the numerical strength of the militia of any of the regiments have yet been received by the adjutant general. By reference to the report of the ordnance department, it will be seen that no arms can be drawn from the United States until our militia organization is completed, and the numerical strength reported to the adjutant general of the army of the United States. The tardiness in completing the organization of the militia may in a great measure be attributed to a want of a correct knowledge of the militia laws of the Territory. I therefore suggest the propriety of causing the militia laws of the last session of the Legislative Assembly, together with such parts of the Wisconsin laws as are still in force, to be printed in pamphlet form, and distributed among the militia officers of the Territory; and that additional provisions be made to cause prompt and full returns of the numerical strength of each regiment, to be transmitted to the adjutant general of the Territory, to be by him transmitted to the adjutant general of the United States, so that in apportioning the public arms under the act of 1808, the Territory of Iowa will receive her full portion of the same.

The attention of the Legislative Assembly is solicited to the subject of adopting a regular system of finance for the Territory. To effect this, it will become necessary to create the office of Auditor of Public Accounts, whose duty it shall be to audit all claims against the Territory, and on whose warrant all moneys appropriated by law shall be drawn from the treasury of the Territory. By our present laws, the office of Territorial treasurer is created, but there is no law in force to define his duties, or to point out the manner in which public moneys are to be paid into the Territorial Treasury; or where money may be in the treasury how it may be drawn out of it.

The first section of the supplementary act to locate the seat of government declares that a sale of lots in the town at the seat of government,

shall be held under the direction of the commissioners, the proceeds of which shall go into the Territorial treasury to be expended as may be hereafter directed by law.

I respectfully recommend the passage of a law regulating a system of finance within the Territory, in which the powers and duties of the treasurer may be defined. In which he would be required to receive and disburse all public funds belonging to the Territory, as well those appropriated by Congress for erecting public buildings, as the funds that may be collected under the Territorial laws. A well regulated system of finance would relieve the Territory from embarrassment in its fiscal operations, and would lead to economy in public disbursements, which is an object that should never be lost sight of, by all public functionaries.

The act of the last session, to prevent gambling, approved 25th of December, 1838, contains efficient provisions, and if faithfully executed must ultimately tend to check those pernicious practices within the Territory. But the demon of intemperance, appears to stalk through our land unmolested, and indeed fortified in many respects behind the license law of the country. The principle of raising a revenue from license to vend or retail intoxicating drinks, appears to me to partake much of the character of legalizing indulgences to commit crime. The vender of ardent or other intoxicating drinks, though it may be legalized by license, is, in my opinion, morally accountable for all the crimes and wretchedness produced by the use of such ardent spirits, or other intoxicating drinks vended by them, whether wholesale or retail. The philanthropist and statesman have of late years considered intemperance one of the greatest evils that pervade our land. It is considered the cause of more wretchedness, crime and death, than any other cause whatsoever, and many of the states have interposed the strong arm of the law to check its progress. But when we consider that our government and laws are under the control of public opinion, I have, after much reflection, been led to the conclusion that the most effectual mode to suppress this greatest of all evils (intemperance) would be to submit it entirely to the control of public opinion. I therefore seriously solicit the attention of the Legislative Assembly to the subject and recommend to their consideration the passage of a law repealing all laws now in force in the Territory, that authorize granting license to vend or retail ardent spirits, and to leave the subject entirely under the control of public opinion, holding the keepers of public houses and groceries accountable under heavy penalties for permitting drunkenness or disorder about their respective houses. This, in my opinion, would give a fatal check to the practice. The whole moral influence of the community would in a short time be brought to bear upon it, and being without the support of legal license, would ultimately sink under the weight of public opinion. But should the foregoing recommendation be deemed inexpedient, I would suggest an alteration in the laws, so that no license to retail ardent spirits or other intoxicating drinks, should be granted by any authority in any county within the Territory of Iowa, unless a majority of the legal voters in such county, should vote in favor of granting such license at their respective annual elections. This principle has been adopted by some of the states, and has been spoken of as highly beneficial in its effects. It is in strict accordance with the spirit of our institutions,

that a majority of the qualified voters in the respective counties should determine on questions of policy that are so intimately connected with their interests and future prosperity.

The foregoing suggestions are most respectfully submitted to your consideration, under a confident belief that you will give them the consideration that is due to the importance of the subject.

By the provision of the act of Congress, approved June 18, 1838, entitled "An act to authorise the President of the United States to cause the southern boundary line of the Territory of Iowa, to be ascertained and marked, " the President of the United States, was authorised to cause to be surveyed, ascertained and distinctly marked, the southern boundary of the Territory of Iowa west of the Mississippi river, which divides it from the State of Missouri; and that for that purpose he was authorised to appoint a Commissioner on the part of the United States, who should unite or act in conjunction with a Commissioner to be appointed by the Governor of Missouri, and a commissioner to be appointed by the Governor of the Territory of Iowa, in running, marking and ascertaining said boundary line; and it was made the duty of the Commissioner to be appointed by the President to make a full report of his proceedings in the premises to the Secretary of State of the United States. Under the provisions of said act, Albert M. Lee, Esq., was appointed a Commissioner on the part of the United States and Dr. James Davis was appointed a Commissioner on the part of the Territory of Iowa. The Governor of the State of Missouri declined to appoint a Commissioner on the part of that state. The law declares that if the State of Missouri and Territory of Iowa should fail to appoint Commissioners, or if the Commissioner appointed by either or both should fail to attend to the duty after reasonable notice, that the Commissioner on the part of the United States should proceed to execute the duties enjoined with either of said Commissioners, who might attend, or without the attendance of either or both of said Commissioners. The law further declares, that the line so run, ascertained and marked, should not be deemed to be finally established and ratified by the United States until the map or plat and descriptions aforesaid, and also, the said report of the Commissioners, should be submitted to, and the boundary as thus ascertained and marked approved of and ratified by the Congress of the United States.

The Commissioner appointed on the part of the United States, in conjunction with the Commissioner on the part of the Territory of Iowa, proceeded to the discharge of their duties, and submitted their reports in accordance with the requisition of the law, and in obedience to a resolution of the House of Representatives, on the 30th day of January last. The report of the Commissioner on the part of the United States, was submitted to Congress by the Secretary of State, but not being finally acted upon before the adjournment of Congress, it now awaits the final action of Congress thereon at the ensuing session. After this report was submitted to Congress, the Legislature of the State of Missouri passed an act declaring the line run by their own Commissioners in 1837, to be the northern boundary of that State. This act was dated, according to the Proclamation of the Governor of Missouri, the 16th of July, 1839.

This Missouri act appears to have been passed in defiance of the proceedings of Congress, and in direct contravention of their acts, and under the provisions of which the authorities of that State have attempted to obtain a tortuous jurisdiction over a portion of this Territory within the county of Van Buren, and on which the Territory of Iowa has since its organization exercised an unmolested jurisdiction.

The unwarrantable and unjustifiable proceedings of the authorities of Missouri, and their attempt to levy and collect taxes from the citizens of the United States, residing within the organized boundaries of this Territory, has caused an excitement of feeling that may ultimately lead to the effusion of blood.

It becomes our duty to maintain the jurisdiction of the United States over all the Territory embraced within the boundaries of the Territory of Iowa at the time of its organization, until Congress establish the line. This duty cannot be dispensed with by the authorities of this Territory, acting as they do under the laws of the United States. They are bound to maintain their supremacy, and cannot compromise or yield the jurisdiction of the United States in any way or manner whatever.

In order that the Legislative Assembly may have a full view of this exciting subject, I transmit, with this message, to the House of Representatives, all documents in possession of the Executive, that can cast light on the subject, with a request that they may be communicated to the Council, and receive the prompt attention of the Legislative Assembly, more especially the report of the Adjutant General, contained in No. 16. (Having no copies, I send the original, and request that they may be preserved by the Legislative Assembly, to wit: Documents No. 1 to No. 18, inclusive.)

In concluding this communication, I will suggest to the Legislative Assembly the propriety of again memorializing Congress to grant to this Territory for literary purposes a quantity of land equal to the grant made to Wisconsin. It seems to me that Congress will not withhold from Iowa, the same liberality that has been bestowed upon the other territories, if properly pressed upon their consideration.

That your deliberations on all subjects touching the general interests of our country, and the prosperity and happiness of our constituents, may be crowned with success, is the ardent wish of

Your Obedient Servant,

ROBERT LUCAS.

On motion of Mr Summers,

Ordered, That one thousand copies of the Governor's message be printed for the use of the House.

On motion of Mr Bailey,

The documents accompanying the Governor's message were laid upon the table.

On motion of Mr Hastings,

Resolved, That a select committee of one from each election district be appointed to draft a memorial to Congress on the subject of mail routes, Messrs Hastings, Langworthy, Cox, Robertson, Owen, Biggs, Coop, Mintun, Walworth and Ross were appointed said committee.

On motion of Mr Clark,

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

Wednesday Morning, Nov. 6, 1839.

The Speaker announced the following named gentlemen, to compose the several standing committees.

On the Judiciary.—Messrs Hastings, Rich, Churchman, Leffler and Hawkins.

On Common Schools.—Messrs Bailey, Hawkins, Myers, Langworthy and Hall.

On Internal Improvements.—Messrs Cox, Fleenor, Robertson, Mintun and Lash.

On the Militia.—Messrs English, Hall, Coop, Cox and Hastings.

On Claims.—Messrs Leffler, Langworthy, Lash, Fleenor and Ross.

On Enrollments.—Messrs Brewer and Walworth.

On Expenditures.—Messrs Patterson, Bailey, Summers, Biggs and Wheeler.

On Territorial Affairs.—Messrs Churchman, Rich, Cox, Summers and Walworth.

On Roads and Highways.—Messrs Biggs, Clark, Coop, Owen and Mintun.

On Elections.—Messrs Clark, English, Patterson, Coop and Lash.

On Township and County Boundaries.—Messrs Summers, Ross, Brewer, Robertson and Owen.

On Corporations.—Messrs Rich, Bailey, Langworthy, Fleenor and Leffler.

On Engrossed Bills.—Messrs Myers and Wheeler.

On motion Mr Bailey,

Ordered, That so much of the Governor's Message as relates to the passage of a law authorizing the election of a Public Printer, be referred to a select committee of three. Messrs Bailey, Hastings and Churchman, were appointed said committee.

On motion of Mr Bailey,

The House adjourned.

Thursday Morning, Nov. 7, 1839.

The Speaker announced the death of the Hon. WM. B. CONWAY, Secretary of the Territory, with remarks suited to the occasion.

On motion of Summers,

The following resolutions were adopted:

Resolved, That one of the members of this House, from the county of Scott, accompany the remains of the Secretary of the Territory, to his late residence at Davenport.

Resolved, That as a mark of respect, for the memory of the Hon. Wm. B. CONWAY, Secretary of the Territory, the members of this House, will wear the usual badge of mourning for thirty days.

Resolved, That a committee of two be appointed in conjunction with a similar committee on the part of the Council, to address a letter of condolence, to the widow of the Hon. Wm. B. CONWAY, on the subject of the death of her husband.

Mr Robertson was appointed a committee on the part of the House under the first resolution, and Messrs Summers and Hawkins, were appointed a committee on the part of the House under the third resolution.

On motion of Mr Summers.

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

TWO O'CLOCK, P. M.

Mr Summers, from the committee appointed to prepare rules for the government of the House, made a report which was read and adopted.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker: I am directed to inform the House, that the Council have adopted the following resolution:

Resolved, That Mr J. W. Parker of the Council, be appointed on the part of the Council to accompany the remains of the Hon. Wm. B. Conway, to Davenport, and to attend his funeral.

The Council have also, in compliance with the resolution of the House, appointed Messrs Inghram and Lewis a committee on the part of the Council to act in conjunction with the committee appointed on the part of the House, to address a letter of condolence to the widow of the Hon. Wm. B. Conway, on the subject of the death of her late husband.

I am also instructed to inform the House that the Council have adopted the joint rules for the government of the two Houses, as reported by the committee. And then he withdrew.

Mr Hastings, from the joint committee appointed to report rules to regulate the intercourse between the two Houses of the Legislative Assembly, made a report which was read and adopted.

On motion of Mr Summers,

Ordered, That the rules of the House of Representatives, and the joint rules regulating the intercourse between the two Houses of the Legislative Assembly be printed, and that each member of the House of Representatives be furnished with one copy of each, and that twenty extra copies be furnished for the use of the House.

On motion of Mr Robertson,

Resolved, That Jesse Williams be requested to furnish each member of this House with one copy of Judson's Sectional Map of Iowa.

On motion of Mr Clark,

Ordered, That the clerk of this House be directed to cause locks and keys to be affixed to each of the desks in this hall, which are not already furnished.

Mr Hastings moved that the House now go into committee of the whole on the message of the Governor, which motion was lost.

Mr Brewer offered the following resolution:

Resolved, That the Speaker of this House shall take the message of his Excellency under consideration and assign the several topics therein contained to appropriate committees, which

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

Mr Williams the private secretary of the Governor being announced, delivered the following message, which was read.

revel after adjournment

EXECUTIVE DEPARTMENT, I. T. }
BURLINGTON, Nov. 6, 1839. }

*To the Honorable House of Representatives
of the Legislative Assembly:*

GENTLEMEN:—On the evening of the 25th of January last, after the Legislative Assembly had closed its session, and many of the members left the city; the following described enrolled bills were presented to me for approval, but being objectionable in some of their provisions, the adjournment of the Legislative Assembly, deprived me of the opportunity of making my objections known to that body.

Consequently the bills were filed in the Executive office without my signature, and are now transmitted to the House of Representatives, the branch of the Legislative Assembly in which they originated, in order that such proceedings may be had thereon as may be deemed advisable by the present Legislative Assembly.

The first is a bill entitled "An act concerning the repeal of statutes." The bill if it had been approved, would have repealed all laws of a general nature heretofore passed by the Legislative authorities of Michigan and Wisconsin, and now in force in this Territory, which would have left us without law in many important cases to wit: The law regulating marriages would have been repealed and we would have had no law in force in this Territory on that as well as many other important subjects. The second is a bill entitled "An act to provide for the compensation of printers of the Legislative Assembly and for other purposes."

On an examination of this act, it appears to be a general appropriation bill, in which are contained some appropriations, that in my opinion, are in contravention of the laws of the United States, and consequently could not receive the approval of the Executive.

The 3d section of the act of Congress making appropriations for the civil and diplomatic expenses of the government for the year 1839, declares "That no officers in any branch of the public service; or any other person, whose salary or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compensation in any form whatsoever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law." The objections of the Executive are confined to such allowances as he believes to be in violation of the aforesaid acts of Congress. These suggestions together with the bills, are respectfully submitted to the consideration of the Legislative Assembly. Any

special objections are deemed inadvisable at this time, as the bills will consequently be acted upon *de novo* by the Legislative Assembly.

Very respectfully,

Your ob't servant,

ROBERT LUCAS.

On motion of Mr Bailey,

The message was referred to the committee on the judiciary.

Mr Summers made a motion, that that part of the Governor's message which relates to the subject of a state government be referred to a committee of one from each electoral district.

Mr Biggs moved to amend as follows :

Ordered, That so much of the Governor's message as relates to the formation of a state in this Territory be referred to the committee on Territorial affairs with leave to report by bill or otherwise. The amendment was accepted by Mr Summers and adopted by the House.

On motion of Mr Summers,

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

On motion of Mr Hall,

Ordered, That so much of the Governor's message as refers to the printing of the laws of last session, be referred to a select committee.

Whereupon, Messrs Hall, Wheeler, Patterson, Mintun and Myers were appointed said committee.

On motion of Mr Hall,

Ordered, That so much of the Governor's message as refers to the Territorial library, be referred to the committee on the Judiciary.

On motion of Mr Hastings,

Ordered, That so much of the Governor's message as relates to the difficulties on the southern boundary line be referred to the committee on the militia.

On motion of Mr Patterson,

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

On motion of Mr Hawkins,

Ordered, That a standing committee on public buildings be appointed, also, a standing committee on the finances.

Whereupon the Speaker appointed, on public buildings, Messrs Hawkins, Summers, Hastings, Walworth and Mintun.

On finances, Messrs Ross, Bailey, Churchman, Brewer and Lash.

On motion of Mr Bailey,

Ordered, That so much of the Governor's message, as refers to the Finances be referred to the committee on the finances.

On motion of Mr Hastings,

Ordered, That so much of the Governor's message as relates to a system of common schools be referred to the committee on schools.

On motion of Mr Langworthy,

Ordered, That so much of the Governor's message, as relates to the militia, be referred to the committee on the militia.

On motion of Mr Biggs,

Ordered, That so much of the Governor's message, as relates to memorializing Congress on the subject of the grant of land, for the site of the seat of government, be referred to the committee on Territorial Affairs.

Mr Hall offered the following resolution:

Ordered, That that part of the Governor's message which refers to intemperance, be referred to the committee on townships and county boundaries.

Mr Bailey moved to amend by referring the subject to the committee on the judiciary.

Mr Hastings moved to amend by referring it to a committee of one from each electoral district.

Mr Langworthy moved to lay the subject on the table. Mr Biggs called for the yeas and nays, which were ordered and were as follows:

Yeas—Messrs Brewer, Churchman, Cox, Hawkins, Langworthy, Lash, Mintun, Myers, Owen, and Johnston, Speaker, 10.

Nays—Messrs Bailey, Biggs, Clark, Coop, English, Fleenor, Hall, Hastings, Leffler, Patterson, Rich, Robertson, Ross, Summers and Wheeler, 15.

So the question to lay on the table was decided in the negative.

The question then recurred on the amendment offered by Mr Hastings, which was taken and determined in the affirmative.

Messrs Biggs, Patterson, Ross, Coop, Mintun, Clark, Robertson, Cox, Wheeler and Walworth, were appointed said committee.

On motion, the House adjourned until to-morrow, at 10 o'clock.

Friday Morning, Nov. 8, 1839.

The Speaker laid before the House the following communication:

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

SIR,—It may not be unimportant to the House of Representatives, to be informed, that out of the many resolutions and memorials, that passed that body at its last session, one only reached me at Washington, or otherwise, until I found them in your journal, a copy of which has recently been placed in my hands, all of which, I shall take pleasure in presenting to Congress at the earliest opportunity.

Respectfully, your ob't.

W. W. CHAPMAN,

Delegate from Iowa.

The Speaker also laid before the House, a communication from JESSE WILLIAMS accompanied with twenty-six maps for the use of the members.

On motion of Mr Hastings,

Ordered, That so much of the message of the Executive as refers to the

election of sheriffs, judges of probate, justices of the peace and county surveyors, be referred to the committee on Territorial Affairs.

On motion of Mr Bailey,

Ordered, That that part of the message of the Governor, that relates to the transmission of convicts to the Penitentiary, be referred to the committee on the Judiciary.

On motion of Mr Hastings,

Ordered, That the documents accompanying the annual message of the Executive, be referred to the committee on Territorial Affairs.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am directed to inform the House, of the adoption of the following resolution by the Council:

Resolved, By the Council, that the House of Representatives be requested to send to the Council, the documents accompanying the Governor's Message. And then he withdrew.

Mr Bailey, from the select committee, to whom was referred so much of the Governor's Message as relates to the passage of a law, authorizing the election of Public Printer, reported a bill on that subject which was read a first and second time.

Mr Churchman from the same committee, reported a bill of the minority, which was read a first and second time.

On motion of Mr Wheeler,

Ordered, That the bills be recommitted.

On motion of Mr Churchman,

Ordered, That two members be added to said committee, and that they be instructed to bring in but one bill on the subject. Whereupon, Messrs Leffler and Summers were added to the committee.

Mr Coop, offered the following:

Resolved, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a Territorial Road, commencing at Iowa City, the Seat of Government of this Territory, thence to Washington, the seat of justice of Washington county, thence to Fairfield, the seat of justice of Jefferson county, thence to Keokuk's old village on the Des Moines river, thence to the southern boundary line of this Territory, in a direction to the Platte purchase, in the State of Missouri.

Mr Biggs moved to amend, by striking out all after the words "Jefferson county," and insert "from Fairfield, to Portland, thence in a direction towards Jefferson City, Mo., to the northern boundary of said State. The question being taken on the amendment, it was lost; the question then recurred on the adoption of the Resolution which was decided in the negative.

On motion of Mr Hall,

The House adjourned until Monday morning, at 10 o'clock.

Monday Morning, Nov. 11, 1839.

On motion of Mr Mintun,

Ordered, That the committee on roads and highways be instructed to inquire into the expediency of establishing a Territorial road, commencing at Iowa City, the seat of Government of this Territory, thence to Virginia Grove, in Louisa county, thence to Burlington, in the county of Des Moines.

On motion of Mr Leffler,

Ordered, That so much of the Governor's message as relates to memorializing Congress for a grant of lands for literary purposes, in this Territory, be referred to the committee on common schools, and that the said committee have leave to report by memorial or otherwise.

On motion of Mr Hastings,

Ordered, That all bills, after their first reading, be printed, unless the House shall otherwise direct.

Mr Summers, from the committee on Township and County boundaries, reported No. 1, H. R. file, entitled "A bill for the incorporation of townships, and for other purposes."

Mr Hastings, from the select committee, appointed for that purpose, reported No. 2, H. R. file, "A memorial to Congress on the subject of post roads in Iowa."

Mr Hastings, from the committee on the judiciary, reported No. 3, H. R. file, entitled "A bill to provide for the appointment of librarian, and for other purposes."

Said bills were severally read a first time.

Mr Hastings gave notice that he would, on to-morrow, or some day thereafter, introduce a bill to amend "An act fixing the terms of the Supreme and District courts, and for other purposes;"

"A bill concerning marriages;"

"A bill to provide for the support of illegitimate children, and for other purposes."

Messrs Hastings, Churchman and Rich were appointed a committee to prepare the first named bill.

Messrs Leffler, Brewer and Myers were appointed a committee to prepare the second named bill.

Messrs Hastings, Summers and Langworthy were appointed a committee to prepare the third named bill.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House of Representatives of the adoption by the Council of the following resolution, and ask their concurrence to the same:

Whereas, the Territory of Iowa is deprived of a Secretary by the recent death of the Hon. W. B. Conway, late Secretary of this Territory;

and whereas no provision is made by the Organic Law, or by any act of Congress, to meet such contingency: Therefore,

Be it Resolved, by the Council and House of Representatives, That Charles Weston be appointed a fiscal agent, and that he be authorized to take charge of all public funds, drafts or bills of exchange properly belonging to this department; and that he be required to make such disbursements as legally pertain to his appointment as aforesaid, taking proper vouchers for the same. And then he withdrew.

Mr Bailey, from the select committee appointed for that purpose, reported No. 4, H. R. file, entitled "A bill to provide for the election of public printer, and defining his duties," which was read a first time.

Mr Hastings presented the credentials of George H. Walworth, member elect from the counties of Cedar, Jones and Linn; and on motion of Mr Hastings, was sworn into office and admitted to his seat.

On motion of Mr Hastings,

Ordered, That the credentials of Mr Walworth be referred to the committee on elections.

The preamble and joint resolution received from the Council this morning, was,

On motion of Mr Bailey,

Taken from the table and read a first time.

Mr Bailey offered the following preamble and resolutions, which were read a first time.

Whereas the country purchased of the Sac and Fox Indians, in the month of October, 1837, is rapidly populating by a respectable and industrious class of citizens, making large farms, building towns, and constructing extensive machinery, which must necessarily be divided and subdivided by the future surveys of the government of the United States; the result of which will be loss, litigation and serious difficulty, the never failing check to such laudable industry, Therefore,

Be it Resolved by the Council and House of Representatives of the Territory of Iowa, that our delegate in Congress be requested to solicit and use his best exertions to obtain an appropriation for the survey of all the unsurveyed lands in the Territory of Iowa, to which the Indian title has been extinguished.

And be it further Resolved, that the Governor of the Territory, be requested to forward three copies of these resolutions, one to our delegate in Congress, one to the Speaker of the House of Representatives and one to the President of the United States.

On motion of Mr Coop,

Ordered, That the committee on Internal Improvements, be instructed to inquire into the expediency of memorializing Congress, for an appropriation sufficient for the removal of the obstructions of the Des Moines and Rock river rapids, in the Mississippi river, and that they report by memorial or otherwise.

On motion of Mr Hastings,

Ordered, That a select committee of one from each electoral district be appointed to draft a memorial to Congress for the establishment of another land district in this Territory.

Whereupon, Messrs Hastings, Patterson, Leffler, Biggs, Lash, Mintun, Robertson, Cox, Wheeler and Walworth were appointed said committee.

On motion of Mr Biggs,

Ordered, That so much of the Governor's message, as relates to the providing by law for the appointment of Auditor of public accounts, and regulating the duties of Territorial Treasurer be referred to the committee on finance.

On motion of Mr Langworthy,

Ordered, That the committee on Roads and Highways, be instructed to inquire into the expediency of locating a Territorial road from Iowa city, by way of the seats of justice of Linn and Delaware counties, and the mouth of Elk creek in Clayton county to the Mississippi river, opposite Prairie du Chien.

On motion of Mr Brewer,

Ordered, That the hour to which this House shall stand adjourned from day to day, be ten o'clock, A. M., unless otherwise specially directed by the House.

On motion of Mr Summers.

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

TWO O'CLOCK, P. M.

On motion of Mr Hastings,

Ordered, That all memorials to any department of the general Government; and all joint resolutions, of a general nature, be printed after their first reading.

Mr Hall offered the following resolution:

Resolved, That a select committee, consisting of one member from each electoral district be appointed, to inquire into the expediency of memorializing Congress to authorize the Marshal of this Territory, to cause the census to be taken, in said Territory by the tenth day of July next, in order that the apportionment may be made by the Council and House of Representatives, as may hereafter be provided by law.

Mr Coop moved to amend by striking out the tenth day of July, and insert the first day of June.

Mr Cox moved to lay the resolution and amendment on the table, subject to the order of the House, which motion was agreed to.

Mr Langworthy asked leave, at some future day, to introduce "A bill to incorporate the town of Du Buque," and asked that the delegation from Du Buque county be appointed a committee to prepare said bill.

Leave being granted, Messrs Langworthy, Wheeler and Churchman were appointed said committee.

On motion of Mr Hastings,

Ordered, That a select committee be appointed to draft a memorial to Congress for an appropriation to improve the navigation of the Iowa and Red Cedar rivers.

Messrs Hastings, Walworth, Robertson and Cox were appointed said committee.

On motion of Mr Bailey,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of memorializing Congress on the subject of appropriations for the purpose of opening and completing such of the territorial roads, chartered during the last session of the Legislature, as in their discretion their importance seems to demand.

On motion of Mr Biggs,

Resolved, That a select committee be appointed, to memorialize Congress on the subject of improving the navigation of the Des Moines river; Messrs Biggs, Patterson, Coop, Hall and Myers were appointed said committee.

Mr Hastings, from the committee on the Judiciary, reported No. 6, H. R. file, entitled "A bill to provide for the election of county treasurers, and defining their duties," which was read a first time.

On motion of Mr Coop,

Resolved, That a select committee be appointed to draft a memorial to Congress, for an appropriation to open and improve the navigation of Skunk river; Messrs Coop, English, Fleenor, Lash and Clark were appointed said committee.

Mr Biggs, from the committee to whom was referred that part of the Governor's message relating to intemperance, reported No. 7, H. R. file, entitled "A bill to regulate Grocery licenses," which was read a first time.

Mr Churchman moved that the House reject the bill.

On this motion, the yeas and nays being called for, were ordered, and were as follow:

Mr Churchman voted in the affirmative.

Nays—Messrs Bailey, Biggs, Brewer, Clark, Coop, Cox, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 24.

So the motion to reject the bill was decided in the negative.

Mr Churchman, from the committee on Territorial Affairs, to whom was referred that part of the Governor's message which recommends the "early passage of a memorial to Congress respectfully asking of that body the passage of an act at their ensuing session, granting to the inhabitants of Iowa Territory the right to form a constitution and State government, and to provide for their admission into the Union upon an equal footing with the original States," made a report, which was read, and on motion of Mr Hall, laid on the table until Wednesday next.

On motion of Mr Bailey, the House adjourned.

Tuesday Morning, Nov. 12, 1839.

On motion of Mr Summers,

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of memorializing Congress for an appropriation sufficient to construct a bridge across the Wabesipinica river, at or near Doolittle's ferry.

On motion of Mr Wheeler,

Resolved, That a committee be appointed, composed of the entire delegation from the county of Du Buque, and that they be instructed to draft a memorial to Congress, requesting that body to order the survey of the landing at the town of Du Buque.

On motion of Mr Langworthy,

Resolved, That the Sergeant-at-arms procure the necessary seats for all persons invited to take seats within the bar of this House.

Mr Ross, from the committee on finance, to whom was referred so much of the Governor's message as relates to the providing for the appointment of auditor of public accounts, and regulating the duties of territorial treasurer, reported No. 8, H. R. file, entitled "A bill providing for the appointment and duties of auditor of public accounts, and regulating the duties of territorial treasurer."

Mr Hastings, from the committee on the judiciary, reported No. 9, H. R. file, entitled "A bill to prevent kidnapping." Said bills were severally read a first time.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," was read a second time, and on motion of Mr Hall, referred to committee of the whole House, and made the order of the day for Thursday next.

On motion of Mr Hawkins,

The forty-fourth rule of the House was suspended, so as to permit bill No. 3, H. R. file, to be read a second time by its title.

No. 3, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," was then read a second time.

The House then resolved itself into a committee of the whole House for the consideration of said bill, Mr Bailey in the chair.

The committee, after some time, rose and by their chairman reported the bill with amendments, in which the House concurred.

On motion of Mr Cox,

The following section was added to the bill:

"Sec. 12. And the librarian shall keep a catalogue of all books in the library, for the inspection of all concerned. This act to be in force from and after its passage."

On motion of Mr Churchman,

The words "close" and "the" in the first line of the 11th section, were stricken out, and the words "commencement of each annual" inserted.

Mr Bailey moved to recommit the bill with instructions, which motion was lost.

On motion of Mr Hastings,

The bill was ordered to be engrossed, and made the order of the day for Thursday next.

On motion of Mr Hastings,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

No. 4, H. R. file, entitled "A bill to create the office of public printer, and to define his duties," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, Mr Cox in the chair, for the consideration of said bill.

The committee, after some time, rose and reported the bill to the House with amendments, which were concurred in.

On motion of Mr Hawkins,

The following section was added to the bill :

"Sec. 9. That nothing in this act shall be so construed as to prohibit the present legislature from employing other persons to do the whole or any part of the incidental printing of the present session."

On motion of Mr Hastings,

The bill was ordered to be engrossed and read a third time on Thursday next.

On motion of Mr Churchman, the House adjourned.

Wednesday Morning, Nov. 13, 1839.

Mr Biggs, from the select committee appointed for that purpose, reported the following preamble and joint resolutions which were read a first time :

Whereas the Des Moines river seems to demand the attention, both of the Legislative Assembly and of Congress, for the following reasons, to wit :

First, on account of its position in the Territory of the United States, and also forming the boundary of a portion of the State of Missouri.

It will enter the probable limits of the State of Iowa, in the north western part and running a south easterly course, through the interior of said limits, enters the Mississippi, at the extreme south easterly point of the same. Its central position, between those two great rivers, Mississippi and Missouri, which must necessarily form the eastern and western boundaries of the state, points it out as the natural channel for imports and ex-

ports, for the extensive and fertile country in the interior of Iowa, and a portion of the State of Missouri.

Secondly, on account of its affording but few facilities for navigation, without that improvement, of which it is peculiarly susceptible: being admirably adapted to the building of dams, for the purpose of slack water navigation.

The channel and banks, every where afford suitable stone, for the foundation and structure of such dams, as would be necessary for said improvement.

Added to the importance of the navigation of said stream, would be the vast quantity of hydraulic powers obtained by the construction of dams; which alone would be of incalculable value to the country through which it passes, being almost destitute of those advantages from other sources; Therefore,

Resolved by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress, be requested to use his best exertions to obtain an appropriation by Congress, for the purpose of paying the expenses for a survey of said river by a corps of engineers, under the authority of the United States, and also a grant of land, equal to five miles in width on each side of said stream along the whole line of said contemplated improvement, to make the same. And be it further

Resolved, That the Governor of this Territory, be requested to forward two copies of the above preamble and resolutions, one to our delegate in Congress, and one to the Governor of the State of Missouri, with a request that he lay the same before the Legislature of that State for their concurrence.

Mr Bailey, from the committee on common schools, reported No. 11, H. R. file, entitled "A memorial for a donation of land for literary purposes," which was read a first time.

The joint resolution relative to the appointment of a fiscal agent, was read a second time, and on motion of Mr Biggs, referred to the committee on finance.

No. 2, H. R. file, A memorial on the subject of post roads in Iowa, was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, for the consideration of said memorial, Mr Hawkins in the chair. After some time, the committee rose and by their chairman, reported the memorial to the House with amendments which were concurred in.

On motion of Mr Ross,

The following was inserted after the 43d line in said memorial. From Burlington by Augusta, Denmark, West Point and thence to St Francisville, Mo.

On motion of Mr Rich,

The word Denmark was inserted before the word Baltimore, in 17th line.

On motion of Mr Summers,

The memorial was ordered to be engrossed and read a third time, on to-morrow.

No. 5, H. R. file, entitled "Preamble and Joint Resolution relative to unsurveyed lands," was read a second time.

Mr Hastings moved to amend by inserting "and one to the Commissioner of the General Land Office;" which was agreed to.

On motion of Mr Summers,

The word three was stricken out, and the word four inserted.

On motion of Mr Langworthy,

The Preamble and Joint Resolutions were ordered to be engrossed and read a third time, on to-morrow.

Mr Hawkins gave notice that he should on to-morrow offer the following as an additional rule of this House.

52. That all bills on their second reading shall be read by their title, unless the reading of said bills shall be called for, by a member of the House.

No. 6, H. R. file, entitled "A bill to provide for the election of County Treasurers, and to define their duties," was read a second time.

The House then resolved itself into a committee of the whole House for the consideration of said bill, Mr Churchman in the chair. After some time the committee rose and by their chairman reported the bill to the House with amendments, which were concurred in, with the exception of the amendment made to the 4th line of the 8th section.

On motion of Mr Hawkins,

The first line of the 7th section was amended by inserting after the word merchandize, the words, "within any county" and in the second line of the same section after the word Treasurer, by inserting the words "of said county."

On motion of Mr Rich,

The following section was added to the bill.

Sec. 11. Any person who shall violate the provisions of the eighth section of this act shall be prosecuted before any justice of the peace and fined any sum not less than twenty-five nor more than fifty dollars.

On motion of Mr Hall,

The fifth line of the second section, was amended by inserting after the word "every" the word "regular."

On motion of Mr Churchman,

The words "bail and" in the third line of the first section were stricken out and the words "bond with" inserted.

Mr Cox moved to recommit the bill, which motion was lost.

On motion of Mr Walworth,

The third line in the tenth section was amended by striking out the word "may" and inserting the word "shall."

On motion of Mr Hastings,

The bill was ordered to be engrossed and read a third time on Friday next.

Mr Wheeler from the committee on engrossments, reported No. 3, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," as correctly engrossed.

On motion of Mr Hastings,

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

TWO O'CLOCK, P. M.

No. 7, H. R. file, entitled "A bill regulating Grocery License," was read a second time.

On motion of Mr Cox,

A call of the House was had, whereupon it appeared that Messrs Churchman, Clark, Langworthy and Leffler, were absent. The Sergeant-at-arms, was directed by the Speaker to cause the attendance of the absentees who, after a short time appeared.

On motion of Mr Hastings,

The House then resolved itself into a committee of the whole House for the consideration of the above mentioned bill, Mr Hall in the chair. After some time, the committee rose and by their chairman, reported the bill to the House with amendments, which were concurred in by the House.

Mr Hastings moved to amend by striking out the word "retailed" in the 2d line of the 5th section, and inserting "drank." The motion was lost.

Mr Hastings moved that the bill be engrossed and read a third time on Friday next, and on his motion the yeas and nays were called for and were as follow :

Yeas—Messrs Bailey, Biggs, Brewer, Clark, Coop, Cox, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 24.

Mr Churchman voted in the negative.

So the question was determined in the affirmative.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker: I am instructed to inform the House of Representatives that the Council have passed the following entitled act, memorial and joint resolution, viz :

An act to authorize the Legislative Assembly to punish for contempt, and to privilege the members from arrest.

Also, the memorial of Jeremiah Smith, jr., to the Congress of the United States praying for relief, &c.

Resolved by the Council and House of Representatives of the Territory of Iowa, That the acts of the twenty-fifth Congress, in possession of the Governor, shall be distributed in the following manner, viz: one copy to the Governor, one copy to the Secretary of the Territory, one copy to each of the Judges of the Supreme Court, one copy to the District Attorney of the Territory, one copy to the Marshal of the Territory, one copy to the Clerk of the Supreme Court, eleven copies for the use of the Council, and twenty copies for the use of the House of Representatives.

In all of which the concurrence of the House is requested. And then he withdrew.

Mr Hall gave notice that he would on to-morrow or some day thereafter, ask leave to introduce a memorial to Congress for an appropriation to build a bridge across the Des Moines river, at the point where the nation-

al road from Du Buque, via Iowa city to the northern boundary of Missouri, crosses said river.

Messrs Hall, Coop and Bailey were appointed a committee to prepare said memorial.

On motion of Mr Brewer, the House adjourned.

Thursday Morning, Nov. 14, 1839.

On motion of Mr Leffler,

Resolved, That the committee on internal improvements be instructed to inquire into the expediency of asking an appropriation from Congress to construct a bridge across Flint river, in Des Moines county, where the Territorial road from Du Buque via Burlington to the Missouri boundary crosses said river.

On motion of Mr Hastings,

Resolved, That fifty copies of all bills be printed, and that each member of the Council be furnished with one copy of every bill that is printed for the House.

Mr Hawkins offered the following:

Resolved, That the chief clerk be, and he is hereby directed to give the incidental printing of this House, during the present session, to James G. Edwards, editor and publisher of the Hawk-Eye and Iowa Patriot.

Mr Hastings moved to lay the resolution on the table, subject to the order of the House.

On which motion Mr Summers called for the yeas and nays, which were ordered, and were as follows:

Yeas—Messrs Bailey, Biggs, Coop, Cox, English, Fleenor, Hastings, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 20.

Nays—Messrs Brewer, Churchman, Clark, Hall, Hawkins and Rich, 6.

So the question was decided in the affirmative.

On motion of Mr Lash,

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of memorializing Congress on the subject of an appropriation to build a bridge across Skunk river, where the Territorial road established by Congress crosses said river.

Mr Ross, from the committee on finance, to whom was referred the joint resolution, No. 4, Council file, entitled "A resolution relative to the appointment of a fiscal agent," reported the same to the House with an amendment which was read a first time.

Mr Wheeler, from the committee on engrossed bills, reported H. R. file, Nos. 2, 4 and 5, as correctly engrossed.

Mr Hastings, from the select committee appointed for that purpose, reported a memorial to the Congress of the United States, H. R. file, No. 12, entitled "A memorial to Congress for the improvement of the navigation of the Cedar and Iowa rivers."

Mr Hastings, from the committee on the judiciary, also reported No. 13, H. R. file, "A bill to amend an act entitled 'an act fixing the terms of the Supreme and District courts, and for other purposes,' " which were severally read a first time.

Council file, No. 1, entitled "A memorial to Congress for the benefit of Jeremiah Smith, jr.," No. 2, entitled "A bill to authorize the Legislative Assembly to punish for contempt, &c."

Also, a joint resolution from the Council, relative to the distribution of the acts of the 25th Congress, were severally read a first time.

No. 8, H. R. file, entitled "A bill providing for the appointment and duties of Auditor of Public accounts, and regulating the duty of Territorial Treasurer, was read a second time, and,

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, Mr Hastings in the chair, for the consideration of said bill.

After some time, the committee rose, and by their chairman reported progress, and asked leave to sit again—leave was granted.

No. 9, H. R. file, entitled "A bill to prevent kidnapping," was read a second time; the House then resolved itself into a committee of the whole House, Mr Patterson in the chair.

After some time, the committee rose and reported progress, and asked leave to sit again—leave was granted.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker: I am instructed to inform the House of Representatives that the Council have passed

"An act to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar fork of Skunk river, in Henry county."

Also, "A joint resolution upon the subject of printing the laws of this session, as they are passed and approved, in the several newspapers published in this Territory.

In which the concurrence of the House of Representatives is requested. And then he withdrew.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships, &c.," was read a second time.

The House then resolved itself into a committee of the whole House, Mr Wheeler in the chair, for the consideration of said bill.

After some time, the committee rose, and by their chairman reported the bill to the House without amendment.

On motion of Mr Lash,

The bill was referred to a select committee consisting of one from each electoral district.

Messrs Hastings, Summers, Lash, Patterson, Hawkins, Bailey, Mintun, Cox, Wheeler, and Walworth, were appointed said committee.

On motion, the House adjourned.

Friday Morning, Nov. 15, 1839.

On motion of Mr Robertson,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of establishing a territorial road from Rockingham, in Scott county, via Centre Grove, and Moscow, in Muscatine county, to Iowa city, in Johnson county, and report to this House by bill or otherwise.

On motion of Mr Hall,

Resolved, That the committee on roads and highways be instructed to inquire into the expediency of establishing a territorial road commencing at Iowa city the seat of government of this Territory, thence to Washington, the seat of justice of Washington county, thence to Fairfield, the seat of justice of Jefferson county, thence to Portland, in Van Buren county, thence to the Indian boundary, in a direction to the Platte country, in the State of Missouri, and that the said committee have leave to report by bill or otherwise.

Mr Rich gave notice that he would on to-morrow or some day thereafter, ask leave to introduce a bill providing for the election of Sheriffs, Justices of the Peace, and other county officers.

Mr Summers gave notice that he would on Monday next, or some day thereafter, ask to introduce "A bill to regulate the practice of Physicians in this Territory."

Mr Coop, from the select committee appointed for that purpose, reported H. R. file, No. 14, entitled "A memorial to Congress for the survey of Skunk river," which was read a first time.

Mr Myers, from the committee on engrossed bills, reported H. R. file, No. 7, as correctly engrossed.

Mr Hawkins in accordance with previous notice, offered the following as an additional standing rule of this House.

LII. That all bills, resolutions and memorials on their second reading, shall be read by their title, unless the reading be called for by some member of the House, which was adopted.

The House then proceeded to the orders of the day.

No. 2, H. R. file, entitled "A memorial to Congress on the subject of post roads in Iowa."

No. 3, H. R. file, entitled "A bill to provide for the appointment of a Librarian, and for other purposes."

No. 4, H. R. file, entitled "A bill to create the office of public printer, and to define his duties."

No. 5, H. R. file, entitled "A preamble and joint resolution, relative to the unsurveyed lands."

No. 7, H. R. file, entitled "A bill regulating grocery license," were severally read a third time, passed, and the titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 1, C. F. entitled "A joint resolution on the subject of printing."

No. 3, C. F. entitled "A bill to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk river, &c." were severally read a first time.

C. F. No. 1, entitled "A memorial for the benefit of Jeremiah Smith, jr.," was read a second time, and on motion of Mr Summers, was made the order of the day for a third reading on to-morrow.

C. F. No. 2, entitled "A bill to authorize the Legislative Assembly to punish for contempt, &c." was read a second time, and on motion of Mr Hastings, the House resolved itself into a committee of the whole House, Mr Summers in the chair, for the consideration of said bill; after some time the committee rose, and by their chairman, reported the bill to the House without amendment.

On motion, the bill was ordered to be read a third time on to-morrow.

C. F. No. 4, entitled "Joint resolutions relative to the appointment of a fiscal agent," was read a second time, and on motion of Mr Patterson, was considered in committee of the whole House, Mr Brewer in the chair, after some time the committee rose and by their chairman reported the same with amendments, in which the House concurred.

Ordered, That the bill be read a third time on Monday next.

C. F. No. 5, entitled "A joint resolution relative to the distribution of the acts of the 25th Congress," was read a second time, and

On motion of Mr Summers,

The resolution was referred to a select committee; whereupon Messrs Summers, Cox and Biggs, were appointed said committee.

No. 10, H. R. file, entitled "A preamble and joint resolution relative to the improvement of the Des Moines river," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole, Mr Leffler in the chair for the consideration thereof, after some time the committee rose, and by their chairman reported the same to the House without amendment.

On motion of Mr Biggs, the preamble and joint resolution were ordered to be engrossed and read a third time on Monday next.

No. 11, H. R. file, entitled "A memorial to Congress for a donation of land for literary purposes," was read a second time and considered in committee of the whole House, Mr Biggs in the chair.

After some time, the committee rose, and by their chairman reported the memorial to the House with amendments, in which the House concurred.

Mr Rich moved to recommit the memorial, which was agreed to.

Mr Hall, according to previous notice, moved that a committee be appointed to revise the standing rules of the House, which was agreed to.

Messrs Hall, Churchman, Hawkins, Wheeler, and Rich, were appointed said committee.

On motion of Mr Biggs,

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

TWO O'CLOCK, P. M.

No. 12, H. R. file, entitled "A memorial to the Congress of the United States, on the subject of the improvement of the navigation of the Iowa and Cedar rivers," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, for the consideration of said memorial, Mr Langworthy in the chair, and after some time, the committee rose and by their chairman reported the memorial to the House with an amendment, in which the House concurred. The memorial was ordered to be engrossed and read a third time on Monday next.

No. 13, H. R. file, entitled "A bill to amend an act entitled 'an act fixing the terms of the supreme and district courts, and for other purposes,'" was read a second time, and,

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, Mr Bailey in the chair; after some time, the committee rose, and by their chairman reported the bill to the House without amendment.

On motion of Mr Hastings,

Ordered, That the bill be referred to a select committee consisting of one from each judicial district.

Messrs Hastings, Churchman and Rich, were appointed said committee.

The report of the committee on territorial affairs to whom was referred so much of the Governor's message as relates to the application of this territory for admission as a State into the Union, was,

On motion of Mr Summers,

Taken from the table, and one thousand copies ordered to be printed, and made the order of the day for Friday next.

On motion of Mr Cox,

Resolved, That the committee on the judiciary be directed to examine the Michigan and Wisconsin Laws, and report to this House what laws in those statutes are in force in this territory.

On motion of Mr Biggs,

Ordered, That the number of copies required in each memorial and joint resolution to be transmitted by the Governor to Congress, or other authority which originates in this House, be furnished the Executive by the chief clerk of this House.

On motion of Mr Summers,

The House adjourned.

Saturday Morning, Nov. 16, 1839.

On motion of Mr Cox,

Ordered, That the committee on Territorial affairs be instructed to bring in a memorial, asking Congress for an additional appropriation to complete the Territorial road leading from Du Buque to the Missouri line.

On motion of Mr Walworth,

Ordered, That the committee on Territorial affairs be requested to inquire into the expediency of calling the attention of Congress, by memorial or otherwise, to the importance of a speedy negociation with the Sac and Fox Indians, for an additional purchase of lands lying west of the tract recently purchased of said Indians by Congress.

On motion of Mr Wheeler,

Ordered, That the committee on Territorial affairs be instructed to inquire into the expediency of organizing the county of Delaware, and providing for the location of the county seat.

On motion of Mr Hastings,

Ordered, That Charles Weston, be requested to provide the necessary conveniences for the House of Representatives, during the present session.

Mr Hall, from the select committee, appointed to revise the standing rules of the House, reported sundry amendments thereto, which were concurred in by the House, with the exception of that substitute offered for the 47th Rule.

Mr Bailey, from the committee on Common Schools, reported No. 15, H. R. file, entitled "A memorial for a donation of land for literary purposes," which was read a first time.

Mr Hastings, from the select committee to whom was referred No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," reported the same back to the House, with amendments, which were read a first time, when

Mr Langworthy, moved to reject the bill, and on this motion Mr Summers called for the yeas and nays; which were ordered, and were as follow:

Mr Langworthy, voted in the affirmative.

Nays—Messrs Bailey, Biggs, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker, 25.

So the motion to reject the bill, was lost. The bill then passed to a second reading.

Mr Myers, from the committee on engrossed bills, reported No. 6, and 12, H. R. file, as correctly engrossed.

On motion of Mr Hastings,

The resolution offered some time since by Mr Hall, relative to the expediency of memorializing Congress, upon the subject of taking the census of this Territory, was taken from the table and read.

The question was taken on the amendment offered by Mr Coop, which was lost.

The question was then taken on the adoption of the original resolution; the yeas and nays being called for, were ordered, and were as follow:

Yeas—Messrs Biggs, Brewer, Coop, English, Hall, Hastings, Lash, Mintun, Myers, Owen, Patterson and Walworth, 12.

Nays—Messrs Bailey, Churchman, Clark, Cox, Fleenor, Hawkins, Langworthy, Leffler, Rich, Robertson, Ross, Summers, Wheeler, and Johnston, Speaker, 14.

So the question was decided in the negative.

Mr Myers moved that the House adjourn, which motion was lost.

No. 14, H. R. file, entitled "A memorial to the Congress of the United States on the subject of the improvement of the navigation of Skunk river," was read a second time and considered in committee of the whole House, Mr Coop in the chair.

After some time the committee rose, and by their chairman reported the memorial to the House with amendments, to which the House agreed.

On motion of Mr Summers,

The memorial was ordered to be engrossed and read a third time on Monday next.

No. 1, Council file, "A joint resolution relative to printing," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House, Mr Ross in the chair, for the consideration of the same.

After some time the committee rose, and by their chairman reported the resolution stricken out, excepting the enacting clause, and asked the concurrence of the House.

On this question, Mr Hastings called for the yeas and nays, which were ordered, and were as follow:

Yeas—Messrs Bailey, Churchman, Coop, Cox, English, Fleenor, Hall, Hawkins, Lash, Mintun, Myers, Owen, Patterson, Rich, Walworth and Johnston, Speaker, 16.

Nays—Messrs Biggs, Brewer, Clark, Hastings, Langworthy, Leffler, Robertson, Ross, Summers and Wheeler, 10.

So the question was decided in the affirmative,

Mr Bailey moved to commit the enacting clause to a select committee.

On which motion Mr Hastings called for the yeas and nays, which were ordered, and were as follow:

Yeas—Messrs Bailey, Brewer, Hastings, Lash, Mintun, Myers, Owen, Patterson, Ross, Walworth and Wheeler, 11.

Nays—Messrs Biggs, Churchman, Clark, Coop, Cox, English, Fleenor, Hall, Hawkins, Langworthy, Leffler, Rich, Robertson, Summers and Johnston, Speaker, 15.

So the motion to commit was decided in the negative.

Mr Cox moved that the subject be indefinitely postponed, which was lost.

On motion of Mr Biggs,

The enacting clause was laid on the table, subject to the order of the House.

On motion, the House adjourned.

Monday Morning, Nov. 18, 1839.

Mr Summers offered the following :

Resolved by the Council and House of Representatives of the Territory of Iowa that Andrew Logan, editor of the Iowa Sun, at Davenport, be requested to publish in said paper, all laws of a general nature, that may be passed at the present session of the Legislature, as soon after their approval, as he possibly can, and that he be allowed the same prices as are paid him for publishing the acts of Congress. Which was read a first time.

On motion of Mr Coop,

Ordered, That the committee on Internal Improvements be instructed to inquire into the expediency of memorializing Congress, for an appropriation to build a bridge across the Cedar fork of Skunk river, where the road leading from Fort Madison to Fairfield, crosses said stream, and that they have leave to report by memorial or otherwise.

Mr English gave notice that he would on to-morrow or some day thereafter introduce a bill to exempt conscientious persons from performing military duty in time of peace.

Mr Rich offered the following :

Resolved, That his Excellency the Governør, be requested to furnish this House with the dates of the several sheriffs' commissions, by him issued throughout the Territory.

Which under the rule lies on the table one day.

Mr Langworthy gave notice, that he would on to-morrow, or some day thereafter, ask leave to bring in a memorial, praying Congress to construct a rail road from Lake Michigan, to the Mississippi river.

Mr Robertson gave notice, that he would on to-morrow, or some day thereafter, ask leave to introduce a memorial to the Congress of the United States, praying that body so to amend the Organic Law, as to extend the jurisdiction of justices of the peace to one hundred dollars.

Mr Leffler gave notice, that he would on to-morrow, or some subsequent day, introduce a bill to regulate the institution of suits by foreign executors, administrators and guardians within this Territory.

Mr Rich gave notice, that he would on to-morrow, or some day thereafter, ask for leave to introduce a bill to encourage the destruction of wolves.

Mr Hastings, from the select committee appointed for that purpose, reported No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this Territory,"

Which was read a first time.

Mr Summers, from the select committee to whom was referred No. 5, Council file, entitled "A joint resolution relative to the distribution of the acts of the 25th Congress," reported the same with amendments; which were read a first time.

Mr Hall, from the select committee to whom was referred the subject of the printing of the laws passed at the first session of the Legislative Assembly of the Territory of Iowa, made the following report:

The select committee to whom was referred the subject of the printing of the laws passed at the first session of the Legislative Assembly of the Territory of Iowa, have had the same under consideration, and after a full investigation thereof, beg leave to report as follows:

That it appears from documents on file, that a resolution was adopted by the Legislative Assembly, on the 23d day of November, 1839, employing Russell and Reeves publishers of the Iowa News at Du Buque, to print the Laws passed at the first session of the Legislative Assembly of the Territory of Iowa. 8

It also appears that on the 1st day of January, 1839, said Russell and Reeves entered into bonds to the Secretary, according to the requisitions of said resolution.

The first section of an act regulating the publication and distribution of the Laws and Journals of the Legislative Assembly of the Territory of Iowa, approved, January 21, 1839, says that it shall be the duty of the Secretary of the Territory, to make an index and marginal notes to the acts and joint resolutions, passed at the present session of the Legislative Assembly, as soon as possible, and as early as convenient, furnish the Territorial Printer with true copies of said acts and joint resolutions, together with the index and marginal notes thereto, who shall thereupon proceed without delay, agreeably to his contract to print two thousand copies of the laws, to which shall be added joint resolutions, also the local acts passed by the Legislative Assembly as hereinafter mentioned, and when so printed, they shall by him be put up in half binding and called the Statute Laws of Iowa Territory, and there shall be prefixed to the volume of acts a complete table of contents, the Declaration of Independence, articles of confederation and perpetual union, constitution of the United States, with the amendments thereto, the Ordinance of Congress, July 13, 1787, and the organic law of the Territory of Iowa, &c.

It further appears from receipts on file, that the first copies were received on the fourth day of March, first ensuing.

The second copies were received at Davenport per order March 17.

The third were received at Davenport per order on the 28th March.

The fourth were received by John B. Russell, at Davenport, April 6.

The fifth were received per Mr Mitchell, on the 15th day of April.

The last receipt is as follows :

Du BUQUE, July 19, 1839.

Received of Wm. B. Conway, Secretary of Iowa Territory, the manuscript copy of the index to the Statute Laws of Iowa Territory, from page 99 to 132, both inclusive and being the balance of the general index to the Laws.

RUSSELL & REEVES.

Your committee for further information on this subject, were referred to Mr J. W. Parker of the Council, whose statements are herewith transmitted.

BURLINGTON, NOVEMBER 18, 1839.

To the Chairman of the Committee of the House of Representatives, to whom was referred that part of the Governor's message which relates to the publication of the Laws of Iowa, passed at the last session.

SIR:—I am desired by Mr John B. Russell, to address to you answers to the following interrogatories :

1st. Was it your understanding at the time of the passage of the resolution appointing Russell and Reeves, printers of the Laws, that the copy was to be furnished immediately after the passage of the acts, in order that the printing of the same might be in progress while the Legislature was in session?

Answer to 1st. interrogatory. To the best of my recollection, it was.

2nd. Whether the copy was furnished us by the Secretary as soon as possible after the adjournment, and whether, to your knowledge, it was delayed for want of a written demand or order for the same, from said printers to the Secretary?

Answer to 2nd interrogatory. It was not furnished as soon as possible after the adjournment, inasmuch as after some copy was ready for the printers the Secretary required a written order from the printers for it. In obedience to that requirement an order was sent to him from said printers, by me, on the 21st or 22nd February, 1839, and handed to the Secretary on the 27th or 28th, who gave me copies of Statutes, which I sent by a mail carrier, who was paid for carrying them by said printers.

3rd. At what time did said printers receive the first copy from the the Secretary?

Answer to 3rd interrogatory. I believe said copies could not have been received before the 3rd or 4th of March by said printers.

4th. After the receipt of copies was the progress of the work delayed for want of further copy? If so, how long?

Answer to 4th interrogatory. It was. I was sometime in April, I think, entrusted with copy to carry up on a steamboat, and when I arrived at the office of said printers in Du Buque, I found they were out of copy and waiting, and learned they had been waiting a week or more.

5th. Did or did not said printers evince by words or action a desire to obtain copy and prosecute the work as fast as possible?

Answer to 5th interrogatory. I am confident that the printers were extremely anxious to finish the work as soon as possible. They manifested a great degree of impatience at the delay in receiving copy.

6th. Was the first copy furnished said printers by the Secretary, or were they obtained at the expense of the printers?

Answer to the 6th interrogatory. Is embraced in the answer to 2nd interrogatory.

7th. Did you not as agent for Russell and Reeves, present an order for all the copies of the Laws? Were they not withheld? and for what cause?

Answer to 7th interrogatory. I did; but they were withheld with the exception of the number mentioned in answer to 2nd interrogatory, because they were not ready.

Very respectfully,

J. W. PARKER.

From the above recited facts, it appears that the contract entered into by the said Russell & Reeves, pursuant to the resolution above referred to, required the Laws to be ready for distribution on or before the first day of May A. D. 1839, the law above recited it will be seen seemed to anticipate the speedy preparation and delivery of the manuscript copy of the Laws to the printers, as therein provided for, it further appears from the last receipt given above, that the last copy was not received until the 19th day of July, 1839, near two months after the time the work was to have been completed.

With a view of these facts your committee are of opinion, that the delay in printing the Laws which has been a matter of so much interest throughout the Territory, is not attributable to any neglect or disposition on the part of the printers not to perform their duty agreeably to their contract, but that the same would have been performed had copies been received as was anticipated by the act of the Legislative Assembly above alluded to.

Your committee would therefore recommend the passage of the following resolution.

Resolved by the Council and House of Representatives of the Territory of Iowa, That Russell & Reeves, publishers of the Laws of the Territory of Iowa, be and they are hereby entitled to the balance due on said work as though the same had been done by the first day of May 1839.

The resolution was read a first time.

No. 3, C. file, entitled "A bill to authorize Vinson H. Wamsley and Barnet Ristine to erect a dam across the Cedar fork of Skunk river, &c." was read a second time.

The House then resolved itself into a committee of the whole House, on the above entitled bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported the same to the House without amendment; which was agreed to, and ordered the bill to be read a third time to-morrow.

No. 15, H. R. file, entitled "A memorial for a donation of land for literary purposes," was read a second time, and

On motion of Mr Summers,

Was ordered to be engrossed and read a third time on Wednesday next.

No. 1, C. file, entitled "A memorial for the benefit of Jeremiah Smith, r."

No. 2, C. file, entitled "A bill to authorize the Legislative Assembly to punish for contempt."

No. 4, C. file, entitled "Joint resolutions relative to the appointment of a fiscal agent."

No. 6, H. R. file, entitled "A bill to provide for the election of county treasurers, and to define their duties."

No. 12, H. R. file, entitled "A memorial for the improvement of the Iowa and Cedar rivers," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," was read a second time.

The House then resolved itself into a committee of the whole House on the above entitled bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had had the said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

Mr Walworth moved to strike out all before the word "that," in the 5th line of the 14th section, which was determined in the negative.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Friday next.

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

TWO O'CLOCK, P. M.

Mr Wheeler, from the committee on engrossed bills, reported No. 10, H. R. file, entitled "Preamble and joint resolution relative to the improvement of the Des Moines river," as correctly engrossed.

Mr Speaker presented the petition of Joseph Webster, a contractor on the Penitentiary, praying for relief, &c., which was,

On motion of Mr Rich,

Referred to the committee on public buildings.

On motion of Mr Hastings, the House adjourned.

Tuesday Morning, Nov. 19, 1839.

On motion of Mr Leffler,

Ordered, That a select committee of three be appointed to inquire into the expediency of memorializing Congress, for a grant of land or an appropriation in money, for the construction of a McAdamized turnpike road, from the city of Burlington, in Des Moines county, by way of Augusta, in said county, to the town of West Point, in Lee county, thence to the town of Bentonsport, on the Des Moines river, in Van Buren county:

said road to be laid out under the direction of the Government of the United States.

Messrs Leffler, Owen, and Biggs, were appointed said committee.

On motion of Mr Bailey,

Ordered, That the committee on public buildings be instructed to inquire into the expediency of altering that part of the law providing for the erection of a Penitentiary, and establishing and regulating prison discipline for the same, which relates to the compensation of the directors.

On motion of Mr Walworth,

Ordered, That the committee on Internal Improvements, be instructed to inquire into the expediency of memorializing Congress, on the subject of an appropriation to build a bridge across the south fork of the Makoqueta river, where the Territorial road, as established by an act of the last Congress crosses said river, and that they have leave to report by memorial or otherwise.

On motion of Mr Mintun,

Ordered, That the committee on roads and highways, be instructed to inquire into the expediency of establishing a territorial road, commencing at the county seat of Louisa county, and thence to the county seat of Washington county, and report by bill or otherwise.

The resolution offered by Mr Rich, on yesterday, calling upon the Executive for information relative to the dates of the several Sheriffs' commissions issued by him, was taken from the table and adopted.

Mr Cox gave notice that he would on some future day, bring in a bill to regulate conveyances.

No. 5, Council file, entitled "A joint resolution relative to the distribution of the acts of the 25th Congress, was read a second time, and ordered to be read a third time on to-morrow.

No. 16, H. R. file, entitled "A joint resolution relative to the printing of the laws in the Iowa Sun," was read a second time, and

On motion of Mr Cox,

Laid on the table, subject to the order of the House.

No. 18, H. R. file, entitled "A joint resolution relative to Russell & Reeves, printers of the Laws of the last session," was read a second time.

The House then resolved itself into a committee of the whole House, on the above entitled resolution: After some time spent therein, Mr Speaker resumed the chair, and Mr Biggs reported that the committee had had said resolution under consideration, and directed him to report the same to the House without amendment.

Pending the question of agreeing to the report of the committee of the whole, a call of the House was had,

On motion of Mr Hawkins,

When it appeared that Messrs Hall, Hastings, Langworthy and Wheeler, were absent.

The Sergeant-at-arms, was directed by the Speaker to compel the attendance of the absentees, who after a short time, gave their attendance.

The question was then taken upon agreeing to the report of the committee; and decided in the affirmative.

The resolution was ordered to be engrossed and read a third time on to-morrow.

No. 10, H. R. file, entitled "Preamble and joint resolution relative to the improvement of the Des Moines river."

No. 3, Council file, entitled "A bill to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar fork of Skunk river, &c." were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Churchman, from the committee on territorial affairs, reported No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," which was read a first time.

Mr Patterson gave notice, that he would on to-morrow, or some day thereafter, ask leave to bring in a bill to prevent firing woods and prairies.

On motion of Mr Bailey,

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

TWO O'CLOCK, P. M.

Mr Myers, from the committee on engrossed bills, reported No's. 14 and 15, H. R. file, as correctly engrossed.

No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this Territory," was read a second time.

The House then resolved itself into a committee of the whole House on the said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had had the memorial under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

And on motion of Mr Hastings,

Ordered, That the memorial be engrossed and read a third time on Thursday next.

Mr Hastings, from the committee on the judiciary, to whom was referred the resolution of the House, requiring them to report to the House what laws contained in the Michigan and Wisconsin statutes were in force in this Territory, made the following report:

The committee on the judiciary, who were instructed to report what laws in the Revised Statutes of the Territory of Michigan and also what laws in the statute of Wisconsin unincorporated in the statute of Iowa, are now in force in this Territory, report the following acts:

1. An act to authorize the board of supervisors to ascertain township lines in certain cases.
2. An act to aid the raising of sheep.
3. An act respecting marks and brands, for horses, cattle, sheep and hogs.
4. An act to provide for the appointment of supreme court commissioners in certain counties, and to define their powers and duties.
5. An act to authorize justices of the peace and notaries public, to administer oaths.

6. An act concerning the powers of sheriffs and constables in certain cases.

7. An act prescribing the manner of devising lands, tenements and hereditaments.

8. An act to provide for the partition of lands.

9. An act to abolish entails and to regulate the mode of conveyances to joint tenants

10. An act concerning deeds and conveyances.

11. An act to authorize aliens to hold real estate.

12. An act concerning mortgages.

13. An act for the filing and recording of wills proven without this Territory, &c.

14. An act to enable grantees of reversion and lessees mutually to avail themselves of covenants and conditions.

15. An act making certificates of purchase of the public lands, evidence of possession.

16. An act in relation to affidavits and other judicial proceedings held in other states and foreign countries.

17. An act regulating marriages.

18. An act for speedy assignment of dower, and for the prevention of strip and waste by tenants therein.

19. An act for the support and maintenance of illegitimate children.

20. An act for the prevention of frauds.

21. An act to amend an act for the limitation of suits on penal statutes criminal prosecution and actions at law.

22. An act for regulating references and determining controversies by arbitration.

23. An act to prevent damages by mischievous dogs.

24. An act to enforce the observance of the Sabbath.

25. An act concerning habitual drunkards and to protect their estate.

26. An act for the punishment of idle and disorderly persons.

27. An act for providing and regulating prisons.

28. An act declaring the law concerning the escape of prisoners in certain cases.

29. An act concerning fines, penalties and forfeitures.

30. An act for the better apprehending of felons and other offenders.

31. An act for the limitation of suits on penal statutes, criminal prosecutions and actions at law.

32. An act to provide for the collection of fees in certain cases.

33. An act to incorporate medical societies for the purpose of regulating the practice of physic in the Territory of Michigan.

34. An act to prevent the exercise of foreign jurisdiction within the limits of the Territory of Michigan.

On motion of Mr Biggs,

Ordered, That fifty copies of the report be printed.

No. 14, H. R. file, entitled "A memorial to Congress for the Survey of Skunk river," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hastings,

Ordered, That a select committee of the delegations from Muscatine and Johnson, Louisa and Washington counties, be appointed to inquire into the propriety of memorializing Congress, for an appropriation to improve the road from Bloomington to Drury's Mills, Illinois, and also for bridging the Muscatine slough,

And also to improve the Territorial road, from Bloomington to Iowa City.

On motion of Mr Patterson,

Ordered, That James Clarke & Co., editors of the Gazette, be employed to do the incidental printing of the House of Representatives, during the present session, and that they be allowed the same price as the printers to Congress for similar work.

Mr Langworthy, by leave and in accordance with previous notice, introduced

No. 20, H. R. file, entitled "A memorial to Congress for an appropriation to construct a rail road from Lake Michigan to the Mississippi river," which was read a first time.

On motion of Mr Owen, the House adjourned.

Wednesday Morning, Nov. 20, 1839.

Mr Langworthy, presented the petition of George W. Jones, praying for a ferry privilege at Du Buque, which was read and referred to the committee on incorporations.

Mr Walworth, presented the petition of sundry inhabitants of Cedar county, praying for the re-location of the seat of justice of said county; which was read and referred to a select committee.

Messrs Walworth, Robertson and Cox, were appointed said committee.

Mr Wheeler, presented the petition of sundry citizens of Clayton county, praying for the re-location of the county seat of said county, which was read, and referred to the committee on townships and county boundaries.

On motion of Mr Owen,

Ordered, That James Clarke & Co., editors of the Gazette, be requested to print the journals in pamphlet form, for the use of the members of the House of Representatives.

On motion of Mr Robertson,

Ordered, That the committee on roads and highways, be instructed to inquire into the expediency of locating a Territorial road from Camanche,

in Clinton county, via the seat of justice for Cedar county, to Iowa City.

Mr Walworth, gave notice, that he would on to-morrow or some subsequent day, ask leave to introduce a bill to amend the existing law regulating the qualifications of voters in this Territory.

Mr Biggs, from the committee on roads and highways, reported No. 21, H. R. file, entitled "A bill establishing certain Territorial roads therein named.

Mr Robertson, in accordance with previous notice reported No. 22, H. R. file, entitled "A memorial to the Congress of the United States, on the subject of amending the organic law of the Territory of Iowa."

The said bills were severally read a first time.

Mr Bailey gave notice, that he would on some future day, ask leave to bring in a bill, repealing a portion of the law entitled "An act to provide for laying out and opening Territorial roads."

Mr Rich, from the minority of the committee to whom was referred so much of the "Governor's message as relates to the admission of this Territory into the Union as a state;" made a report, which was read, and

On motion of Mr Hawkins,

Ordered, That five hundred copies be printed, and that the report be made the order of the day for Friday next.

Mr Myers, from the committee on engrossed bills, reported No. 18, H. R. file, as correctly engrossed.

Mr Patterson, in accordance with previous notice, introduced No. 23, H. R. file, entitled "A bill to prevent firing of woods and prairies," which was read a first time.

Mr Hall, gave notice that he would on to-morrow or some day thereafter introduce a bill relative to the incompatibility of offices.

Also, a bill for the benefit of the sheriff of Van Buren county.

Mr English, in accordance with previous notice introduced No. 24, H. R. file, entitled "A bill to exempt conscientious persons from performing militia duty in time of peace;" which was read a first time.

The Speaker laid before the House a communication from the Executive, in answer to a resolution of the House on yesterday, which was read, and on motion,

Ordered, That Mr Rich have leave to withdraw the same from the table.

Mr Leffler, in accordance with previous notice, introduced No. 25, H. R. file, entitled "A bill to regulate the institution of suits by foreign executors, administrators and guardians."

Mr Hawkins, from the committee on public buildings, reported No. 26, H. R. file, entitled "A bill to amend an act to provide for the erection of a penitentiary and establishing and regulating prison discipline for the same;" which were severally read a first time.

The House then adjourned—the orders of the day were consequently postponed until to-morrow.

Thursday Morning, Nov. 21, 1839.

On motion of Mr Cox,

Ordered, That the committee on the militia be instructed to bring in a memorial asking Congress to grant to the rangers of the late war one quarter section of land.

On motion of Mr Brewer,

Ordered, That Messrs Clarke and McKenny be instructed to print a sufficient number of the journals of this House, to furnish the members of the Council with a copy of the same, and also, to reprint in pamphlet form, the journals of this House from the commencement of the present session.

On motion of Mr Brewer,

Ordered, That the standing committee on roads and highways, be instructed to inquire into the expediency of establishing a Territorial road from Wapello, the county seat of Louisa county, to Moscow, in the county of Muscatine.

Mr Summers gave notice,

That he would on to-morrow, ask leave to introduce a bill for the relief of the administrators of the late Benjamin W. Clark, of Scott county.

Mr Hawkins, from the committee on public buildings, to whom was referred the petition of Joseph Webster, made a report, which was read and on motion of Mr Rich, laid upon the table.

Mr Hawkins, from the committee on the judiciary, reported No. 27, H. R. file, entitled "A bill regulating marriages," which was read a first time.

Mr Myers, from the committee on engrossed bills, reported No. 1, and No. 17, H. R. file, as correctly engrossed.

Mr Cox, in accordance with previous notice, reported No. 28, H. R. file, entitled "A bill to regulate conveyances," which was read a first time.

A message from the Council by Mr Wallace, their secretary :

Mr Speaker: I am instructed to inform the House of Representatives, that the Council have passed bills,

No. 9, C. F. "An act to authorize evidence by the oath of parties."

No. 7, C. F. "An act for the benefit of settlers, &c. on the half breed lands."

No. 2, C. F. "A memorial on the subject of an appropriation on the Territorial road, leading from Du Buque to the northern boundary of Missouri, &c."

No. 5, H. R. file, "A preamble and joint resolutions relative to the unsurveyed lands," with amendments, also,

No. 12, H. R. file, "A memorial for the improvement of the Iowa and Cedar rivers," with an amendment.

In all of which the concurrence of the House is requested. And then he withdrew.

Mr Rich, in accordance with previous notice, introduced No. 29, H. R. file, entitled "A bill to encourage the destruction of wolves."

Mr Hastings, from the committee on the judiciary, reported No. 30, H. R. file, entitled "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa;" said bills were severally read a first time.

Mr Hastings gave notice that he would at some future day ask leave to introduce the following entitled bills:

A bill to repeal a part of the 86th section of the act entitled "an act relative to proceedings in chancery," approved January 23d, 1839.

A bill to alter and repeal a part of the 9th section of an act entitled "an act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings;" approved January 25, 1839.

A bill to repeal a part of an act entitled "an act regulating the issuing of writs of *ne exeat* and *injunctions*."

A bill supplemental to an act entitled "an act regulating practice in the district courts of the Territory of Iowa."

Mr Walworth gave notice,

That he would on to-morrow or some subsequent day, ask leave to introduce a bill to provide for the location of the seat of justice in Jones county.

No. 5, C. F., entitled "A joint resolution relative to the distribution of the acts of the 25th Congress."

No. 15, H. R. file, entitled "A memorial to Congress for a donation of land for literary purposes."

No. 18, H. R. file, entitled "A joint resolution relative to Russell & Reeves, printers of the laws, were severally read a third time and passed, and their titles agreed to,

Ordered, That the clerk acquaint the Council therewith.

No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had had the said bill under consideration and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Langworthy,

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

No. 20, H. R. file, entitled "A memorial to Congress, for an appropriation to construct a rail road from Lake Michigan to the Mississippi river," was read a second time, and

On motion of Mr Hawkins,

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

No. 21, H. R. file, entitled "A bill establishing certain Territorial roads therein named," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had had the said bill under consideration, and directed him to report the same to the House, with amendments, to which the House disagreed.

On motion of Mr Summers,

Ordered, That the bill be recommitted to the committee on roads and highways.

Mr Bailey gave notice,

That he would on to-morrow or some day thereafter introduce a memorial, asking Congress to make an additional appropriation for the completion of the road located by Congress at its last session; commencing at Burlington and terminating at the Agency, on the Des Moines river.

On motion of Mr Owen,

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

TWO O'CLOCK, P. M.

No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this Territory," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 22, H. R. file, entitled "A memorial to the Congress of the United States, on the subject of amending the organic law of the Territory," was read a second time; and on motion of Mr Summers, the House resolved itself into a committee of the whole House, on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had had the memorial under consideration and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Summers,

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

No. 23, H. R. file, entitled "A bill to prevent firing woods and prairies," was read a second time; and

On motion of Mr Owen,

Was laid on the table until the fourth day of July next.

No. 24, H. R. file, entitled "A bill for the relief of persons having conscientious scruples against bearing arms in time of peace," was read a second time. The House then resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen, reported that the committee had had the said bill under consideration, and directed him to report the same to the House, with amendments, to which the House agreed.

Mr Biggs moved to strike out all after the enacting clause, and on this

motion Mr Hastings called for the yeas and nays, which were ordered, and were as follow :

Yeas—Messrs Bailey, Biggs, Brewer, Churchman, Clark, Hall, Hawkins, Langworthy, Lash, Leffler, Ross and Wheeler, 12.

Nays—Messrs Coop, Cox, English, Fleenor, Hastings, Mintun, Myers, Owen, Rich, Robertson, Summers, Walworth and Johnston, Speaker, 13.

So the question was decided in the negative.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Monday next.

Mr Churchman gave notice that he would on to-morrow, introduce "A bill to provide for the execution of title deeds to lots in Iowa City, and for other purposes."

On motion of Mr Biggs,

Leave of absence until Monday next, was granted Mr Patterson.

On motion the House adjourned.

Friday Morning, Nov. 22, 1839.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker: I am instructed to inform the House that the Council have passed

No. 14, H. R. file, "Memorial for a survey of Skunk river," with an amendment;

No. 8, C. F. "A bill to authorize the incorporation of Lyceums :

In which the concurrence of the House is requested.

I also herewith present for your signature

No. 1, C. F. "Memorial of Jeremiah Smith;"

No. 2, C. F. "An act to authorize the Legislative Assembly to punish for contempt, &c."

No. 3, C. F. "An act to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar Fork of Skunk river, &c." also,

No. 3, C. F. "Joint resolution relative to the appointment of a fiscal agent." And then he withdrew.

The Speaker signed the bills, memorial and resolution above mentioned.

Mr Summers in accordance with previous notice, introduced No. 31, H. R. file, entitled "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark."

Mr Robertson gave notice that he would, on to-morrow or some day subsequent thereto, ask leave to introduce a bill authorizing aliens and foreigners to hold real estate in this Territory.

Mr Walworth, from the select committee appointed for that purpose, reported No. 32, H. R. file, entitled "A bill to re-locate the seat of justice in and for the county of Cedar."

Mr Hall in accordance with previous notice, introduced No. 33, H. R. file, entitled "A bill relative to the incompatibility of offices."

Said bills were severally read a first time.

On motion of Mr Hastings,

Ordered, That the majority and minority reports of the committee to whom was referred so much of the Governor's message as relates to the admission of this Territory into the Union as a state, and which were the order of the day for to-day, be postponed, and made the order of the day for Monday next.

Mr Wheeler, from the committee on engrossed bills reported No's 19 and 20, H. R. file, as correctly engrossed.

No. 1, H. R. file, entitled "A bill to provide for the incorporation of townships," was read a third time, passed, and the title agreed to.

Ordered, That the Clerk acquaint the Council therewith.

No. 5, H. R. file, entitled "A preamble and joint resolutions relative to the unsurveyed lands," as amended by the Council, was then taken up, and

On motion of Mr Summers,

The first amendment was concurred in.

On motion of Mr Bailey,

The second amendment was disagreed to.

No. 12, H. R. file, entitled "A memorial for the improvement of the Iowa and Cedar rivers," as amended by the Council, was taken up, and

On motion of Mr Bailey, was disagreed to.

No. 9, C. F. entitled "A bill to authorize evidence by the oath of parties;"

No. 7. C. F. entitled "A bill for the benefit of settlers, &c. on the Half Breed lands," were severally read a first time.

On motion of Mr Hawkins,

No. 9, H. R. file, entitled "A bill to prevent kidnapping," was taken from the table and considered in committee of the whole House.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the House had had the said bill under consideration and instructed him to report the same to the House without amendment.

On motion of Mr Hawkins,

Ordered, That the further consideration of the above named bill be indefinitely postponed.

No. 25, H. R. file, entitled "A bill to regulate the institution of suits by foreign executors, administrators and guardians within this Territory," was read a second time, and

On motion of Mr Hall,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the chair and Mr Hawkins reported that the committee had had the same under consideration, and instructed him to report the bill to the House with amendments, to which the House agreed.

On motion of Mr Leffler,
Ordered, That the bill be engrossed and read a third time on Wednesday next.

No. 26, H. R. file, entitled "A bill to amend an act to provide for the erection of a Penitentiary, &c." was read a second time, and

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Cox reported that the House had had said bill under consideration and instructed him to report the same to the House with amendments, to which the House agreed.

Mr Bailey called for the yeas and nays on agreeing to the question of allowing the Superintendent the sum of \$1000 per annum, which were ordered, and were as follows:

Yeas—Messrs Biggs, Brewer, Churchman, Clark, Cox, Fleenor, Hall, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Rich, Robertson, Ross, Summers, Walworth, Wheeler and Mr Speaker, 21.

Nays—Messrs Bailey, Coop, English and Lash, 4.

On motion of Mr Coop,

Ordered, That the bill be engrossed and read a third time on Tuesday next.

Mr Fleenor gave notice, that he would on to-morrow, or some day thereafter introduce a bill concerning public roads.

On motion of Mr Hastings,

The House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr Bailey moved that a call of the House be had, which was ordered, Whereupon it appeared that Messrs Brewer, Churchman, Clark, Hawkins, Mintun, Owen, Rich and Ross, were absent.

On motion of Messrs Cox and Bailey,

Leave of absence until Monday next, was granted Messrs Brewer and Owen.

The Speaker then despatched the Sergeant-at-arms, in search of the absentees, who gave their attendance, when on motion of Mr Hastings the further call of the House was suspended.

Mr English moved that the House adjourn until Monday next.

Upon this question Mr Hastings called for the yeas and nays which were ordered.

Those who voted in the affirmative, were Messrs Cox, English and Hastings, 3.

Those who voted in the negative, were Messrs Bailey, Biggs, Coop, Fleenor, Hall, Langworthy, Leffler, Myers, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 14.

So the question was decided in the negative.

No. 14, H. R. file, entitled "A memorial for a survey of Skunk river," as amended by the Council was taken up, and the amendment disagreed to.

No. 8, Council file, entitled "A bill to authorize the incorporation of Lyceums," was read a first time.

No. 27, H. R. file, entitled "A bill to regulate marriages," was read a second time, and

On motion of Mr Hall,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair and Mr Ross reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments.

The House agreed to the amendments with the exception of striking out the tenth section.

On motion of Mr Langworthy,

The tenth section was amended by striking out all before the word "that" in the fifth line.

On motion of Mr Hastings,

The word "June" was stricken out in the eleventh section, and the word "March" inserted.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Tuesday next.

On motion of Mr English,

The House adjourned till Monday.

Monday Morning, Nov. 25, 1839.

Mr Langworthy presented the petition of the Trustees of the Town of Du Buque on the subject of the Ferry privileges at said town, which,

On motion of Mr Langworthy,

Was referred to the committee on Incorporations.

Mr Hastings, from the committee on the Judiciary, reported No. 34 H. R. file, entitled "A Bill in relation to the safe custody of persons arrested for crimes and misdemeanors," which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th Rule of the House be suspended so as to permit No. 34, H. R. file, to be read a second and third time to-day.

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House on said Bill. After some time spent therein, Mr Speaker resumed the Chair and Mr Hall reported that the House had had the said bill under consi-

eration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the said bill be considered as engrossed and read a third time now.

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

Ordered, That the Clerk acquaint the Council therewith.

Mr Myers from the committee on Engrossed Bills reported Nos. 22, 24, 25, 26, 27, H. R. file, as correctly engrossed.

Mr Churchman, in accordance with previous notice, reported No. 35, H. R. file, entitled "A Bill to provide for the execution of title Deeds to lots in the city of Iowa and for other purposes."

Mr Robertson, in accordance with previous notice introduced No. 36, H. R. file, entitled "A Bill authorizing aliens and foreigners to hold real Estate in this Territory." Said bills were severally read a first time.

Mr Hastings gave notice that he would on some future day introduce a bill to authorize Lewis McKee to build a dam across the Muscatine Slough.

The House then passed to the several orders of the day.

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on the Report of the majority and minority of the committee on Territorial Affairs, to whom was referred so much of the Governor's Message as relates to the admission of the Territory of Iowa into the Union as a State.

After some time spent therein Mr Speaker resumed the Chair and Mr Biggs reported that the committee had had the said Reports under consideration and made some progress therein and asked leave to sit again. Leave was granted.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 34, H. R. file, entitled "A Bill in relation to the safe custody of persons arrested for crimes and misdemeanors," and have made sundry amendments thereto, in which the concurrence of the House is requested. And then he withdrew.

Said bill was then taken up and the amendments of the Council agreed to.

On motion of Mr Hall,

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

TWO O'CLOCK, P. M.

On motion of Mr Hawkins,

The House again in committee of the whole House resumed the consideration of the majority and minority reports of the committee on Territorial affairs to whom was referred so much of the Governor's message as relates to the admission of the Territory of Iowa into the Union as a State.

After some considerable time spent therein Mr Speaker resumed the Chair and Mr Biggs reported that the committee had had said reports under

consideration, and had made some progress therein, and asked leave to sit again. Leave was granted.

Mr Walworth from the committee on enrollments, reported "An act in relation to the safe custody of persons arrested for crimes and misdemeanors," as correctly enrolled.

The Speaker signed the above entitled act.

And then the House adjourned.

Tuesday Morning, Nov. 26, 1839.

Mr Robertson gave notice that he would, on Wednesday next or some subsequent day, ask leave to introduce a bill making certificates of the purchase of public lands evidence of possession.

Also, a bill for the speedy assignment of dower, and to prevent strip and waste by tenants thereon.

No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof."

No. 20, H. R. file, entitled "A memorial to Congress, for an appropriation to construct a rail road from Lake Michigan to the Mississippi river," were severally read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 24, H. R. file, entitled "A bill to exempt conscientious persons from performing militia duty in time of peace;" was read a third time, and pending the question of the passage of the bill,

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

Those who voted in the affirmative were Messrs Coop, English, Lash, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker—13.

Those who voted in the negative were Messrs Bailey, Biggs, Churchman, Clark, Cox, Fleenor, Hall, Hawkins, Langworthy, Leffler and Wheeler—11.

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

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hall,

The House again, in committee of the whole House, resumed the consideration of the majority and minority reports of the committee on territorial affairs, to whom was referred so much of the Governor's message as relates to the admission of the territory of Iowa into the Union as a state.

After some considerable time spent therein, Mr Speaker resumed the chair, and Mr Biggs reported that the committee had again had said re-

ports under consideration and made some progress therein, and asked leave to sit again.

Leave was granted.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker—I am instructed to inform the House that the Council have disagreed to the amendment made by the House to the resolution of the Council relative to the distribution of the acts of the 25th Congress ; and have passed

No. 18, H. R. file, "A joint resolution relative to Russell & Reeves printers of the laws of last session," without amendment.

And then he withdrew.

Mr Brewer, from the joint committee on enrollments, reported that the said committee did, on yesterday, present to the Governor for his approval, the following entitled acts, viz :

No. 3, C. F. "An Act to authorize Vinson H. Wamsley and Barnet Ristine, to erect a dam across the Cedar fork of Skunk river."

No. 2, C. F. "An act to authorize the Legislative Assembly to punish for contempt, and to privilege the members from arrest."

Also, the " memorial of Jeremiah Smith."

"A Joint Resolution relative to the appointment of a Fiscal Agent."

Also, on this day "An Act in relation to the safe custody of persons arrested for crimes and misdemeanors."

On motion of Mr Hall,

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

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker:—I am instructed to inform the House that the Council insist upon their amendments to

No. 5, H. R. file, "A Preamble and joint resolutions relative to the unsurveyed lands."

No. 12, H. R. file, "A memorial for the improvement of the Iowa and Cedar rivers."

No. 14, H. R. file, "Memorial for a survey of Skunk river."

Which amendments have been disagreed to by the House.

And then he withdrew.

On motion of Mr Hastings,

The House again in committee of the whole House resumed the consideration of the majority and minority reports of the committee on Territorial affairs to whom was referred so much of the Governor's message as relates to the admission of the Territory of Iowa into the Union as a State.

After some considerable time spent therein, Mr Speaker resumed the Chair and Mr Biggs reported that the committee had had the said reports under consideration and directed him to report the report of the majority of the committee on Territorial affairs with the following amendment :

"Your committee therefore, submit for adoption, the following resolution :

Resolved, 'That it is inexpedient to take any preparatory steps for admission into the Union at the present session of the Legislative Assembly.'

Pending the adoption of this amendment, Mr Langworthy called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Biggs, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Owen, Robertson, Ross, Summers, Walworth and Wheeler, 21.

Those who voted in the negative, were Messrs Hall, Patterson, Rich and Johnston, Speaker, 4.

So the amendment was adopted.

Said Reports are as follows :

The committee on Territorial Affairs to whom was referred that part of the Governor's Message which recommends the "early passage of a memorial to Congress, respectfully asking of that body the passage of an act at their ensuing session, granting to the inhabitants of Iowa Territory the right to form a Constitution and State Government, and to provide for their admission into the Union upon an equal footing with the original States," ask leave to report: That they have had the matter so referred under due consideration, and with all due deference and respect for the views and opinions of the Executive upon the subject, your committee have come to the conclusion that any steps taken at so early a period as the present, for our admission as a State, would not be beneficial, if not detrimental, to the best interests of the people.

We are yet very young, as a Territory, and although possessing the requisite number of inhabitants to entitle us to admission as a State, your committee have taken into consideration the fact that scarcely any, or but a tithe of the public lands within our boundaries have yet been sold; and some considerable time must yet elapse before the people can become holders of real property, upon which to levy taxes for the support of a State Government.

During the period that the public lands are being brought into market and sold, a constant drain of their pecuniary means is and will be kept up upon the people, to meet their payments in the several land offices, and to secure to themselves and their families the benefits of the time, labor and money which have been expended in making their respective claims and improvements. Our population consists chiefly of enterprising, industrious and hardy citizens, of limited means, who in the opinion of your committee would be oppressed, not benefited, by the heavy taxation consequent upon our coming into the Union as a State, and onerous indeed must be such drafts upon their means, at a time when all their resources are required to give them a beginning in the world and to provide themselves a home.

Your committee have also taken into consideration the subject of our Territorial expenses being now defrayed by the General Government, and our whole system of affairs both civil and military being sustained at little or no cost to the people—while on the other hand there is but one of two alternatives for defraying the expenses contingent upon our commence-

ment of a State Government. The one an immediate contraction of a heavy public debt by negotiating loans from abroad, which must keep us long under embarrassment in our State affairs: The other an immediate assessment of heavy rates upon personal property, or a levy of a heavy poll tax upon individuals; which must render the new State Government burthensome as well as odious to the people.

Nor can your committee conceive of any direct benefit or advantage that would result to the people from so early a change of our system of police. It could not add to the prosperity of the agriculturist, the merchant, the miner, or the mechanic; nor could it render any more fruitful the sources of profit which are open to honest industry and application.

True it is that in times past, the citizens of the Territories subject to the United States, have labored under severe restrictions as to the power and privilege of self government; the Legislative privileges of those Territories, having been confined to the Governor and Council, or as in case of the Territory of Michigan, to the Governor and Judges of the courts, with no power to originate laws, but confined exclusively to the adoption of such laws, from the codes of the different States, as in their judgment seemed proper.

But this system of policy has by the General Government, been long since abandoned, and in the organization of the Territory of Iowa, the people are invested with the full power of self government in nearly as plenary form as that of any State in the Union. We are guaranteed the privilege of electing members to a Council and House of Representatives, corresponding in their powers and duties, with the Senate and House of Representatives of the several States. And although in the passage of our laws, in regard to their force and validity, we are subject to the revision and approval or disapprobation of Congress, yet this supervisory power has seldom or never been exercised to our prejudice, and there is little reason to suppose it ever will.

Your committee can therefore see but little accession to the powers or privileges of the people, to be gained by changing our Territorial for a State form of government, while much accession would be created in point of trouble and expense.

Your committee therefore submit for adoption the following resolution:

Resolved, That it is inexpedient to take any preparatory steps for admission into the Union at the present session of the Legislative Assembly.

The minority of the committee on Territorial Affairs to whom was referred that part of the Governor's Message which recommends the "early passage of a memorial to Congress, respectfully asking of that body the passage of an act at their ensuing session, granting to the inhabitants of Iowa Territory, the right to form a constitution, and state government, and to provide for their admission into the Union upon an equal footing with the original States," respectfully reports; that he has had the subject so referred under consideration, and with all due respect for the arguments of the majority of your committee, has come to the conclusion that the present Legislative Assembly ought to make some provisions allowing the people to hold a convention, and to frame a constitution, as

soon as it can be ascertained that a majority of them are in favor of entering the Union as an independent State.

The propriety of forming a constitution, and asking for admission into the Union, is a question that properly belongs to the people.

It is the people's right to decide, and no course of Legislation should be adopted that would tend to interrupt the free exercise of this right. The infancy of our Territory, and the fact of but a small portion of the public lands having been sold, are urged as arguments against taking any steps towards becoming a State.

In answer to these arguments it may be said, that it is old in natural advantages and in enterprize: possessing the means of supporting a dense population, and a prosperous State;—and it is but reasonable to conclude that all the surveyed lands in the Territory, will be owned by actual settlers, and cultivators of the soil, before our Territory is completely organized as a State.

It is true that a drain of their pecuniary means may be kept up upon the people for a time,—but this drawing upon their resources by the general government, will not be so great as to render the people incapable of bearing the necessary expenses of an economical State. The new states which present to the world empty coffers and bankruptcy have been reduced to that condition, not by the necessary expenses of government, but by impolitic measures, and by unauthorized and visionary schemes of internal improvements. The minority of your committee is aware, as has been urged by the majority, that the expenses of the Territory are defrayed by the general government, and that the foundation of a state government would place additional burdens upon the citizens. These are important facts which should be properly understood by the people, before they act upon this subject.

It is true that the general government has always been liberal towards her Territories—that the purse of the nation has always been open to supply our wants, and advance our welfare, and that it has been from the birth of our Territory, the policy of the United States to cherish and promote the interest of Iowa.

But if the people of Iowa elect to take upon their own shoulders the responsibilities of self government, and to surrender these pecuniary advantages, as the price of independence and sovereignty, no one has a right to question their course.

It may in truth be said, that the sooner the people of Iowa pass through the scene of confusion from a territorial to a state government, the sooner they will be able to present to the world a civil organization worthy of the country in which they live. In our judiciary, the most important branch of government we cannot expect any thing like perfection, until the whole system is placed under the control of an independent State.

The minority of your committee has also taken into consideration, the standing that would be given to our State upon its admission into the Union. It is the received opinion that in Territories, there is less certainty in the laws, and less security for persons and property, than in State governments. By admission into the Union capital and enterprize would be brought into the State, commerce would receive an impetus, and new en-

couragement would be given to the agriculturist, and to the mechanic. The amount of taxable personal property would be greatly increased, and the value of property greatly enhanced. In addition to these arguments it may be said that the people by admission, would secure to themselves many and important political privileges. They would then have a right to organize their judiciary and fill the offices of the State with selections from among the citizens of the country.

So far as present pecuniary advantages are concerned it is perhaps the policy of the country to remain a Territory; but the future prosperity of the country, would no doubt be promoted by becoming a State.

If our citizens wish to enjoy all the rights and privileges which appertain to freemen, and give to their Territory the attributes of sovereignty; if they wish to enjoy the elective franchise without dictation from a superior; and if they wish to enact their own laws independent of a supervisory power from abroad, they must ask for and obtain admission into the Union.

The minority of your committee would therefore respectfully recommend the passage of a memorial asking Congress to pass a law authorizing the people of the Territory to elect delegates to a convention, which convention when assembled shall be authorized to decide, whether it be, or be not expedient, to form a constitution and state government for the Territory.

The question was then taken upon the adoption of the report as amended.

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

Those who voted in the affirmative, were Messrs Bailey, Biggs, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Owen, Robertson, Ross, Summers, Walworth and Wheeler—21.

Those who voted in the negative, were Messrs Hall, Patterson, Rich and Johnston, Speaker—4.

So the report as amended was adopted.

And then the House adjourned.

Wednesday Morning, Nov. 27, 1839.

On motion of Mr Summers,

Ordered, That the committee on common schools be instructed to inquire into the expediency of establishing a seminary of learning at Parkhurst, in Scott county, and report to this House by bill or otherwise.

On motion of Mr English,

Ordered, That a select committee be appointed of one member from each electoral district in the Burlington Land District, to take into consideration the propriety of memorializing the President of the United States to further postpone the sale of the public lands in the Burlington District, and report by memorial or otherwise. Messrs English, Patterson, Bailey, Myers, Mintun, Clark, and Robertson were appointed said committee.

On motion of Mr Lash,

Ordered, That the committee on Roads and Highways be instructed to inquire into the expediency of establishing a Territorial road from Mount Pleasant, in Henry county, to the seat of justice in Washington county, and report by bill or otherwise.

Mr Bailey, in accordance with previous notice, introduced No. 37, H. R. file, entitled "A memorial to Congress for an additional appropriation to complete the road from Burlington to the Indian Agency," which was read a first time.

Mr Biggs gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a bill providing for districting Van Buren county, for the election of county commissioners, and repealing the sixth and seventh sections of "An Act to district the several counties in this Territory for the election of county commissioners."

Mr Hastings, in accordance with previous notice, introduced No. 38, H. R. file, entitled "A Bill to provide for the support of illegitimate children," which was read a first time.

No. 25, H. R. file, entitled, "A Bill to regulate the institution of suits by foreign executors and administrators, within this Territory."

No. 26, H. R. file, entitled, "A Bill to amend an act relative to the Penitentiary."

No. 27, H. R. file, entitled, "A Bill regulating marriages," were severally read a third time, passed, and their titles agreed to.

Ordered, That the Clerk acquaint the Council therewith.

A message from the Council by Mr Wallace, their secretary :

Mr Speaker:—I am instructed to inform the House that the Council have passed No. 2, C. F. "A memorial on the subject of an appropriation for the Territorial road from Du Buque to the northern boundary of Missouri."

Also, No. 4, C. F. A Bill concerning Deeds and mortgages and to prevent frauds ;

In which the concurrence of the House is requested.

And then he withdrew.

The message from the Council of yesterday was then taken up.

Mr Cox moved that the House recede from their vote, disagreeing to the amendments of the Council to Nos. 5, 12, and 14, H. R. file,—which motion was lost.

On motion of Mr Hawkins,

Ordered, That a committee of conference be appointed to confer with the Council in relation to the disagreeing vote of the two Houses on said

bills. Messrs Hawkins, Langworthy and Bailey were appointed said committee.

No. 5, C. F., as amended by the House, and disagreed to by the Council, was taken up, and

On motion of Mr Summers,

Ordered, That the House insist on their amendment.

No. 28, H. R. file, entitled, "A bill to regulate conveyances," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Wheeler reported that the committee had had said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed.

On motion of Mr Hall,

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

TWO O'CLOCK, P. M.

Mr Hall from the committee on the militia reported No. 39, H. R. file, entitled "A memorial for the benefit of the Rangers of the late war," which was read a first time.

No. 29, H. R. file, entitled "A bill to encourage the destruction of wolves," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr English reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Rich,

Ordered, That the bill be engrossed and read a third time on Friday next.

No. 31, H. R. file, entitled "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark," was read a second time,

And on motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the chair, and Mr Brewer reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Summers,

The above bill was referred to the committee on the judiciary.

No. 32, H. R. file, entitled "A bill to re-locate the seat of justice in and for the county of Cedar," was read a second time, and

On motion of Mr Walworth,

Ordered, That the bill be referred to a select committee, to be composed of members not residents of the electoral district in which Cedar county is situated. Messrs Robertson, Clark and Biggs were appointed said committee.

On motion of Mr Fleenor,

The House adjourned.

Thursday Morning, Nov. 28, 1839.

Mr Leffler presented the petition of James Davis, "Commissioner on the part of the Territory of Iowa to ascertain and mark the southern boundary line of Iowa Territory," praying for compensation for services rendered as such commissioner: which was

On motion of Mr Leffler,

Referred to the committee on expenditures.

On motion of Mr Summers,

Ordered, That the committee on Internal Improvements be instructed to inquire into the expediency of memorializing Congress for an appropriation to build a bridge across the Maquoketa river, where the United States mail crosses said river, on the route between Burlington and Du Buque.

Mr Hall introduced No. 40, H. R. file, entitled "A joint resolution relative to the supervision of the printing of the Laws of the present session of the Legislative Assembly," which was read a first time.

On motion of Mr Mintun,

Ordered, That the committee on Roads and Highways be instructed to inquire into the expediency of establishing a Territorial road, commencing at Washington, the county seat of Washington county, thence on the nearest and best ground to intersect the Territorial road leading from Burlington, in Des Moines county, to Mount Pleasant, in Henry county, at or near John Sleeth's, in Des Moines county; and report by bill or otherwise.

On motion of Mr Ross,

Ordered, That the use of the lobby of this House be granted to the Sabbath School, on each Sabbath during the session, from nine to eleven o'clock, A. M.

Mr Robertson, from the select committee to whom was referred No. 32, H. R. file, reported the said bill to the House with amendments; which were read a first time.

Mr English, from the select committee appointed for that purpose, reported No. 41, H. R. file, entitled "A memorial to the President of the United States, on the subject of postponing the sales of the public lands in the Burlington land district."

Mr Bailey, from the committee on common schools, reported No. 42, H. R. file, entitled "A bill to establish a seminary of learning at Parkhurst, in Scott county."

Mr Biggs, in accordance with previous notice, introduced No. 43, H. R. file, entitled "A bill to district the county of Van Buren for the election of county commissioners."

Mr Hastings, from the committee on the Judiciary, reported No. 44, H. file, entitled "A bill to repeal a part of the 86th section of an act relative to proceedings in chancery."

Also, No. 45, H. R. file, entitled "A bill to repeal a part of an act entitled 'An act regulating the issuing of writs of *ne exeat* and injunctions.'"

Mr Robertson, in accordance with previous notice, introduced No. 46, H. R. file, entitled "A bill making certificates of the purchase of public lands evidence of possession."

Also No. 47, H. R. file, entitled "A bill for the speedy assignment of dower and for the prevention of strip and waste therein."

Mr Fleenor, in accordance with previous notice, introduced No. 48, H. R. file, entitled "A bill concerning public roads."

Said bills were severally read a first time.

Mr Clark gave notice that he would on some future day introduce a bill to divide the county of Muscatine into three districts for the purpose of electing the county commissioners thereof.

No. 2, C. F. entitled "Memorial on the subject of an appropriation on the Territorial road from Du Buque to the northern boundary of Missouri."

No. 4, C. F. entitled "A bill concerning deeds and mortgages, and to prevent frauds;" were severally read a first time.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker : I am instructed to inform the House that the Council have passed

No. 15, H. R. file, "Memorial for a donation of land for literary purposes," with amendments ;

In which the concurrence of the House is requested.

The Council insist upon their disagreeing vote upon the resolution relative to the distribution of the acts of the 25th Congress, and have appointed Messrs Clark, Hepner and Payne, a committee of conference on the part of the Council, in relation thereto.

The Council have also appointed Messrs Clark, Parker and Hepner, a committee of conference on the part of the Council, to act with a similar committee appointed on the part of the House, in relation to the disagreeing vote of the two Houses upon memorials Nos. 5, 12, and 14, H. R. file.

And then he withdrew.

No. 30, H. R. file, entitled "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, on said bill. After some time spent therein Mr Speaker resumed the Chair, and Mr Cox reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Churchman,

The bill was amended by striking out the words "at hard labor," in the 9th line of the 1st section; and in the same line, the word "five" was stricken out, and the word "two" inserted. Also, in the 4th line of the 2d section, the word "five" was stricken out and the word "two" inserted.

On motion of Mr Summers,

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

On motion of Mr Ross,

The House again, in committee of the whole House, resumed the consideration of No. 8, H. R. file, entitled "A bill providing for the appointment and duties of Auditor of public accounts and regulating the duties of Territorial Treasurer." After some time spent therein, Mr Speaker resumed the Chair, and Mr Hastings reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments.

Mr Patterson moved that the bill be recommitted to the committee on Finance. And before the question was taken,

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

THREE O'CLOCK, P. M.

Mr Patterson withdrew the motion pending when the House adjourned this morning.

Mr Hastings renewed the motion to recommit No. 8, H. R. file, to the Committee on Finance. To which the House agreed.

Mr Brewer, from the committee on enrollments, reported, No. 18, H. R. file, entitled Joint Resolution relative to Russell and Reeves printers of the Laws of the last session," as correctly enrolled.

The Speaker signed the above entitled Resolution.

No. 33, H. R. file, entitled "A Bill relative to the incompatibility of of officers" was read a second time, and

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair and Mr Langworthy reported that the committee had had said Bill under consideration, and directed him to report the same to the House, with an amendment.

On motion of Mr Hall,

Ordered, That the above entitled Bill be referred to the committee on Elections.

Mr Hastings from the committee on the Judiciary to whom was refer-

red, No. 31, H. R. file, entitled "A Bill for the relief of the administrators of the late Benjamin W. Clark, reported the same to the House with amendments, which was read a first time.

On motion of Mr Summers,

Ordered, That the 44th rule of the House be suspended, and the bill be read a second time now.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the Chair and Mr Leffler reported that the committee had had said bill under consideration and directed him to report the same to the House with an amendment.

To which the House agreed.

On motion of Mr Summers,

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

On motion of Mr Hall,

Ordered, That one thousand copies of the report of the committee to whom was referred that part of the Governor's message which related to the printing of the Laws of the last session of the Legislative Assembly be printed.

Leave was given Mr Hall to withdraw from the Clerk's table the documents accompanying the above named report.

On motion of Mr Summers,

The House adjourned.

Friday Morning, Nov. 29, 1839.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker: I am instructed to inform the House that the Council have passed the following bills of the House with amendments,

No. 3, H. R. file, "A bill to provide for the appointment of a Librarian and for other purposes."

No. 4, H. R. file, "An act to create the office of Public Printer and to define his duties."

No. 6, H. R. file, "A bill to provide for the election of County Treasurers and to define their duties."

In which the concurrence of the House is requested.

And then he withdrew.

Mr Bailey introduced No. 49, H. R. file, entitled "Preamble and Reso-

lution relative to an appropriation by Congress for the improvement of a Territorial road to the Des Moines River," which was read a first time.

Mr Myers, from the Committee on Engrossments, reported Nos. 28, 29 and 31, H. R. file, as correctly engrossed.

Mr Ross, from the Committee on Finance, to whom was recommitted No. 8, H. R. file, entitled "A bill providing for the appointment and duties of Auditors of Public Accounts, &c." reported the same to the House with amendments which were read a first time.

Mr Churchman gave notice that he would on to-morrow or some future day ask leave to introduce a Memorial to the Congress of the United States in relation to a division of the Sioux Half Breed reservation on Lake Pepin.

No. 22, H. R. file, entitled "Memorial to Congress for amending the Organic Law," was read a third time and passed.

Ordered, That the Clerk acquaint the Council therewith.

No 35, H. R. file, entitled "A bill to provide for the execution of title deeds to lots in the city of Iowa and for other purposes," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Mintun reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments.

To which the House agreed.

Mr Hall moved to amend the Bill by inserting in 2nd line of the 3rd section after the word "Iowa" "and as soon as the title to said lands is *bona fide* obtained from the General Government," and upon this question,

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

Those who voted in the affirmative, were Messrs Biggs, Brewer, English, Fleenor, Hall, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Ross and Johnston, Speaker, 14.

Those who voted in the negative, were Messrs Bailey, Churchman, Clark, Cox, Hastings, Langworthy, Robertson, Summers, Walworth and Wheeler, 10.

So the House adopted the amendment.

Mr Summers moved that the bill be engrossed and read a third time on Monday next, and upon this question Mr Hawkins called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Brewer, Churchman, Clark, Cox, Fleenor, Hall, Hastings, Langworthy, Mintun, Owen, Patterson, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker, 17.

Those who voted in the negative, were Messrs Biggs, English, Hawkins, Lash, Leffler, Myers and Ross, 7.

So the question was decided in the affirmative.

On motion of Mr Brewer,

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

TWO O'CLOCK, P. M.

Mr Brewer, from the Joint Committee on enrollments, reported the following:

EXECUTIVE DEPARTMENT, I. T. }
BURLINGTON, Nov. 29, 1839. }

Received of Mr Brewer member of the H. R., a Joint Resolution relative to Russell & Reeves, Printers of the Laws of last session which was this day submitted for my consideration.

ROBERT LUCAS.

No. 2, H. R. file, entitled "A bill to regulate conveyances, was taken up, and

On motion of Mr Hastings,

The 44th rule of the House was suspended in order that the bill might be read a third time now.

The bill was then read a 3d time, passed and the title agreed to.

No. 29, H. R. file, entitled "A bill to encourage the destruction of Wolves," was read a third time and pending the question of the passage of the bill, Mr Biggs called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Brewer, Churchman, Clark, Cox, English, Fleenor, Hall, Hastings, Lash, Leffler, Mintun, Myers, Patterson, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker, 19.

Mr Biggs voted in the negative.

So the bill passed and its title was agreed to.

No. 31, H. R. file, entitled "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark," was read a third time, passed and its title was agreed to.

Ordered, That the Clerk acquaint the Council of the passage of the three last named bills.

Mr Summers moved that a call of the House be had, which was ordered.

Whereupon it appeared that Messrs Bailey, Hawkins, Langworthy, and Owen, were absent.

The Speaker despatched the Sergeant-at-Arms to compel the attendance of the absentees.

On motion of Mr Churchman,

The House adjourned until Monday next.

Monday Morning, Dec. 2, 1839.

Mr Summers gave notice, that he would on to-morrow, ask leave to introduce a bill regulating descents, distribution and dower.

Mr Hastings gave notice, that he would on to-morrow, introduce a bill to incorporate the Bloomington Education Society.

On motion of Mr Robertson,

Ordered, That the Committee on Internal Improvements, be instructed to inquire into the expediency, of asking Congress for an appropriation, to improve the Mail route from Davenport to Du Buque on route 2963.

Mr Hastings, from the Select Committee appointed for that purpose reported No. 50, H. R. file, entitled "A memorial to Congress for the improvement of the roads therein mentioned."

Mr Langworthy in accordance with previous notice, reported No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque."

Mr Hastings, in accordance with previous notice, reported No. 52, H. R. file, entitled "A bill to alter and repeal a part of the 9th section of An act to provide for the appointment of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings."

Said memorial and bills were severally read a first time.

Mr Wheeler, from the committee on engrossed bills reported Nos. 30 and 33, H. R. file, as correctly engrossed.

No. 15, H. R. file, entitled "Memorial for a donation of land for Literary purposes," as amended by the Council, was then taken up.

The House agreed to the 1st amendment made by the Council, and disagreed to the 2nd amendment.

No. 5, C. F. entitled "Joint resolution relative to the distribution of the acts of the 25th Congress," in which the Council insist upon their vote, disagreeing to the amendments made by the House, was taken up.

Mr Summers, moved that a committee of conference be appointed on the part of the House, to confer with the Council, in relation to the disagreeing vote of the two Houses.

The motion was lost.

On motion of Mr Brewer,

Ordered, That the House recede from their amendments to said Resolution.

No. 3, H. R. file, entitled "A bill to provide for the appointment of a Librarian and for other purposes," as amended by the Council, was taken up, and the amendments agreed to.

No. 44, H. R. file, entitled "A bill to create the office of Public Printer and to define his duties," was taken up, the House agreed to 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 9th amendments, and disagreed to the 3rd.

On motion of Mr Patterson,

The 6th amendment of the Council, was amended by adding after the word "Governor," in the 6th section the words "and filed in the office of the Secretary of the Territory."

On motion of Mr Brewer,

The amendment made by the Council to the 8th section, was amended by striking out the words "shall be allowed."

No. 6, H. R. file, entitled "A bill to provide for the election of County Treasurers and to define their duties," as amended by the Council, was taken up, the 2nd, 3rd, 5th, 6th, 8th, 9th amendments of the Council were agreed to, and the 1st, 4th, 8th and 10th amendments were disagreed to by the House.

Ordered, That the clerk acquaint the Council therewith.

No. 36, H. R. file, entitled "A bill authorizing Aliens and Foreigners to hold real estate in the Territory of Iowa," was read a second time, and

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, when Mr Fleenor reported that the committee had had said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Robertson,

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

No. 35, H. R. file, entitled "A bill to provide for the execution of title deeds to lots in the city of Iowa, and for other purposes," was read a third time.

Mr Biggs moved to postpone the passage of the bill until Monday next, which motion was lost.

Pending the question of the passage of the bill, Mr Biggs called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Brewer, Churchman, Clark, Cox, Fleenor, Hastings, Langworthy, Owen, Patterson, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker, 15.

Those who voted in the negative, were Messrs Biggs, English, Lash, Leffler, Rich and Ross, 6.

So the bill passed, and

On motion of Mr Hastings,

The title was amended by striking out the words "the city of," and inserting after Iowa the word "city."

Ordered, That the Clerk acquaint the Council therewith.

Message from the Council by Mr Wallace, their secretary :

Mr Speaker: I am instructed to inform the House of Representatives that the Council have passed

No. 1, C. F. "A bill relative to landlords and tenants."

No. 4, C. F. "Memorial on the subject of the disputed boundary with Missouri."

No. 14, C. F. "A bill to provide for the appointment of Notaries Public, and to prescribe their duties."

No. 6, C. F. "Resolution relative to memorials and resolutions passed at the last session of the Legislative Assembly." They have also passed with amendments :

No. 2, H. R. file, "Memorial to Congress on the subject of Post roads in Iowa."

No. 10, H. R. file, "A preamble and joint resolution relative to the improvement of the Des Moines river."

No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware, and to locate the county seat thereof."

In all of which the concurrence of the House is requested. And then he withdrew.

No. 32, H. R. file, entitled "A bill to relocate the seat of justice in and for the county of Cedar," was read a second time, and

On motion of Mr Walworth,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, when Mr Owen reported, that the committee had had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

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

Mr Rich, by the unanimous consent of the House, offered the following resolution, which was adopted.

Resolved, That the supreme court be allowed the use of this hall in the afternoon of each day during the present term of said court.

No. 37, H. R. file, entitled "A memorial to Congress for an additional appropriation to complete the road from Burlington to the Indian Agency, on the Des Moines river," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial. After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the House had had said memorial under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Summers,

Ordered, That the memorial be engrossed and read a third time on Thursday next.

And then the House adjourned.

Tuesday Morning, Dec. 3, 1839.

On motion of Mr Biggs,

Resolved, That the acting commissioner of the board of commissioners appointed to locate and establish the permanent seat of government of this Territory, be required to report to this House :

First. The proceedings with regard to the location of the same, with a plat and description of the city, together with a statement specifying the amount paid to each individual employed in the surveying, locating and establishing the same.

Second. A statement of the lots sold, with the amount paid on each lot, together with the conditions on which they were sold, and also a statement of the aggregate amount of money received on the lots sold, and the disposition that has been made of the funds received.

Third. Whether the said board of commissioners have or have not reported the section on which the seat of government is located, to the register of the land office at Du Buque, with a view of claiming the same, under the restrictive conditions of the act of Congress of the 3d of March last, and if so to point out by what authority this was done.

Fourth. That said commissioners be required to report a draft of the plan for the erection of the public buildings at the seat of government, adopted by the board of commissioners, together with a copy of the contracts entered into with individuals for erecting said buildings; and also, the general plan of operations adopted by said commissioners.

On motion of Mr Walworth,

Ordered, That the use of this hall be granted Mr S. B. Brophy on Wednesday evening next, for the purpose of delivering a lecture on the practice of building Tapia and Pise walls.

Mr Brewer asked leave of absence till Thursday next for Mr Mintun. Leave was granted.

Mr Coop asked leave of absence for Mr English. Leave was granted.

Mr Biggs gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a bill for the relief of Van Buren county.

Mr Hastings in accordance with previous notice, reported No. 53, H. R. file, entitled "A bill to incorporate the Bloomington education society."

Mr Summers, in accordance with previous notice, reported No. 54, H. R. file, entitled "A bill regulating descents, distributions and dower," which, together with

No. 1. C. F. entitled "A bill relative to landlords and tenants," were read a first time.

No. 4, C. F. entitled "memorial on the subject of the disputed boundary with Missouri," was read a first time, and

On motion of Mr Langworthy,

Ordered, That the 44th rule of the House be suspended, and the memorial be read a second and third time to-day.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Myers reported, that the committee had had said memorial under consideration, and directed him to report the same to the House without amendments; to which the House agreed.

Mr Hawkins moved to strike out the name of the "Hon. W. W. Chapman," in said memorial, which motion was lost. The memorial, was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 14, C. F. entitled "A bill to provide for the appointment of notaries public, and to prescribe their duties."

No. 6, C. F. entitled "Resolution relative to memorials and resolutions passed at the last session." Said bill and resolution were severally read a first time.

No. 2, H. R. file, entitled "memorial to Congress on the subject of post roads in Iowa," as amended by the Council, was then taken up. The House agreed to all the amendments made by the Council, with the exception of the 1st, 5th, 10th and 15th, to which the House disagreed.

No. 10, H. R. file, entitled "Preamble and joint resolution relative to the improvement of the Des Moines river," as amended by the Council was taken up, and the amendments made by the Council were agreed to.

No. 19, H. R. file, entitled "A bill to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," as amended by the Council, was taken up.

The House agreed to all the amendments of the Council, with the exception of the first and second, to which the House disagreed.

Ordered, That the clerk acquaint the Council therewith.

No. 7, C. F. entitled "A bill for the relief of settlers, &c. on the Half Breed lands," was read a second time; the House then resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, when Mr Coop reported that the committee had had said bill under consideration, and directed him to report the same to the House with an amendment, to which the House agreed.

Mr Rich moved to amend the bill by inserting in the third line of the first section after the word "purchased," the words "or who may hereafter purchase," to which the House agreed.

Mr Hawkins moved to strike out the word "and," in the third line of the seventh section, and insert "or;" the motion was lost.

On motion of Mr Rich,

Ordered, That the bill be read a third time on to-morrow.

No. 8, C. F. entitled "A bill to authorize the incorporation of Lyceums," was read a second time, and on motion, the House resolved itself into a committee of the whole House on said bill, after some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported, that the committee had had said bill under consideration, and directed him to

report the same to the House without amendment, to which the House agreed.

On motion of Mr Cox,

Ordered, That the enacting clause of the above bill be stricken out.

No. 19, C. F. entitled "A bill to authorize evidence by the oath of parties," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported, that the committee had had said bill under consideration and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Langworthy,

Ordered, That the bill be read a third time on Thursday next.

On motion of Mr Biggs,

The House adjourned.

Wednesday Morning, Dec. 4, 1839.

Mr Churchman, in accordance with previous notice, introduced No. 55, H. R. file, entitled "A memorial to the President of the United States, in relation to a division of the Sioux half breed reservation on Lake Pepin."

Mr Biggs, in accordance with previous notice, introduced No. 56, H. R. file, entitled "A bill for the relief of Van Buren county;" said memorial and bill were severally read a first time.

Mr Wheeler, from the committee on Engrossed Bills, reported Nos. 32, 36 and 37, H. R. file, as correctly engrossed.

No. 30, H. R. file, entitled "A bill to prevent the exercise of foreign jurisdiction within the limits of the Territory of Iowa."

No. 7, C. F. entitled "A bill for the benefit of settlers, &c., on the half breed lands." Said bills were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House of Representatives, that the Council have passed;

No. 3, C. F. A memorial to Congress for an additional appropriation for the completion of the Penitentiary.

No. 12, C. F. "A bill relative to Coroners and their duties."

No. 17, C. F. "A bill to district the county of Henry into three commissioners' districts."

In which the concurrence of the House is requested.

The Council have receded from their second amendment to memorial No. 15, H. R. file, for a donation of land for literary purposes.

They have also receded from their amendment to the first section of No. 6, H. R. file, "A bill to provide for the election of county treasurers, &c.," and insist upon their amendments to the 7th, 8th and 13th sections of said bill.

They have also receded from their amendment to the 4th section of No. 4, H. R. file, An act to create the office of Public Printer, and have concurred in the amendments made by the House to the amendments of the Council to the 6th and 8th sections of said bill.

And then he withdrew.

No. 38, H. R. file, entitled "A bill to provide for the support of illegitimate children," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, when Mr Rich reported that the committee had had said bill under consideration, and directed him to report the same to the House, without amendment. To which the House agreed.

Mr Churchman moved to strike out the words "on oath" in the 10th line of the first section, which motion was lost.

Mr Mintun moved to insert the word "unmarried" in the 1st line of the second section before the word "woman."

The motion was lost.

Mr Churchman moved to strike out the first syllable of the word "unmarried" in the 3d line of the 1st section.

The motion was lost.

Mr Churchman then moved to strike out the enacting clause. And on this motion Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative, are

Messrs Churchman, Coop, Fleenor, Langworthy, Summers and Wheeler—6.

Those who voted in the negative, are

Messrs Bailey, Biggs, Brewer, Clark, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Walworth and Johnston, Speaker—18.

So the motion was lost.

Mr Langworthy moved to recommit the bill to the committee on the Judiciary. Which motion was lost.

On motion of Mr Hastings,

Ordered, That the bill be engrossed and read a third time on Friday next.

Mr Coop moved that the House adjourn.

On this motion, Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative, are

Messrs Biggs, Churchman, Clark, Coop, Fleenor, Hall, Langworthy, Mintun, Owen, Rich, Robertson, Summers, Wheeler and Johnston, Speaker—14.

Those who voted in the negative, are

Messrs Bailey, Brewer, Hastings, Hawkins, Lash, Leffler, Myers, Patterson, Ross, and Walworth—10.

So the House adjourned, the further orders of the day were consequently postponed.

Thursday Morning, Dec. 5, 1839.

Mr Summers presented the petition of various citizens of Scott and Clinton counties, praying the Legislative Assembly to memorialize Congress for an appropriation to construct a bridge across the Wabesipinica river, which was referred to the committee on internal improvements.

Mr Summers also presented the petition of sundry citizens of Scott county, praying for the location of a Territorial road from the town of Parkhurst, in Scott county, to Iowa city, in Johnson county; which was referred to the committee on roads and highways.

Mr Coop presented the petition of sundry citizens of the counties of Henry and Des Moines, praying the establishment of a road from the city of Burlington, via New London to Mount Pleasant, in Henry county, and thence to Fairfield, in Jefferson county.

Said petition was referred to the committee on roads and highways.

Mr Hastings presented the remonstrance of sundry inhabitants of the county of Muscatine, remonstrating against any change of the lines of said county; which was referred to the committee on township and county boundaries.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker: I am instructed to inform the House that the Council have receded from their 1st, 5th, 10th and 11th amendments to

No. 2, H. R. file, "A memorial on the subject of post roads in Iowa," and insisted upon their 15th amendment to said memorial.

The Council have receded from their amendments to

No. 19, H. R. file, "A bill to provide for the organization of the county of Delaware, &c." and have passed

No. 22, H. R. file, "A memorial to Congress for amending the Organic Law," and,

No. 31, H. R. file, "A bill for the relief of the administrators of the estate of the late Benjamin W. Clark," without amendment; and have passed

No. 25, H. R. file, "A bill to regulate the institution of suits by foreign executors and administrators within this Territory," with amendments, in which the concurrence of the House is requested.

I also herewith present for your signature

No. 4, C. file, "A memorial on the subject of the disputed boundary line with Missouri."

No. 7, C. file, "An act for the relief of settlers, &c. on the Half Breed land."

No. 5, C. file, A memorial; and then he withdrew.

The Speaker signed the act and memorials as above.

Mr Hastings gave notice, that he would on to-morrow introduce "A bill to incorporate the Bloomington insurance company."

Mr Mintun gave notice, that he would on to-morrow or some day thereafter, ask leave to introduce a bill making the county treasurer of each county in this Territory, county collector, and prescribing their duties.

Mr Patterson, from the committee on expenditures, to whom was referred the petition of Dr James Davis, made a report, accompanied by a joint resolution; which was read a first time.

Mr Clark, from the committee on elections to whom was referred No. 53, H. R. file, entitled "A bill relative to the incompatibility of offices," reported the same to the House with amendments; which were read a first time.

Mr Biggs presented the certificate of election of Mr Bailey, which, on motion, was referred to the committee on elections.

No. 32, H. R. file, entitled "A bill to relocate the seat of justice in and for the county of Cedar."

No. 36, H. R. file, entitled "A bill authorizing aliens and foreigners to hold real estate in the Territory of Iowa."

No. 37, H. R. file, entitled "Memorial to Congress for an additional appropriation to complete the road from Burlington to the Indian Agency on the Des Moines river."

No. 9, C. F. entitled "A bill to authorize evidence by the oath of parties." Said bills and memorial were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 3, C. F. entitled "A memorial to Congress for an additional appropriation for the completion of the Penitentiary."

No. 12, C. F. entitled "A bill relative to coroners and their duties."

No. 17, C. F. entitled "A bill to district the county of Henry into three county commissioners' districts."

Said memorial and bills were severally read a first time.

No. 6, H. R. file, entitled "A bill to provide for the election of county Treasurers and to define their duties," in which the Council insist upon their amendments, was then taken up.

And on motion, the House receded from their disagreeing vote to all the amendments made by the Council.

No. 2, H. R. file, entitled "Memorial to Congress on the subject of Post Roads in Iowa," in which the Council insist upon their amendments, was taken up.

On motion of Mr Hastings,

Ordered, That the House adhere to their disagreeing vote.

Messrs Summers and Hastings were appointed a committee of conference on the part of the House, in relation to the disagreeing vote of the two Houses, on said memorial.

No. 25, H. R. file, entitled, "A bill to regulate the institution of suits by foreign executors and administrators within this Territory," as amended by the Council, was taken up.

The House agreed to the amendments made by the Council.

Ordered, That the Clerk acquaint the Council therewith.

No. 39, H. R. file, entitled "A memorial to Congress for the benefit of the Rangers of the late war," was read a second time, and

On motion of Mr Summers,

Ordered to be engrossed and read a third time on Saturday next.

No. 40, H. R. file, entitled "Resolution relative to a supervisor to the printing of the Laws of the present session," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said Resolution.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Robertson reported the same to the House with amendments.

Mr Mintun moved to lay the resolution on the table. Which motion was lost.

Mr Bailey moved that the resolution be referred to a select committee. The motion was lost.

The report of the committee of the whole House was agreed to.

Mr Hawkins moved to amend the resolution by inserting after the word "thereto," in the 4th line, the words "together with marginal notes," to which the House agreed.

On motion of Mr Summers,

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

No. 41, H. R. file, entitled "Memorial to the President of the United States, for the postponement of the land sales in the Burlington land district," was read a first time, and,

On motion of Mr English,

Ordered, That said memorial be engrossed, and read a third time on Monday next.

No. 42, H. R. file, entitled, "A bill to establish a seminary of learning at Parkhurst, in Scott County," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; Mr Ross

reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment, to which the House agreed.

On motion, the bill was ordered to be engrossed and read a third time on Monday next.

No. 43, H. R. file, entitled "A bill to district the county of Van Buren, for the election of county commissioners," was read a second time.

On motion of Mr Biggs,

Ordered, That said bill be referred to a select committee to consist of one from each electoral district. Messrs Biggs, Owen, Fleenor, Lash, Mintun, Clark, Robertson, Cox, Wheeler and Walworth, were appointed said committee.

No. 44, H. R. file, entitled "A bill to repeal a part of the 86th section of an act entitled 'An act relative to proceedings in chancery,'" was read a second time, and

On motion of Mr Coop,

The bill was ordered to be engrossed and read a third time on Monday next.

No. 2, C. F. entitled "Memorial on the subject of an appropriation for the Territorial road from Du Buque to the northern boundary of Missouri," was read a second time, and on motion said memorial was ordered to be read a third time on to-morrow.

No. 4, C. F. entitled, "A bill concerning deeds and mortgages and to prevent frauds," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be referred to the committee on the judiciary.

Mr Lash moved that the House adjourn, and on this motion the yeas and nays were called for and ordered.

Those who voted in the affirmative, are Messrs Fleenor, Lash, Mintun, Myers, Summers, Walworth and Johnston, Speaker, 7.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Churchman, Coop, English, Hall, Hastings, Hawkins, Langworthy, Leffler, Owen, Patterson, Rich, Robertson, Ross and Wheeler, 17.

So the motion to adjourn was lost.

No. 45, H. R. file, entitled, "A bill to repeal a part of an act regulating the issuing of writs of ne exeat and injunctions," was read a second time, and

On motion of Mr Rich,

Was referred to the committee on the judiciary.

Mr Owen moved to adjourn.

The motion was lost.

No. 46, H. R. file, entitled "A bill making certificates of the purchase of public lands evidence of possession," was read a second time, and

On motion of Mr Robertson,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

Mr Fleenor moved that the House adjourn,

And on this motion Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative are

Messrs Biggs, Churchman, Clark, Coop, English, Fleenor, Leffler, Mintun, Myers, Owen, and Robertson—11.

Those who voted in the negative are

Messrs Bailey, Brewer, Hall, Hastings, Hawkins, Langworthy, Lash, Patterson, Rich, Ross, Summers, Wheeler, and Johnston, Speaker—13.

So the motion to adjourn was lost.

No. 47, H. R. file, entitled "A bill for the speedy assignment of dower and for the prevention of strip and waste by tenants therein," was read a second time and on motion

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Summers reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Robertson,

The bill was referred to the Committee on the Judiciary.

Mr Patterson, moved that the House adjourn.

And on this motion, Mr Clark called for the yeas and nays, which were ordered.

Those who voted in the affirmative, are Messrs Brewer, Patterson, and Robertson—3.

Those who voted in the negative, are Messrs Bailey, Biggs, Churchman, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Rich, Ross, Summers, Walworth, Wheeler, and Johnston, Speaker—22.

So the motion was lost.

Mr Hastings gave notice that he would on to-morrow or some day thereafter introduce a Bill to re-locate the seat of Justice of the county of Johnson.

No. 48, H. R. file, entitled "A bill concerning Public Roads," was read a second time and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the Chair when Mr Walworth reported that the committee had had said Bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Fleenor,

Ordered, That said bill be referred to the committee on Roads and Highways.

Mr Brewer moved that the House adjourn.

And on this motion Mr Walworth called for the yeas and nays which were ordered.

Those who voted in the affirmative are Messrs Brewer, Coop, Fleenor, Langworthy and Patterson—6.

Those who voted in the negative, are Messrs Bailey, Biggs, Churchman, Clark, English, Hall, Hastings, Hawkins, Lash, Leffler, Myers, Owen, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker—18.

So the motion to adjourn was lost.

No. 49, H. R. file, entitled "Preamble and Resolution relative to an appropriation by Congress, for a Territorial Road," was read a second time, and

On motion of Mr Bailey,

Ordered to be engrossed and read a third time on Saturday next.

Mr Mintun moved that the House adjourn,

And on this motion the yeas and nays were called for, and ordered.

Those who voted in the affirmative, are Messrs Bailey, Brewer, Langworthy, Mintun and Wheeler—5.

Those who voted in the negative, are Messrs Biggs, Churchman, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker—20.

So the motion to adjourn was lost.

No. 50, H. R. file, entitled "Memorial to Congress for the Improvement of the Roads therein mentioned," was read a second time.

And on motion the House resolved itself into a committee of the whole House, on said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Clark reported, that the committee had had said memorial under consideration, and directed him to report the same to the House with amendments.

Pending the question of agreeing to the Report of the committee of the whole House,

The House adjourned.

Friday Morning, Dec. 6, 1839.

Mr Summers gave notice, that he would on Monday next, or some day thereafter, ask leave to introduce a bill to incorporate the Upper Mississippi hydraulic company.

On motion of Mr Coop,

Ordered, That a committee of one from each electoral district be appointed for the purpose of enquiring into the expediency of making a reapportionment of the representation of this Territory, and that they have leave to report by bill or otherwise.

Messrs Coop, Rich, Ross, Hall, Brewer, Hastings, Summers, Cox, Langworthy and Walworth were appointed said committee.

Mr Myers, from the committee on engrossments, reported Nos. 38 and 40, H. R. file, as correctly engrossed.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 45, H. R. file, entitled "A bill to repeal a part of the act entitled 'an act regulating the issuing of writs of ne exeat and injunctions,'" reported the same to the House without amendment.

Mr Hastings, in accordance with previous notice, introduced No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson," which was read a first time.

The Speaker announced a communication from C. Swan, acting commissioner for the location of the seat of government and the erection of public buildings, in answer to a resolution of the House; the communication, together with the accompanying documents, were read, and are as follows:

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

GENTLEMEN:—Having had the honor to receive from your body a copy of a resolution, in the following words, to wit:

Resolved, That the Acting Commissioner of the Board of Commissioners appointed to locate and establish the permanent seat of government of this Territory, be required to report to this House,

First. The proceedings with regard to the location of the same, with a plat and description of the city, together with a statement specifying the amount paid to each individual employed in the surveying, locating and establishing the same.

I, therefore, hasten to answer the first part of the above resolution.

First. A majority of the commissioners appointed in the supplement to an act entitled "A act to locate the seat of government for the Territory of Iowa, and for other purposes," approved January the first, A. D. 1839, met pursuant to such act, at the town of Napoleon, in Johnson county, and having taken the oath, as by law required, two of the said commissioners to wit: John Ronalds, Esq. and myself, proceeded to examine the county of Johnson, with a view to select the most eligible point for said location; and on the fourth day of May of the year aforesaid, the location was made, and on the sixth day of said month, the Honorable Robert Ralston arrived at Napoleon, and agreed to the proceedings of the majority of the commissioners.

A report was made to His Excellency, the Governor of the Territory, by the said three commissioners, in accordance with the first part of section first, of an act entitled "An act supplementary to 'An act to locate the seat of government for the Territory of Iowa, and for other purposes,'" approved January the first, A. D. 1839.

On the seventh of May, an election was held for Acting Commissioner, in accordance with the fourth section of the act to locate the seat of government for the Territory of Iowa, and Chauncey Swan, from the third judicial district, was appointed and received his certificate agreeable to law; which certificate has been filed in the office of the Secretary of the Territory.

By the second section of the supplementary act to locate the seat of government, it becomes the duty of the Acting Commissioner to give bonds

to the United States in the penal sum of forty thousand dollars, which bond was given and approved by the Governor, and filed in the office of the Secretary of the Territory, according to the provisions of the above mentioned section.

On the twenty-seventh day of June, A. D. 1839, it was ordered by the board of locating commissioners, that Thomas Cox and John Frierson should be employed to survey Iowa city, and L. Judson to draw the necessary plats.

I am required by the foregoing resolution, to furnish your honorable body a plat of said city. If I mistake not, a plat of Iowa city has been furnished to each and every member of the Council and House of Representatives.

I am also requested to give a description of the city. Iowa city is located on a section of land lying in the form of an amphitheatre. There is an eminence on the west near the river, running parallel with it.

From this eminence, which declines towards the river, at an inclination of twenty-five degrees for about five hundred feet, we come on to a bench extending from the foot of Dillon's Island to the south line of the city.

The above bench is of sufficient width to admit of two streets one hundred feet wide each, and one tier of blocks three hundred and twenty feet square.

At the western edge of said bench, we descend about ten feet toward the river, on to the bench which forms the bank of the river: which bench is about two hundred feet in width, and the bank is four feet above high water mark.

At the northern extremity of this bench commences the quarry from which we propose to take the material for the buildings.

It will be seen by reference to the plat, that the ground next to the river is reserved for public purposes, and is designated as the promenade.

At the centre of the eminence above mentioned, it is proposed to erect the future capitol.

The ground from the public square east to Ralston's creek, has a beautiful inclination of from five to seven degrees descending eastward.

The reservation which is designated as the park, on the plat, is covered with a beautiful growth of oak and hickory timber, as well as the north and south parts of the city.

The west, south, north, north-west and south-east parts of the city, overlook the whole location, forming as before stated a kind of an amphitheatre, the lower part of which is drained and kept dry by Ralston's creek.

College Green and the Governor's square, are on an eminence near the south east corner of the city, and are both washed at the foot by said stream.

Two hundred feet from College Green on Ralston's creek, are the Mineral Springs, the improvement of which as well as the improvement of Iowa Avenue, would enhance the value of that part of the city and would increase the price of lots, in at least one third of the city, five hundred per cent.

There are several reservations made for Church and Market purposes,

that if not taken for the purposes for which they were reserved, will be valuable property to the Territory, and at any time by a law of the Legislative Assembly, may be subdivided and sold as city lots.

The requisitions of the latter part of the foregoing resolution, as well as the second requisition will appear in my report made under the provisions of the third section of an act entitled "An act supplementary to 'an act, to locate the seat of government,'" which is in the following words, to wit:

"Be it further enacted that the acting commissioner shall annually render to the Legislative Assembly, a true account of all moneys received and paid out by him."

Which report I would have made immediately after closing the contracts for the capitol, but on examination of the papers which I brought with me for that purpose, I find important papers were left at Iowa city through mistake, occasioned by severe indisposition on my part, not being able to attend to it myself, and not being sufficiently able to examine my papers until I arrived at this place.

The above mentioned report I *shall make immediately* on my return to Iowa city, which will be in a few days; and if able to return myself to this place I shall do so, but if not I shall send all papers necessary by a *faithful messenger*.

I would however remark, with regard to the terms on which the lots that have been sold, were disposed of, viz: The purchaser was required to pay one fourth down in cash; the remainder in six, twelve, and eighteen months, notes were required in every case, payable to the acting commissioner or his successor at Iowa city.

A certificate of purchase given to purchasers, in all cases, giving the number of the block, the number of the lot, and pledging the faith of the Territory for the execution of a deed in fee simple, so soon as the title shall be procured by the Territory from the General Government.

I am indebted to his Excellency Governor Lucas, for the procuring the above mentioned certificates, and forwarding them to me at Iowa city.

By an order of the board of commissioners, no deed can be given until all arrears are paid, and on neglect or refusal to pay either instalment the lot or lots become forfeited to the Territory, and the purchaser loses all that he has paid.

Thirdly, I am requested to answer an interrogatory in the following words, to wit:

"Whether the said board of commissioners have, or have not reported the section on which the Seat of Government is located to the Register of the Land Office at Du Buque, with a view of claiming the same under the restrictive conditions of the act of Congress of the third of March last, and if so, to point out by what authority this was done."

In answer to the above interrogatory, I would here state that at the second sale of lots in Iowa city, two of the commissioners being present, to wit: John Ronalds, Esq, and myself, did then and there give notice to the Register of the Land Office at Du Buque, that the seat of Government of Iowa Territory was located on section ten, Township seventy-nine north, and Range six west of the fifth principal meridian.

The above notice was given with the view of having the said section

reserved from sale, in case it required any action on the part of Congress, or an order for the sale of lands in Johnson county should be made before such action could be had.

The commissioners considered that they held a delegated power from the Governor and Legislative Assembly, to locate and establish the permanent seat of Government for the Territory of Iowa, and felt it their duty (as being under oath to locate and establish said seat of Government in Johnson county, to the best of their skill, abilities, and judgment) to make the said mentioned report on the grounds as above stated.

I am next required to point out by what authority this was done.

It will be necessary to mention in this place that the board of commissioners unanimously agreed, after making the location on the fourth of May, to forward duplicate memorials to the President of the United States, which they did, setting forth the difficulties under which the commissioners labored, having made the location agreeable to the law of the Territory they found that by the act of Congress of March the 3d, A. D. 1839, the location was to be made under the last mentioned act on surveyed lands.

The said memorial respectfully requested of the President a special survey of two Townships in Johnson county, embracing the seat of Government, the object of which was to enable the commissioners to make the location as perfect as possible under the act of Congress as well as that of the Territory.

The said memorial, I am since informed was signed by his Excellency, Governor Lucas.

Accompanying the duplicate which I forwarded from Du Buque was a request from the surveyor General's office at that place, that in addition to the two townships above mentioned there might be an order issued for the survey of twelve other townships.

The commissioner of the general Land Office in his answer to the request for the survey of the last mentioned townships, regretted exceedingly that for the want of an appropriation, the request could not be granted; but that he had ordered the survey of the two townships, as requested by the commissioners in their memorial, to enable them to make their report in accordance with the act of Congress of March the third.

The survey of the said two townships was immediately commenced, and township seventy-nine north, in which the seat of Government is located, was surveyed before the survey of the city was finished, and the bounds of the city were closed on the Government lines, as established by the surveyor appointed to survey the said Townships.

That part of the act of Congress to which I would call your attention, is contained in section first of an act entitled "An act making a donation of land to the Territory of Iowa, for the purpose of erecting public buildings thereon," to wit:

That there be and is hereby appropriated and granted to the Territory of Iowa, one entire section of land, of any of the surveyed public lands in said Territory for the purpose of erecting thereon the public buildings for the use of the Executive and Legislative departments of the Government of the said Territory.

Provided, That the said section of land shall be selected under the authority of the Territorial Legislature, the seat of Government located thereon, and notice of said selection officially returned to the Register of the Land Office in the district in which the land is situated, within one year from the passing of this act."

I find by reference to the acts of the last Legislature a joint resolution which reads as follows, to wit:

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the Hon. William W. Chapman our delegate in Congress, be instructed to ask a donation of at least four sections of land on which to locate the seat of government of the Territory of Iowa, to be selected by the commissioners appointed by the Legislative Assembly to locate the seat of government of said Territory." Approved January 21st, 1839.

It will be perceived that the above act of Congress was passed with reference to the foregoing resolution.

Under these circumstances, and in view of the above facts, the commissioners understanding, and believing as they did, that they held a full and delegated authority under the law of the Territory by which they were appointed (in connection with the act of Congress granting the donation) deemed it their duty to make their report to the Land Office at Du Buque as aforementioned.

Fourthly, I am required to report a draft of the plan for the erection of the public buildings at the seat of government.

A draft of the plan for the erection of the public buildings, is in the hands of the Architect, Mr Rague, of Springfield, Illinois.

As he is the contractor for the erection of the capitol, it was thought necessary by the board of commissioners, as well as by himself, that he should retain the plan which was adopted by the board, to enable him to draw a bill of items, and form his models in accordance with the specifications.

Lastly, I am requested to give a general plan of operations, as adopted by me, as commissioner.

To this part of the resolution I would merely reply, that I know of no plan in particular but to acquiesce with all orders and plans which may be adopted by the board of commissioners, (of which I am a member,) providing such orders do not interfere with the law locating the seat of government; and feel it my duty to carry out the views of all laws which may be passed from time to time by the Legislative Assembly, with regard to the seat of government of Iowa Territory.

All of which is respectfully submitted.

I am, gentlemen,

Respectfully your most obed't serv't.

C. SWAN, Acting Commissioner.

Burlington, Dec. 6, 1839.

I send with this communication a certificate from Charles Weston, Esq., relative to the papers on file in the Secretary's office.

C. SWAN.

TERRITORY OF IOWA, ss.

I hereby certify that at the instance of C. Swan Esq., acting commissioner for the erection of public buildings at the seat of government of this Territory, I have searched the files of the Secretary's office and find the following papers therein, and no other, in relation to the commissioners for locating said seat of government, to wit:

1st. The oath of Chauncey Swan to discharge his duty as commissioner to erect the public buildings as provided in the "Act to locate the seat of government of the Territory of Iowa, &c." bearing date the 15th of April, 1839, and endorsed as filed in the Secretary's office, May 9, 1839.

2d. The oath of John Ronalds to the same purport. Executed May 1st, 1839, and filed in the office of the Secretary, May 9, 1839.

3rd. The like oath of Robert Ralston, dated May 6, 1839, and filed as above, May 9, 1839.

4th. The certificate of Robert Ralston and John Ronalds of the appointment by them, of Chauncey Swan to be acting commissioner agreeably to the act, &c., filed May 9, 1839.

5th. A bond executed by Chauncey Swan as principal, and the requisite securities in the sum of \$40,000, for the faithful discharge of his duties as "Acting Commissioner" under the above act. Dated June 5, 1839, and conditioned that he the said C. Swan, should well and truly perform the duties of such acting commissioner, and faithfully disburse and account for all moneys that shall come to his hands as commissioner under the aforesaid act.

Executed June 5, 1839, and endorsed, approved by the Governor of the Territory, June 21, 1839.

CHARLES WESTON.

Burlington, Dec. 5, 1839.

On motion of Mr Langworthy,

Ordered, That the communication and documents be laid upon the table, subject to the order of the House, and that one thousand copies thereof be printed.

No. 50, H. R. file, "Memorial to Congress for the improvement of the roads therein mentioned," which was unfinished by reason of the adjournment on yesterday, was taken up, and the House agreed to the report of the committee.

On motion,

Ordered, That the bill be engrossed and read a third time on Monday next.

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

No. 40, H. R. file, "Resolution relative to a supervisor to the printing of the Laws of the present session."

No. 2, C. F. "Memorial on the subject of an appropriation for the Territorial road from Du Buque to the northern boundary of Missouri;" said bill, resolution and memorial were read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 1, C. file, entitled "A bill respecting landlords and tenants," was read a second time, and,

On motion,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Brewer reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Hawkins,

The bill was referred to the committee on the Judiciary.

No. 6, C. F. "Resolution relative to memorials and resolutions passed at the last session," was read a second time, and,

On motion,

Ordered, That the resolution be read a third time on Monday next.

No. 14, C. F. entitled "A bill to provide for the appointment of notaries public, and to prescribe their duties," was read a second time and on motion

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, when Mr Hawkins reported that the committee had had said bill under consideration, and directed him to report the same to the House, with an amendment. To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the bill be engrossed and read a third time on Tuesday next.

Mr Hall, in accordance with previous notice, and on leave being granted, introduced No. 59, H. R. file, entitled "A bill for the benefit of the sheriff of Van Buren county," which was read a first time.

No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque," was read a second time, and,

On motion of Mr Wheeler,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Leffler reported that the committee had had said bill under consideration and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Langworthy,

Ordered, That said bill be laid on the table, subject to the order of the House.

On motion of Mr Hawkins,

Ordered, That the committee on territorial affairs be requested to return to the clerk's table the documents accompanying the Governor's message, that relates to the southern boundary of the Territory.

No. 52, H. R. file, entitled "A bill to alter and repeal a part of the ninth section of an act entitled 'an act to provide for the appointment of

justices of the peace, and to prescribe their powers and duties, and to regulate their proceedings,' " was read a second time, and,

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the Chair, when Mr Lash reported, that the committee had had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

Mr Hawkins moved to amend by offering the following as an additional section to the bill.

Sec. 2. "That jurors before justices of the peace shall be allowed on the trial of each cause the sum of fifty cents each, to be taxed in the bill of costs and to be collected in the same manner that others are collected.

Mr Biggs moved to amend the amendment offered by Mr Hawkins, by inserting after the word "jurors" in the first line, the words "and witnesses."

Mr Rich, moved to strike out the enacting clause. And on this motion the yeas and nays were called for and ordered.

Those who voted in the affirmative, are Messrs Bailey, Biggs, Coop, Fleenor, Hall, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Rich, Robertson, Summers, Wheeler and Johnston, Speaker—16.

Those who voted in the negative, are Messrs Brewer, Clark, English, Hastings, Owen, Patterson, Ross and Walworth—8.

So the motion to strike out the enacting clause was decided in the affirmative.

No. 53, H. R. file, entitled, "A bill to incorporate the Bloomington education society," was read a second time, and on motion was ordered to be engrossed and read a third time on Tuesday next.

No. 54, H. R. file, entitled, "A bill regulating descents, distribution and dower," was read a second time, and

On motion of Mr Summers,

Was referred to the committee on the judiciary.

No. 55, H. R. file, entitled "Memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin," was read a second time, and

On motion of Mr Walworth,

Ordered, That said memorial be laid on the table, subject to the order of the House.

Mr Coop moved that the House do now adjourn, and on this motion Mr Hastings called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Bailey, Coop, English, Fleenor and Owen—5.

Those who voted in the negative, were Messrs Biggs, Brewer, Clark, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker—18.

So the motion to adjourn was lost.

No. 56, H. R. file, entitled, "A bill for the relief of Van Buren county," was read a second time, and

On motion of Mr Bailey,
The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; when Mr Myers reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment.

To which the House agreed.

On motion, the bill was ordered to be engrossed and read a third time on to-morrow.

Mr Hall gave notice, that he would on some day hereafter ask leave to introduce a bill making good and valid all deeds made to lands upon the certificates of the general government.

No. 33, H. R. file, entitled, "A bill relative to the incompatibility of offices," was read a second time, and

On motion of Mr Hastings,
The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported, that the committee had had said bill under consideration, and directed him to report the same to the House without amendment.

Mr Brewer moved to strike out the first section of said bill, which motion he subsequently withdrew in order that Mr Rich might offer the following preamble and resolution:

Whereas we have recently received intelligence, that a certain set of men acting under color of authority from the state of Missouri, have been committing outrages upon the persons and property of our citizens. And, Whereas, companies of armed men are infesting our southern border, plundering our citizens and stopping our mails. And further, it is expected that a portion of our Territory will shortly be invaded by a hostile force,

Therefore, Resolved, That it is the duty of this House to adjourn to some subsequent day, giving the members of the Legislature time to aid in protecting the rights of our citizens.

On motion of Mr Hall,

The preamble and resolution were laid on the table until to-morrow.

Mr Hastings moved that the House adjourn, and on this motion Mr Coop called for the yeas and nays, which were ordered.

Those who voted in the affirmative, were Messrs Biggs, Brewer, Clark, Hastings, Langworthy, Leffler, Mintun, Patterson, Rich, Robertson, Ross, Walworth, Wheeler and Johnston, Speaker—14.

Those who voted in the negative, were Messrs Bailey, Coop, English, Fleenor, Hall, Hawkins, Lash, Myers, Owen and Summers—10.

So the motion to adjourn was decided in the affirmative.

Saturday Morning, Dec. 7, 1839.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker : I am instructed to inform the House of Representatives, that the Council have appointed Messrs Parker and Hepner a committee of conference, to act with a similar committee appointed on the part of the House in relation to the disagreeing vote of the two houses upon

No. 2, H. R. file, entitled "Memorial to Congress on the subject of Post Roads in Iowa," and have amended the amendment of the House to

No. 9, C. file, "An act to authorize evidence by the oath of parties," in which the concurrence of the House is requested. And then he withdrew.

On motion of Mr Biggs,
The House adjourned.

Monday Morning, Dec. 9, 1839.

Mr English presented the petition of sundry citizens of Des Moines county, praying for the relocation of the seat of justice of said county.

On motion of Mr English,

Ordered that said petition be referred to a select committee.

Messrs English, Hawkins, Coop, Fleenor and Lash, were appointed said committee.

Mr Bailey offered the following :

Resolved, That James G. Edwards be allowed the sum of two hundred and fifty dollars, for publishing in Pamphlet form at the last session of the legislature, the laws in relation to justices of the peace and constables, and that our Fiscal Agent be required to pay said sum.

On motion of Mr Bailey,

The Resolution was referred to the committee on expenditures.

Mr Summers in accordance with previous notice, introduced No 60, H. R. file, entitled "A bill to incorporate a medical society, and to regulate the practice of physicians," which was read a first time.

Mr Walworth from the committee on enrollments reported "An act for the relief of the administrators of the estate of the late Benjamin W. Clark," Also,

Preamble and Joint Resolution, relative to the improvement of the Des Moines river, as correctly enrolled. The Speaker then signed the above mentioned Act and Preamble and Joint Resolution.

Mr Myers, from the committee on engrossed bills, reported No's. 39, 41, 42, 44, 46, 49, 50, 53, 56, H. R. file, as correctly engrossed.

Mr Summers, from the committee of conference appointed on the part of the House, to act with a similar committee appointed to act on the part of the Council, in relation to the disagreement of the two Houses, to the 15th amendment of the Council, to No. 2, H. R. file, entitled A "memorial to Congress on the subject of post roads in Iowa:" reported, That the committee of conference have agreed to the first clause of the amendment of the Council, and have receded from the second clause of said amendment.

The House agreed to the report of the committee.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 1, C. file, entitled "A bill relative to landlords and tenants," reported the same back to the House without amendment.

And No. 13, H. R. file, entitled "A bill to amend an act entitled 'An act fixing the terms of the supreme and district courts, and for other purposes,'" with amendments; said bills were severally read a first time.

No. 6, C. file, entitled "Resolution relative to memorials and resolutions passed at the last session," was read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 33, H. R. file, entitled "A bill relative to the incompatibility of offices," was,

On motion of Mr Hastings,

Taken up, when Mr Brewer renewed his motion to strike out the 1st section of the bill; which motion was lost.

Mr Summers moved to amend the first section of the bill by inserting after the words "Justices of the Peace" the words "county surveyors," to which the House agreed.

Mr Mintun moved to strike out the enacting clause.

And before the question was taken, Mr Walworth moved to lay the bill on the table subject to the order of the House; which motion was lost.

The question then recurred to the motion to strike out the enacting clause, and on this motion, Mr Lash called for the yeas and nays which were ordered.

Those who voted in the affirmative were Messrs Brewer, Churchman, Mintun and Johnston, Speaker—4.

Those who voted in the negative, are

Messrs Bailey, Biggs, Clark, Coop, English, Fleenor, Hastings, Hawkins, Langworthy, Lash, Leffler, Myers, Owen, Patterson, Robertson, Ross, Summers, Walworth, and Wheeler—19.

So the question was decided in the negative.

On motion of Mr Summers,

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

No. 9, C. file, entitled "An act to authorize evidence by the oath of

parties," as amended by the Council, was taken up and the amendment of the Council concurred in.

No. 39, H. R. file, entitled "A memorial to Congress for the benefit of the Rangers of the late war."

No. 42, H. R. file, entitled, "A bill to establish a seminary of learning at Parkhurst, in Scott County."

No. 41, H. R. file, entitled "Memorial to the President of the United States, for the postponement of the land sales in the Burlington land district."

No 44, H. R. file, entitled "A bill to repeal a part of the 86th section of an act entitled 'An act relative to proceedings in chancery.'"

No. 49, H. R. file, entitled "A Preamble and Resolutions to the Congress of the United States, asking for an appropriation for the improvement of a Territorial Road, on the Des Moines river."

No. 50, H. R. file, entitled "A Memorial to Congress for the Improvement of the Roads therein mentioned."

No. 56, H. R. file, entitled "A bill for the relief of Van Buren county;" said memorial, preamble, and resolutions, and bills were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Churchman, on leave of the House being granted, introduced No. 61, H. R. file, entitled "Memorial for the relief of settlers upon school sections;" which was read a first time.

No. 3, C. F. entitled "A memorial to Congress for an additional appropriation for the completion of the Penitentiary," was read a second time.

On motion of Mr Coop,

Ordered, That said memorial be read a third time on Thursday next.

No. 12, C. F. entitled "A bill relative to Coroners and their duties," was read a second time, and

On motion of Mr Robertson,

The House then resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Robertson,

Ordered, That the bill be read a third time on to-morrow.

No. 45, H. R. file, entitled "A bill to repeal a part of an act regulating the issuing of writs of *ne exeat* and injunctions," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 57, H. R. file, entitled "A resolution relative to a compensation to Dr James Davis," was read a second time, and on motion,

Ordered, That said resolution be engrossed and read a third time on Wednesday next,

No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson was read a second time, and on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Coop reported that the committee had had said bill under consideration and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Robertson,

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

On motion of Mr Churchman,

No. 55, H. R. file, entitled "A memorial to the President of the United States, relative to the Sioux-half breed reservation on Lake Pepin," was taken from the table, and ordered to be engrossed, and read a third time on Wednesday next.

No. 59, H. R. file, entitled "A bill for the benefit of Van Buren county," was read a second time; and

On motion of Mr Biggs,

Ordered, That the bill be engrossed, and read a third time on Monday next.

No. 17, C. F. entitled "A bill to district the county of Henry into three county commissioners' districts," was read a second time.

On motion of Mr Lash,

Ordered, That the bill be read a third time on Wednesday next.

On motion of Mr Bailey,

The House adjourned until 1 o'clock, P. M.

ONE O'CLOCK, P. M.

On motion of Mr Walworth,

A call of the House was ordered.

Whereupon, the Sergeant-at-arms was despatched by the Speaker to compel the attendance of the absentees.

After a short time the absent members appearing, the further call of the House, was on motion of Mr Owen suspended.

Mr Leffler on leave being granted, introduced the following Preamble and Resolutions.

"Whereas, an unfortunate crisis has arrived in the difficulties hitherto existing between the State of Missouri and the Territory of Iowa, in relation to the boundary line between the two governments; and

Whereas, the Territory of Iowa under any circumstances, would deprecate any military collision between the forces of said State and Territory, fully believing that the most friendly feelings exist between the great mass of the citizens of the respective parties; and

Whereas, the organic law of said Territory renders it impossible for the constituted authorities of said Territory, to accede to the propositions hitherto made by the citizens of Missouri, although they fully reciprocate

the kind feelings evinced by the late delegation, "from the county court of Clarke county." Therefore,

Resolved by the Council and House of Representatives of the Territory of Iowa, That the officers now on duty on the part of the State of Missouri, be respectfully requested to suspend all further military operations on the part of the said State, until these resolutions can be submitted to his Excellency, Governor Boggs.

Resolved, That his Excellency, Governor Boggs, be requested to authorize a suspension of hostilities on the part of the State of Missouri, until the first day of July next, with a view of having the unfortunate difficulties now existing between the State of Missouri and the Territory of Iowa, adjusted by the action of Congress.

Resolved, That his Excellency, the Governor of Iowa, be requested to suspend all further military operations until the decision of his Excellency Governor Boggs, may be obtained relative to the propositions herein contained.

Resolved, That a committee of three on the part of the House of Representatives, be appointed to act in conjunction with a similar committee on the part of the Council, to submit these resolutions to the civil and military authorities of the State of Missouri, and to confer with the said authorities on the propositions herein contained; the resolutions were read a first time.

On motion of Mr Summers,

Ordered, That the 44th rule of the House be suspended in order that the said preamble and resolutions be read a second and third time to day.

The resolutions were read a second time.

On motion of Mr Churchman,

The House resolved itself into a committee of the whole House on said preamble and resolutions.

After some time spent therein, Mr Speaker resumed the chair, and Mr Langworthy reported that the committee had had said preamble and resolutions under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Robertson,

Ordered, That the preamble and resolutions be considered as engrossed, and be read a third time now.

The preamble and resolutions were read a third time and passed.

Messrs Leffler, Bailey and Patterson were appointed a committee under the fourth resolution.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Brewer,

The House adjourned till 6 o'clock, P. M.

SIX O'CLOCK, P. M.

Mr Brewer, from the joint committee on enrollments, reported, that the committee did on the sixth instant, present to the Governor for his approval,

"A memorial on the subject of the disputed boundary with Missouri."

"A joint resolution relative to the distribution of the acts of the 25th Congress," also, "An act for the benefit of settlers on the half breed lands."

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker—I am instructed to inform the House that the Council have passed preamble and resolution relative to the difficulty between the Territory of Iowa and the State of Missouri, with amendments, in which the concurrence of the House is requested. And then he withdrew.

On motion of Mr Summers,

Ordered, That the House agree to the amendments of the Council to the preamble and resolutions just returned from the Council.

Mr Bailey offered the following :

Whereas, intelligence has just arrived that an armed force in the State of Missouri, consisting of six thousand men strong, are on their march to take possession of the tract of land now in dispute between the State of Missouri and this Territory,

And whereas such intelligence calls loudly on this House for an adjournment in order to assist our citizens in maintaining peace or aiding them in the defence of their rights ; therefore,

Resolved by the Council and House of Representatives of the Territory of Iowa, That the Legislative Assembly do now adjourn till the 20th of the present instant.

The Resolution was read a first time.

Mr Bailey moved that the 44th rule of the House be suspended, in order that the preamble and resolution be read a second and third time to-day.

Which motion was lost, there not being two-thirds of the members present voting in favor thereof.

Mr Langworthy moved that the House adjourn ; the motion was lost.

Mr Walworth moved to reconsider the vote, by which the House refused to suspend the 44th rule, to which the House agreed.

The 44th rule was then suspended.

The preamble and resolution were then read a second time, and,

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said preamble and resolution.

After some time spent therein, Mr Speaker resumed the Chair, when Mr Wheeler reported that the committee had had said preamble and resolution under consideration, and directed him to report the same to the House, without amendments. To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the Preamble preceding said resolution be stricken out.

Mr Langworthy moved to strike out of the Resolution "the 20th inst." and insert "the 1st day of April next."

And on this motion the yeas and nays were called for, and ordered.

Those who voted in the affirmative, were Messrs Langworthy and Walworth—2.

Those who voted in the negative, were Messrs Bailey, Biggs, Brewer, Clark, Coop, English, Fleenor, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Robertson, Ross, Summers, Wheeler and Johnston, Speaker—18.

So the question was decided in the negative.

Mr Summers moved to amend by adding the following: That during the adjournment the members and officers of the House shall not receive their per diem, and it shall not be considered a part of the seventy-five days allowed for the Legislative Assembly.

On motion of Mr Leffler,

Ordered, That the resolution and amendment be laid on the table.

Mr Walworth, from the joint committee on enrollments, reported as correctly enrolled, Preamble and Resolutions relative to the difficulties between this Territory and the State of Missouri.

The Speaker signed the above entitled resolution.

On motion of Mr Leffler,

The House adjourned till the 13th inst.

Friday Morning, Dec. 13, 1839.

Mr Summers presented the petition of sundry citizens of Scott county, praying that a charter to keep a ferry be granted to Avery Thomas, at Pinneo's landing, opposite the town of Cordova, Illinois. Said petition was referred to a select committee, viz: Messrs Summers, Wheeler and Clark.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
Dec. 13, 1839. }

Received of Daniel Brewer, member of the House of Representatives of the Legislative Assembly, "An act for the relief of the administrators of the estate of the late Benjamin W. Clark."

A preamble and joint resolutions relative to the improvement of the Des Moines river;

A preamble and resolutions relative to the difficulty between the Territory of Iowa and the state of Missouri, presented for my consideration and approval.

(Signed.)

ROBERT LUCAS.

Mr Hawkins, from the committee on the judiciary reported No. 62, H. R. file, entitled "A bill concerning the supreme and district courts and defining their jurisdiction and powers."

Mr Wheeler in accordance with previous notice reported No. 63, H. R. file, entitled "Memorial for the survey of the harbor at the town of Du Buque," said bill and memorial were severally read a first time.

Mr Leffler asked leave of absence for Messrs Bailey, Biggs and Hall; leave was granted.

Mr Wheeler asked leave of absence for Messrs Rich and Churchman; leave was granted.

Mr Hawkins asked leave of absence for Messrs Patterson and Owen; leave was granted.

Mr Walworth asked leave of absence until Monday next, for Messrs Hastings and Robertson; leave was granted.

No. 46, H. R. file, entitled "A bill making certificates of the purchase of public lands evidence of possession," was read a third time.

On motion of Mr Summers,

Ordered, That said bill be laid on the table subject to the order of the House.

No. 53, H. R. file, entitled "A bill to incorporate the Bloomington Education Society," was read a third time; and on the question being put, shall the bill pass, was decided in the affirmative, yeas 9, nays 6. The yeas and nays being desired by Mr Cox.

Those who voted in the affirmative were Messrs Brewer, English, Fleenor, Hawkins, Lash, Myers, Ross, Summers and Walworth.

Those who voted in the negative were Messrs Cox, Langworthy, Leffler, Mintun, Wheeler and Johnston, Speaker.

So the bill passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 12, C. F. entitled "A bill relative to coroners and their duties."

No. 14, C. F. entitled "A bill to provide for the appointment of notaries public and to prescribe their duties."

No. 17, C. F. entitled "A bill to district the county of Henry into three county commissioners' districts."

No. 3, C. F. "Memorial to Congress for an additional appropriation for the completion of the penitentiary."

Said bills and memorial were severally read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 13, H. R. file, entitled "A [bill to amend 'an act fixing the terms of the supreme and district courts, and for other purposes,'" was read a second time, and

On motion of Mr Cox,

Ordered, That said bill be laid on the table subject to the order of the House.

No. 60, H. R. file, entitled "A bill to incorporate a medical society and to regulate the practice of physicians," was read a second time, and on motion the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported, that the committee had according to order said bill under consideration, and directed him to report the same to the House with an amendment, to which the House agreed.

On motion of Mr Langworthy,

Ordered, That the enacting clause be stricken from said bill.

No. 61, H. R. file, entitled "A memorial for the relief of settlers upon school sections," was read a second time, and on motion,

Ordered, That said memorial be engrossed and read a third time on Monday next.

Mr Leffler gave notice, that he would on to-morrow or some subsequent day, introduce "A bill to regulate the practice of attorneys at law and the proceedings in certain cases of the special courts of this Territory."

Mr Mintun asked leave of absence until Monday next, for Mr Clark; leave was granted.

Mr English asked leave of absence until Monday next, for Mr Coop; leave was granted.

Mr Brewer gave notice that he would on some day hereafter introduce "A bill concerning enclosures and trespassing animals."

On motion of Mr Langworthy,

The House adjourned until Monday next.

Monday Morning, Dec. 16, 1839.

Mr Walworth presented the petition of sundry citizens of Linn county, praying that a charter be granted to A. Cowles, to keep a ferry across Cedar river, at Ivanhoe.

Said petition was referred to a select committee, viz: Messrs Walworth, Summers and Cox.

Mr English, from the select committee appointed for that purpose, reported No. 64, H. R. file, entitled "A bill to relocate the seat of justice of Des Moines county;" which was read a first time.

Mr Myers, from the committee on engrossed bills, reported No's. 33, 45, 55, 57, 58, 59, and 61, H. R. file, as correctly engrossed.

Mr Brewer, from the joint committee on enrollments, reported An act to create the office of public printer and to define his duties. Also memorial for a donation of land for literary purposes, as correctly enrolled.

The Speaker signed said Act and Memorial.

No 62, H. R. file, entitled "A bill concerning the supreme and district courts, and defining their jurisdiction and powers," was read a second time, and

On motion of Mr Hawkins,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the Chair, and Mr Cox reported that the committee had according to order had said bill un-

der consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Leffler,

Ordered, That said bill be referred to a select committee. Messrs Leffler, Churchman and Hawkins, were appointed said committee.

No. 33, H. R. file, entitled, "A bill relative to the incompatibility of offices," was read a third time, and the question being put shall the bill pass, was decided in the affirmative.—Yeas 9.—Nays 7.

The yeas and nays being desired by Mr Brewer, those who voted in the affirmative, were Messrs English, Fleenor, Hawkins, Langworthy, Lash, Ross, Summers, Walworth and Wheeler.

Those who voted in the negative, were Messrs Brewer, Cox, Leffler, Mintun, Myers, Owen and Johnston, Speaker.

So the bill passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 45, H. R. file, entitled "A bill to repeal a part of the act entitled an act regulating the issuing of writs of *ne exeat* and injunction," was read a third time, passed and its title amended.

No. 55, H. R. file, entitled "A memorial to the President of the United States, relative to the Sioux half breed reservation on Lake Pepin," was read a third time and passed.

Ordered that the clerk acquaint the Council therewith.

No. 57, H. R. file, entitled "Resolution relative to a compensation to Dr James Davis," was read a third time, and

On motion of Mr Langworthy,

Was referred to the committee on claims.

No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson," was read a third time, and

On motion of Mr Cox,

Ordered, That said bill be laid on the table, subject to the order of the House.

No. 59, H. R. file, entitled "A bill for the benefit of the sheriff of Van Buren county," was read a third time, and

On motion of Mr Leffler,

Was laid on the table, subject to the order of the House.

No. 61, H. R. file, entitled "Memorial for the relief of settlers upon school sections," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 63, H. R. file, entitled "Memorial for the survey of the harbor at the town of Du Buque," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair; and Mr Lash reported that the committee had according to order, had said memorial under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Langworthy,

Ordered, That said memorial be engrossed and read a third time on Wednesday next.

No. 1, C. F. entitled "A bill relative to landlords and tenants," was read a second time, and

On motion of Mr Lash,

Was ordered, to be read a third time on Wednesday next.

Mr Leffler gave notice that he would on to-morrow or some subsequent day introduce a memorial asking Congress for an additional appropriation to improve the road opposite the city of Burlington, in the State of Illinois, across the Mississippi bottom.

On motion of Mr English,

The House adjourned.

Tuesday Morning, Dec. 17, 1839.

Mr Hastings presented the petition of sundry citizens of the counties of Muscatine and Johnson, praying for the construction of a McAdamized road by the Territory, or that a company be chartered to construct a MacAdamized road from Bloomington via Boggs ferry and West Liberty, to Iowa city.

Which was referred to the following select committee, viz: Messrs Hastings, Summers, Clark, Walworth and Robertson.

Mr Hastings presented the petition of sundry citizens of Johnson county, praying for the repeal of the law of Wisconsin, locating the seat of justice of said county, and that the present board of commissioners of said county, may be authorized to locate the seat of justice thereof.

Which was referred to the committee on township and county boundaries.

On motion of Mr Langworthy,

Ordered, That the committee on claims, be instructed to examine the claim of Dr James Davis, and report a memorial to Congress for his relief.

Mr Brewer in accordance with previous notice, introduced No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals."

Mr Hastings in accordance with previous notice, introduced No. 66, H. R. file, entitled "A bill to incorporate the Bloomington Insurance Company."

Said bills were severally read a first time.

The Speaker announced the following communication from the Executive:

EXECUTIVE DEPARTMENT, I. T. }
 Burlington, Dec. 16, 1839. }

*To the Honorable the House of Representatives
 of the Legislative Assembly:*

GENTLEMEN:—On the 13th inst. there was presented to me for my consideration a Preamble and Resolution, entitled “Preamble and Resolutions relative to the difficulty between the Territory of Iowa and the State of Missouri.”

I have carefully examined this Preamble and Resolutions and being unable to concur with the Legislative Assembly, I herewith return them to the House of Representatives in conformity to amendment of the organic law, with my objections to the same.

The title of the Resolutions relates to the difficulty between the Territory of Iowa and the State of Missouri. I know of no difficulty between the Territory of Iowa and the State of Missouri, neither can the Territory of Iowa as a Territory, be a party to the controversy. The Territorial government being entirely under the control of the United States, the controversy about the southern boundary of the Territory of Iowa, is between the State of Missouri and the general government.

I concur with the Legislative Assembly, in deprecating any collision between the citizens of the United States residing in the Territory of Iowa, and the citizens of Missouri, and also with the belief that the most friendly feelings exist between the great body of the citizens of Missouri, and those of the United States within this Territory.

I know of no act on the part of the citizens or authorities of the United States within the Territory of Iowa, that has in the least intruded upon the rights of the citizens of Missouri. We have given that State no cause of offence, and I have reason to believe that the great body of the citizens of the State of Missouri, are opposed to the rash proceedings of the authorities of that State in their intrusion upon the citizens of the United States, residing within the organized limits of this Territory, and I am also of opinion that the great body of the people of Iowa Territory, would be unwilling to see a portion of their fellow citizens residing in the southern part of Van Buren county, surrendered to the authority of Clark county, Missouri, to be taxed, and harrassed by them at pleasure, I consider that the citizens of Van Buren county are entitled to the same protection that the citizens of Lee, Henry or Des Moines county are—and I am not aware that there has been any military movements in the Territory of Iowa, further than was required by the Marshal of the United States, to enable him to enforce the laws of the United States and to protect the citizens of the Territory in their constitutional rights.

The organic law of the Territory declares that the laws of Wisconsin should be extended over this Territory, until altered or repealed by the Legislative Assembly, and that the laws of the United States are extended over, and should be enforced in this Territory, so far as the same may be applicable.

The organic law, in defining the duties of the Governor of the Territory, declares that “he shall take care that the laws be faithfully executed.” Van Buren county was organized under the laws of Wisconsin Territory,

and the jurisdiction of the United States under the authority of that Territory, was exercised to the Indian boundary line. This jurisdiction was transferred to the Territory of Iowa, at the time of its organization, and has been exclusively and peaceably exercised by her under the authority of the United States, until the recent interruptions from Missouri.

I therefore consider that we are bound by the solemn obligations we have taken, to be careful that the laws be faithfully executed within the boundaries of the Territory of Iowa, as it was transferred to us by the United States at the time of its organization, and that there is no authority in the Territory, neither in the Executive or Legislative Assembly, that can in any way or manner suspend the operations of the laws of the United States within the boundaries of any part of the Territory of Iowa, or to compromise or yield the jurisdiction of the United States in any way or manner whatever, to any part of the Territory over which Wisconsin exercised jurisdiction at the time of the organization of Iowa Territory, until Congress establish a different line.

I therefore, cannot concur in any resolution or act that would make me a party to any transaction that would come in conflict with the solemn obligation I have taken, to take care that the laws of the United States be faithfully executed, which would be the case if I submitted to the requirements of the resolutions herewith returned.

For the information of the Legislative Assembly, I will state, that on the 9th inst. I despatched a special messenger to Washington City, and submitted the whole facts relating to the controversy between the state of Missouri and the United States, relative to the southern boundary of the Territory of Iowa, to the President of the United States, and solicited his interposition and instructions on the subject. So soon as instructions are received from the President of the United States on this affair they will be promptly obeyed by the Executive of the Territory.

Very respectfully, your ob't servant,

ROBERT LUCAS.

The communication having been read,

On motion of Mr Hawkins,

Ordered, That the preamble and resolutions be taken up and passed with the constitutional majority.

The preamble and resolutions then passed by the following vote, yeas fourteen, nays six.

Those who voted in the affirmative, are Messrs Brewer, Clark, Cox, English, Fleenor, Hastings, Hawkins, Leffler, Mintun, Owen, Rich, Ross, Summers, and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Langworthy, Lash, Myers, Walworth and Wheeler.

Ordered, That the Council be informed thereof.

No. 8, H. R. file, entitled "A bill to provide for the appointment of Auditor and to define the duties of Territorial Treasurer," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House.

After some time spent therein, Mr Speaker resumed the Chair, and

Mr Wheeler reported the bill to the House, with sundry amendments to which the House agreed.

Mr Cox moved to amend the first section in the second line by striking out the words "appointed by the Governor of the Territory by and with the advice and consent of the Council," and insert "elected by joint ballot of both houses."

On putting the question it was determined in the negative.

On motion of Mr Walworth,

The word "each" was inserted after the word "dollars" in the seventeenth section.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Thursday next.

On motion of Mr Hastings,

Ordered, That the sergeant-at-arms furnish each desk that has not a sufficient lock and key, with a lock and key, immediately after the House adjourns.

No. 64, H. R. file, entitled "A bill to re-locate the seat of justice of Des Moines county," was read a second time, and

On motion of Mr Leffler,

Was referred to a committee consisting of the delegation from Des Moines county.

Mr Mintun gave notice that he would on to-morrow or some subsequent day, ask leave to introduce a bill to create one or more trustees for the protection of section sixteen in each township, and for other purposes.

Mr Leffler, in accordance with previous notice reported No. 67, H. R. file, entitled "A bill to regulate the practice of Attorneys at Law, and Solicitors in Chancery, and the proceedings in certain cases of the several courts of this Territory," which was read a first time.

On motion the House adjourned.

Wednesday Morning, Dec. 18, 1839.

Mr Biggs presented the petition of sundry citizens of Van Buren and Jefferson counties, praying for the location of a Territorial road from the seat of government of this Territory, by the way of Portland, to the northern boundary of Missouri.

Mr Biggs also presented the petition of sundry citizens of Van Buren county, praying for the location of a Territorial road from Keosauqua to Fairfield, via Philadelphia.

Mr Hastings presented the petition of sundry citizens of Muscatine county, praying for the location of a Territorial road from Bloomington via a bridge over Mud creek, in section two, town seventy-eight, range two west, to the county seat of Cedar county.

Ordered, That said petitions be referred to the committee on roads and highways.

Mr Hastings presented the petition of Benjamin Nye, praying for relief, &c. Said petition was referred to the committee on expenditures.

Mr Hastings introduced No. 68, H. R. file, entitled "Joint resolution requesting our delegate in Congress to urge the passage of a law for a post road," which was read a first time.

Mr Hawkins offered the following:

Resolved, That twelve hundred copies of the "Preamble and resolutions relative to the difficulty between the Territory of Iowa and the State of Missouri," together with the veto message of his Excellency, the Governor, be printed.

The question being put, Shall the resolution be adopted? It passed in the affirmative. Yeas—20. Nays—4.

The yeas and nays being desired by Mr Churchman, those who voted in the affirmative, are Messrs Bailey, Biggs, Brewer, Clark, Cox, English, Fleenor, Hall, Hastings, Hawkins, Leffler, Mintun, Owen, Patterson, Rich, Ross, Summers, Walworth, Wheeler and Johnston, Speaker—20.

Those who voted in the negative, are Messrs Churchman, Langworthy, Lash and Myers—4.

Mr Owen offered the following:

Whereas, William B. Slaughter, Secretary of the Territory of Wisconsin, has refused or neglected to pay the sheriffs in the counties on the west side of Mississippi river, for taking the census in the year 1838; therefore,

Resolved, That a select committee be appointed to enquire into the expediency of instructing our delegate in Congress to use his exertions to procure pay for the said sheriffs. The resolution was adopted.

Messrs Owen, Biggs and Langworthy were appointed said committee.

Mr English, from the minority of the select committee, to whom was referred No. 64, H. R. file, entitled "A bill to re-locate the seat of justice of Des Moines county," reported the same back to the House without amendment. Said bill was read a first time, and,

On motion of Mr English,

Was made the order of the day for a second reading on Friday next.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
Dec. 17, 1839. }

Received of Daniel Brewer, member of the House of Representatives of the Legislative Assembly, "An act to create the office of public printer, and to define his duties," and "A memorial for a donation of land for literary purposes," presented for my consideration and approval.

(Signed.)

ROBERT LUCAS.

Mr Myers, from the committee on engrossed bills, reported No. 63, H. R. file, as correctly engrossed.

Mr Summers, from the select committee appointed for that purpose, reported No. 69, H. R. file, entitled "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river, opposite Cordova, Illinois." Said bill was read a first time.

Mr Leffler, from the select committee to whom was referred No. 62, H. R. file, entitled "A bill concerning the supreme and district courts, and defining their jurisdiction and powers," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Hastings,

No. 58, H. R. file, entitled "A bill to relocate the seat of justice of the county of Johnson," was taken from the table, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Bailey gave notice, that he would on some future day introduce a bill to amend that part of an act entitled "An act to provide for assessing and collecting county revenue," that relates to levying a poll tax.

Mr Biggs gave notice, that he would on to-morrow, or some subsequent day, ask leave to introduce a bill to authorize Hugh W. Sample and his associates to erect a dam across the Des Moines river, opposite the town of Philadelphia in Van Buren county.

Mr Cox gave notice, that he would on some future day, ask leave to introduce a bill for the relief of Wm. A. Warren, sheriff of Jackson county.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker: I am instructed to inform the House that the Council have concurred in the amendments made by the House to

No. 14, C. F. "A bill to provide for the appointment of Notaries Public, &c." and have passed

No. 9, C. F. "Joint resolutions relative to seals, &c."

No. 16, C. F. "A bill to make valid in law the acts of John C. Mather, &c."

No. 18, C. F. "A bill to incorporate the Iowa Flouring Mill and Manufacturing company." Also,

No. 7, H. R. file, "An act regulating grocery license," with amendments.

In all of which the concurrence of the House is requested.

And then he withdrew.

Nos. 9, 16 and 18, C. F. were severally read a first time.

No. 1, C. F. entitled "A bill relative to landlords and tenants," was read a third time, passed, and its title agreed to.

No. 7, H. R. file, entitled "A bill regulating grocery license," as amended by the Council, was taken up, and

On motion of Mr Hawkins,

The House disagreed to the amendments of the Council.

No. 63, H. R. file, entitled "A memorial for the survey of the harbor of the town of Du Buque," was read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Owen, the House adjourned.

Thursday Morning, Dec. 19, 1839.

Mr Hastings presented the petition of sundry citizens of Muscatine county, praying that the Legislative Assembly, memorialize Congress on the subject of an appropriation to improve the mail route along the Mississippi river, from Davenport to Burlington.

Which was referred to the committee on roads and highways.

Mr Churchman presented the remonstrance of sundry citizens of Clayton county, remonstrating against the removal of the seat of justice of said county.

Which was referred to the committee on township and county boundaries.

Mr Rich presented the petition of sundry citizens of the counties of Lee and Des Moines, praying for the location of a territorial road, from Burlington to Fort Madison.

Which was referred to a select committee, composed of the delegations from Lee and Des Moines counties.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker—I am instructed to inform the House that the Council have passed No. 21, C. F. "An act to define the jurisdiction of the several counties in this Territory, that front upon the Mississippi river."

No. 27, H. R. file, "A bill regulating marriages," with amendments. In which the concurrence of the House is requested.

I am also instructed to inform the House, that the Council insist upon their amendment to No. 7, H. R. file, "An act regulating grocery license."

And then he withdrew.

Mr Leffler, in accordance with previous notice introduced No. 71, H. R. file, entitled "Memorial to Congress, for an additional appropriation, to improve the road across the Mississippi bottom, opposite the city of Burlington."

Mr Cox from the committee on Internal Improvements, reported No. 72, H. R. file, entitled "Memorial to Congress, for an appropriation to improve the mail routes therein mentioned."

Mr Hastings, from the committee on the judiciary, reported No. 73, H. R. file, entitled "A bill for the limitation of suits on penal statutes and criminal prosecutions."

Mr Patterson, from the committee on expenditures, reported No. 74, H. R. file, entitled "Resolution for compensation of James G. Edwards, for printing in pamphlet form the act of last session relative to justices of the peace."

Mr Cox, in accordance with previous notice, introduced No. 75, H. R. file, entitled "A bill for the relief of the sheriff of Jackson county."

Mr Patterson, from the committee on expenditures, to whom was referred the petition of Benjamin Nye, reported No. 76, H. R. file, entitled

“A bill to amend an act entitled ‘an act to organize the county of Linn, and establish the seat of justice thereof.’ ”

Mr Biggs, in accordance with previous notice, introduced No. 77, H. R. file, entitled “A bill to incorporate the Philadelphia mill and manufacturing company.” Said memorials, resolution and bills were severally read a first time.

Mr Hawkins, from the committee of conference, appointed on the part of the House, to confer with a similar committee on the part of the Council, to take into consideration the disagreement between the two Houses on the following memorials and joint resolutions, viz: “Memorial for the improvement of the Iowa and Cedar rivers,” “Memorial for a survey of Skunk river,” and “A preamble and joint resolutions relative to the unsurveyed land,”

Report, that they have had an interview with the committee appointed on the part of the Council, and that the committee of the Council have agreed to recede from their amendments to said memorials and joint resolutions.

The House concurred in the report of the committee.

Mr Myers, from the committee on engrossed bills, reported No. 8, H. R. file, as correctly engrossed.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the preamble and resolutions relative to the difficulty between the Territory of Iowa and State of Missouri, which have been returned by his Excellency Governor Lucas, with his objections, have been reconsidered by the Council, and passed by a vote of seven to one; and then he withdrew.

On motion of Mr Summers,

No. 16, H. R. file, entitled “Joint resolution relative to the printing of the laws in the Iowa Sun,” was taken from the table, and read a second time.

The House then resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair; and Mr Myers reported that the committee had according to order, had said resolution under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

Mr Mintun moved to refer the resolution to a select committee, which motion was lost.

Mr Langworthy moved to strike out the words “Andrew Logan, editor of the Iowa Sun, at Davenport,” and insert the words “that the editors of all papers in the Territory,” to which the House agreed.

Mr Biggs moved to postpone further action on the resolution indefinitely.

Mr Mintun moved to add to the resolution the following:

“And that the Secretary be requested to furnish the publishers of the Territorial Gazette with copies of the same;” which motion was lost.

The question then recurred to the motion to postpone indefinitely, and was decided in the negative. Yeas—7. Nays—19.

The yeas and nays being desired by Mr Summers—those who voted

in the affirmative, are Messrs Biggs, Hall, Lash, Mintun, Myers, Owen and Rich.

Those who voted in the negative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, Cox, English, Fleenor, Hastings, Hawkins, Langworthy, Leffler, Patterson, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker.

On motion of Mr Hawkins,

Ordered, That the resolution be referred to a select committee.

Messrs Summers, Hastings, Mintun, Churchman and Bailey, were appointed said committee.

The following message was received from the Governor, by Mr Williams, his private secretary :

EXECUTIVE DEPARTMENT, I. T. }
Burlington, Dec. 19, 1839. }

labeled bill
or
To the Honorable the House of Representatives
of the Legislative Assembly:

Gentlemen—There was presented to me for my consideration on the 17th inst. a bill entitled “An act to create the office of public printer and to define his duties.”

I have carefully examined this act, and approve all its provisions except the clause that provides for the appointment of public printer by joint ballot of both branches of the Legislature of the Territory. I have carefully examined the organic law, and have been unable to reconcile this mode of appointment with any of its provisions. This law being considered as the constitution of the Territory, any appointment made in contravention of its provisions would be subject to be declared void by the district court on a writ of quo warranto, which might lead to much litigation and embarrassment of the public.

With these suggestions I return the bill without my signature, and respectfully solicit of the Legislative Assembly a calm and dispassionate consideration of the seventh section of the organic law, relative to the mode of appointing “civil officers not therein provided for.”

Very respectfully, your ob't servant,

ROBERT LUCAS.

On motion of Mr Langworthy,

Ordered, That the communication be laid on the table and made the order of the day for to-morrow. *p. 120*

No. 62, H. R. file, entitled “A bill concerning the supreme and district courts and defining their jurisdiction and powers,” was read a second time, and on motion, the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had according to order had said bill under consideration, and directed him to report the bill to the House with the enacting clause stricken out. To which the House agreed.

No. 8, H. R. file, entitled “A bill providing for the appointment and

duties of Auditor of public accounts, and regulating the duties of Territorial Treasurer," was read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr English,

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

TWO O'CLOCK, P. M.

Mr Brewer, from the committee on enrollments, reported "An act to regulate the institution of suits by foreign executors and administrators within this Territory," "An act to provide for the organization of the county of Delaware, and to locate the seat of justice thereof," "An act to provide for the appointment of a librarian and for other purposes," also, "Memorial to Congress for amending the organic law," as correctly enrolled.

The Speaker then signed the above entitled acts and memorial.

Mr Summers, from the select committee to whom was referred No. 16, H. R. file, entitled "Joint resolution relative to the printing of the laws in the several newspapers," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Summers,

The 44th rule of the House was suspended, and the resolution was read a second time.

On motion,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals," was read a second time, and,

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Patterson,

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr Bailey, on leave being granted, introduced No. 78, H. R. file, entitled "A bill to amend an act entitled 'An act to assess and collect county revenue,'" which was read a first time.

No. 66, H. R. file, entitled "A bill to incorporate the Bloomington insurance company," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported, that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Hastings,

Ordered, That the said bill be referred to the committee on incorporations, and that the delegation from Muscatine and Johnson be added to said committee.

On motion of Mr Summers,

The House adjourned.

Friday Morning, Dec. 20, 1839.

Mr Robertson presented the petition of sundry citizens of Clinton county, praying for a change of the boundaries of said county.

Mr Robertson also presented the petitions of sundry citizens of Muscatine county, praying for a change of the boundaries of said county.

Mr Hastings moved to reject the petitions.

The motion was lost.

Said petitions were referred to the Committee on Township and County boundaries, and

On motion of Mr Hastings,

The delegation from Muscatine and Johnson counties were added to said committee.

Mr Leffler presented the petition of sundry citizens of Des Moines county praying that the location of the seat of Justice of said county may be left to the vote of the people thereof, and remonstrating against the location of the county seat of said county by Commissioners.

Mr Fleenor moved that the House reject the petition, which motion was lost.

On motion of Mr English,

The said petition together with No. 64, H. R. file, entitled "A bill to re-locate the seat of Justice of Des Moines county," was referred to a select committee composed of the entire delegations from the counties of Des Moines and Van Buren.

Mr Walworth presented the petition of sundry citizens of Linn county praying that the Legislative Assembly memorialize Congress for an appropriation of land for College purposes, which was referred to the Committee on Common Schools.

On motion of Mr Robertson,

Ordered, That the Committee on Roads and Highways, be instructed to enquire into the expediency and propriety of establishing a Territorial road, commencing at Princeton in Scott county, thence to Point Pleasant in said county, and thence on the nearest and best route to Iowa City in Johnson county, and that they report by bill or otherwise.

Mr Summers, from the Committee on Township and County boundaries, to whom was referred the petition of sundry citizens of Clayton county, reported No. 79, H. R. file, entitled "A bill to re-locate the seat of justice of Clayton county.

Mr Biggs, from the committee on Roads and Highways, reported No. 80, H. R. file, entitled "Memorial to Congress on the subject of a turnpike road from the City of Burlington to Fairfield," which bill and memorial were severally read a first time.

Mr Robertson presented the claim of D. C. Eldridge for carrying the Mail from Davenport to Du Buque, under a joint Resolution of the Legislative Assembly passed at the last session, which was referred to the Committee on Claims.

Mr Langworthy on leave being granted, reported No. 81, H. R. file, entitled Memorial to Congress for the speedy settlement of the Du Buque land claim, which was read a first time.

On motion of Mr Hastings,

Ordered, That a committee of two be appointed to wait upon Mr Rague, the Architect of the public buildings at Iowa City, and examine his plans for the same in conjunction with a similar committee appointed by the Council. Messrs Hastings and Rich were appointed said committee.

Mr Walworth, from the Committee on Enrollments, reported Memorial to Congress on the subject of post roads in Iowa, as correctly enrolled.

The Speaker then signed said memorial.

Mr Rich, from the select committee appointed for that purpose, reported No. 82, H. R. file, entitled "A bill to establish a Territorial Road from Burlington to Keokuk."

Mr Hastings, from the committee on the judiciary, reported No. 83, H. R. file, entitled "A bill to amend an act allowing and regulating writs of attachment."

Said bills were severally read a first time.

Mr Myers, from the committee on engrossed bills, reported No. 16, H. R. file, as correctly engrossed.

✓ The communication received from the Governor on yesterday, returning with his objections the "Act to create the office of public printer and defining his duties," was taken from the table, and again considered.

And the question being put, shall the act pass, was decided in the negative. Yeas—8. Nays—18.

So the act was lost, there not being two thirds of the members present voting in the affirmative.

Those who voted in the affirmative, are Messrs Churchman, Clark, Cox, English, Fleenor, Hastings, Mintun and Walworth.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Coop, Hall, Hawkins, Langworthy, Lash, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Wheeler and Johnston, Speaker.

Ordered, That the clerk acquaint the Council therewith.

The Speaker laid before the House the annual report of the acting com-

missioner for the erection of the public buildings at Iowa city ; which was read, and is as follows :

Report, &c. made in conformity to an act entitled "An act supplementary to 'An act to locate the seat of government for the Territory of Iowa, and for other purposes,' " approved January 21, A. D. 1839.

*To the House of Representatives
of the Territory of Iowa:*

GENTLEMEN:—I have the pleasure of redeeming my promise made in a former report, and of laying before your body the annual report of the Acting Commissioner at Iowa city, the established seat of government of the Territory of Iowa.

There were sold at the first sale of lots at Iowa city, one hundred and three lots, amounting to the sum of	\$17,292 75
Of the above number of lots, six were forfeited, amounting to \$721, which leaves the amount for which certificates have actually been given,	16,571 75
The number of lots sold at the second sale, was one hundred and six, including the six lots that had become forfeited ; and also, three out lots, amounting in all to the sum of	11,887 00
There yet remains in the hands of the acting commissioner, and for which certificates have not been given up to the date of this report, twenty-five lots, amounting in all to the sum of	1,719 00
Which subtracted from the amount of sales, leaves a balance of	10,168 00
For which certificates have been given to the purchasers of eighty-four lots, including three out lots.	

RECAPITULATION.

The number of lots which were bid off at both sales, was two hundred and six, including three out lots, amounting to the sum of	29,179 75
The number of lots and out lots which have been actually taken by the purchasers and certificates given for the same, is one hundred and eighty-one, amounting in all to the sum of	26,739 75
Of the above amount, the acting commissioner has received \$7,105, in cash, and \$19,634 75, in notes, amounting in all to the above sum of	26,739 75

In my disbursements from the above fund, I have been guided in some measure by the practice adopted in the different States and Territories in laying out and establishing cities under similar circumstances.

In the month of June, immediately after my return to Du Buque, after making the location of the seat of government, I procured tools and assistance and returned to Iowa city, and commenced opening the rock quarry. In doing this, I felt that I was doing my duty not only to the location itself, but to the Territory at large, in endeavoring to ascertain

the quantity and quality of the rock of which it was proposed to procure the material for building the future capitol of Iowa. I furnished the provisions for this undertaking, for which I make no charge to the Territory.

The moneys which I actually paid out from my own private funds for powder, tools and labor, was \$51 50, which, I trust, your honorable body will allow me—it being money well expended.

After becoming satisfied that the rock would answer the purpose for which we intended it, I repaired to Burlington, and after having had my bond filed according to law as acting commissioner, I did (by and with the advice of the Executive and the concurrence of the board of commissioners) make arrangements for the immediate survey of Iowa city.

Said survey was commenced on the first day of July. It is a well known fact, especially to surveyors, that this is a very unfavorable season of the year for surveying in the western country, in consequence of the luxuriant growth of vegetation, accompanied by the heavy dews that prevail at this season of the year, making it almost impossible to commence the labors of the day at any thing like an early hour, without exposure to sickness and death.

The consequence is, that only about two-thirds of a day's labor can be performed in twenty-four hours.

It required over two thousand stakes to be used on the location, and something like fifty hewed posts from six inches to one foot square, and from six to nine feet long for the corners of the town plat, the public square, and reservations.

For boarding the surveyors and hands employed, I paid at the rate of four dollars per week. The amount paid for surveying, including all the expense of surveyor's hands, teams, setting of the posts, and the necessary plats of the city, as per receipts in my office, is \$1,476 99.

At the first sale of lots, his Excellency Governor Lucas, gave it as his decided opinion as well as many architects and many other gentlemen, that it was necessary and proper to open the rock quarry on a more extensive scale for the benefit of contractors as well as a matter of interest to the Territory.

An order of the majority of the board of commissioners, was accordingly made out, authorizing the acting commissioner to procure laborers and tools, and proceed immediately to open said quarry as extensively as he thought practicable, before the second sale of lots at Iowa city. I did accordingly procure the necessary tools from Du Buque, and proceeded without delay to commence operations. The expense attendant in opening the above quarry, is not lost to the Territory, as a man could hardly have been found who would have made a bid for the quarrying of the rock, if the quarry had remained in its natural state.

The contractors who did finally contract for the quarrying of the above rock, took into consideration the labor which had been performed, and made their bid accordingly.

The amount paid for labor on the above quarry is,	\$307 00
Paid for tools and transporting the same from Du Buque, to Iowa city, including a large scraper for grading around the capitol, the sum of (as per bills)	\$100 12

Of the above tools, I have disposed to the amount of \$75 00 at cost, including transportation, to the contractors for quarrying the rock, which amount I shall charge to the commissioners office on the delivery of the tools.

The amount paid for board from the first of July, and up to the date of this report is \$200 03.

In September, I employed men to prepare the ground for the foundation of the capitol, removing the turf and dirt from the same on to the east side of the capitol square in Iowa Avenue. The amount paid for the above service is \$35 00.

Paid J. P. Hamilton the recorder of Johnson county, \$2 00 for recording the plat of Iowa city.

A certified copy of said plat was forwarded to the Executive of the Territory, in conformity to the sixth section of an act entitled "An act to locate the seat of government of the Territory of Iowa, and for other purposes." Which plat agreeable to the above named section, should be filed in the office of the Secretary of the Territory.

Paid Messrs Russell & Reeves, publishers of the Iowa News, at Du Buque, \$91 00, for advertising in their paper for proposals for the erection of the capitol, and for publishing the Governor's proclamation of the sale of lots at the seat of government.

I have expended some few dollars for the improvement of Iowa Avenue, but in the absence of a law on the subject, and having the labor performed on my own responsibility, for the benefit of the city, I shall make no account of it in this report. Hoping, however, that your honorable body will authorize the acting commissioner, to appropriate a sufficient amount of funds the ensuing summer, in improving not only Iowa Avenue, but the mineral springs, on Ralston's creek, as not only add to the beauty of that part of the city, but will also enhance the value of the property of the Territory in the same.

The amount paid to auctioneers and clerks at the sales of lots, is \$140 00.

The following item to which, in an especial manner, I would call the attention of the Legislative Assembly, is \$630 35 paid for eleven hundred copies of lithographic maps of Iowa city. The said maps are selling in the different parts of the Territory, at one dollar for the pocket maps, and from fifty to seventy-five cents for those in sheets.

I believe it to be a safe calculation, to say, that what have already been disposed of will pay one half the expense of procuring the whole of the above copies; and there are six hundred copies which I have not yet received, in consequence of the death of the lithographer at St Louis, after commencing the stone. It became necessary to employ an engraver to engrave the stone, which increased the expense. The engraver has given his bond that the stone shall be reserved for the use of the acting commissioner one year, and binds himself to furnish any number of copies in sheets at eight dollars per one hundred copies and furnish paper. If put in covers as pocket maps, he charges an addition of six dollars per one hundred copies.

In all cases where I have sent or left maps to be sold, I have taken re-

ceipts and shall be enabled at my quarterly report (if any should be called for,) to state with more certainty the amount of sales which have actually taken place and charge the same to the commissioners office in account current with the Treasurer of the Territory.

If the Legislative Assembly think proper to allow the above item and accept the proposition, I should give instruction to the office at St. Louis, to have a quantity of maps in readiness on the opening of navigation to be forwarded to this place for the benefit of the Territory. As I am firmly of the opinion that enough can be realized in the next two years from the sale of these maps to go far, if not quite pay the salaries of the board of commissioners, and be the means of making Iowa City more generally known in distant states and territories.

RECAPITULATION.

The amount paid in June for commencing the opening of the stone quarry, is	51 50
The amount paid for surveying, &c.	1,476 99
Paid for labor on the quarry,	307 00
Paid for tools and transportation,	100 12
The amount paid for board,	200 03
The amount paid for labor on the capitol square,	35 00
Paid Recorder,	2 00
Amount paid Russell & Reeves, as per bill,	91 00
Amount paid auctioneers and clerks at the sale of lots,	140 00
Amount paid for eleven hundred lithographic maps of Iowa City,	630 35
	<hr/>
	\$3,033 99

After taking the above amount from the sum of \$7,105, cash received, there will be a balance in the hands of the acting commissioner, in cash, 4,071 01
And in notes, the sum of \$19,634 75

The above balance, together with the payments which become due in February and April, will make a fund sufficient to answer all purposes for which money will be wanted by me as acting commissioner for the next six or nine months. I shall, therefore, make no estimates with a view of drawing any part of the appropriation made by Congress at present.

I extend this report from the first of May, the time when I entered on my duties, up to the first of November, it being six months or semi-annual. This will enable the acting commissioner to make his next report to the Legislative Assembly, a full annual report, as the year will have expired on or before the meeting of the next Legislature; and will also enable the acting commissioner to make three full quarterly reports within the said year.

The above report I have made with great care and attention, and believe it to be correct in every particular.

It appears to me to be necessary that there should be an iron safe for the use of the commissioners office for the security of the Territory, and for the safe keeping of notes, books and records, which belong to said office,

An iron safe of sufficient size could be purchased from \$75 to \$125.

All of which is respectfully submitted.

Allow me, gentlemen, with much esteem, to subscribe myself,

Respectfully, your obedient servant,

C. SWAN,

Acting Commissioner.

Iowa City, November 1st, 1839.

P. S. I would respectfully request that a copy of the above report be furnished to the honorable the Council. C. S.

Mr Summers moved that the report be referred to the committee on public buildings, and that one hundred copies be printed; which motion was lost.

On motion of Mr Langworthy,

Ordered, That the report be referred to the committee on territorial affairs, and that one hundred copies be printed.

No. 21, C. F. A bill to define the jurisdiction of the several counties in this Territory that front upon the Mississippi river, was read a first time.

Mr Cox moved to reject the bill; which motion was lost.

On motion of Mr Brewer,

The House adjourned until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker,—I am directed to inform the House, that the Council have appointed Messrs Ralston and Parker, a committee to call on Mr Rague, the architect for the public buildings, and request him to submit a plan of the building at Iowa city.

The Council have passed No. 5, C. F. Memorial relative to location by commissioners of Henry county, for county purposes.

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

No. 42, H. R. file, A bill to establish a seminary of learning at Parkhurst, in Scott county, with amendments.

In which the concurrence of the House is requested.

Also, without amendment,

No 28, H. R. file, A bill to regulate conveyances.

No. 40, H. R. file, Resolution relative to a supervisor to the printing of the laws of the present session.

No. 58, H. R. file, A bill to re-locate the seat of justice of the county of Johnson.

I also herewith present for your signature,

No. 2, C. F. Memorial on the subject of an appropriation on the territorial road, from Du Buque to the southern boundary of Missouri.

No. 6, C. F. Resolution relative to memorials and resolutions passed at the last session.

No. 9, C. F. An act to authorize evidence by the oath of parties.

No. 12, C. F. An act relative to coroners and their duties.

No. 17, C. F. An act to district the county of Henry into three county commissioners' districts. And then he withdrew.

No. 27, H. R. file, entitled "A bill regulating marriages," as amended by the Council, was taken up.

The first, second, third, fifth, sixth and seventh amendments of the Council were agreed to by the House. And the fourth and eighth amendments of the Council, were disagreed to.

No. 7, H. R. file, entitled "An act regulating grocery licence," in which the Council insist upon their amendment, was taken up and,

On motion of Mr Summers,

Ordered, That the House insist upon their disagreeing vote, and that a committee of conference be appointed on the part of the House to confer with the Council, in relation to the disagreeing vote of the two Houses. Messrs Summers and Biggs, were appointed said committee.

No. 16, H. R. file, entitled "A Joint Resolution relative to publishing the laws in the several newspapers published in the Territory," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 9, C. F. entitled "Resolution relative to the seals of the various Courts in the Territory," was read a second time, and

On motion of Mr Hastings,

Ordered, That the resolution be read a third time on Monday next.

No. 16, C. F. entitled "A bill to legalize the acts of John C. Mather as surveyor of Henry county," was read a second time; and

On motion of Mr Lash,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed.

Mr Lash moved to strike out the words "the said" in the 4th line of the 1st section. To which the House agreed.

On motion of Mr Brewer,

The word "until" was inserted in the 17th line of the 1st section, after the word "than."

Mr Hawkins moved to refer the bill to a select committee, which motion was lost.

On motion, the bill was ordered to be read a third time on to-morrow.

No. 18, C. F. entitled "A bill to incorporate the Iowa Flouring Mill and Manufacturing Company," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr English,
The House adjourned.

Saturday Morning, Dec. 21, 1839.

On motion of Mr Brewer,

Ordered, That the subject of the printing of the laws of the present session, and the journals of the House of Representatives, be referred to a committee consisting of one member from each electoral district, and that they report by bill, resolution, or otherwise. Messrs Brewer, Ross, Patterson, Biggs, Myers, Hastings, Robertson, Cox, Churchman and Walworth, were appointed said committee.

Mr Hall, on leave being given, introduced No. 84, H. R. file, entitled "Resolution on the subject of post offices, &c." which was read a first time.

Mr Robertson gave notice, that he would on some future day, ask leave to introduce a bill supplementary to an act, entitled "An act for the relief of the administrators of the estate of the late Benjamin W. Clark of Scott county."

Mr Owen gave notice, that he would on Monday or some day thereafter, ask leave to bring in a bill to encourage the raising of sheep.

Mr Myers from the committee on engrossed bills reported No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals," as correctly engrossed.

Mr Summers, in accordance with previous notice, reported No. 85, H. R. file, entitled "An act to incorporate the Upper Mississippi Hydraulic Company."

Mr Hawkins from the majority of the select committee, to whom was referred the petition of sundry citizens of Des Moines county, together with No. 64, H. R. file, reported No. 86, H. R. file, entitled "A bill to enable the citizens of Des Moines county, to establish the seat of justice for said county."

Mr English, from the same committee, reported No. 87, H. R. file, entitled "A bill to relocate the seat of justice of Des Moines county," which bills were severally read a first time.

Mr Brewer from the committee on enrollments reported the following:

EXECUTIVE DEPARTMENT, I. T. }
Burlington, Dec. 20, 1839. }

Received of Daniel Brewer, member of the House of Representatives
"A memorial to Congress for amending the organic law."

"An act to provide for the appointment of a librarian and for other purposes."

"An act to regulate the institution of suits by foreign executors and administrators within this Territory."

"An act to provide for the organization of the county of Delaware and to locate the seat of Justice thereof."

All of which have been this day presented for my consideration and approval.

(Signed)

ROBERT LUCAS.

Mr Coop, from the select committee who were appointed to enquire into the expediency of making an apportionment of the members of the legislature among the various counties in this Territory reported, that they have had the same under consideration, and find it impossible and wholly impracticable to make out a just apportionment at this time.

Your committee would recommend a special session of the legislature on the third Monday of July next, for the purpose of making an apportionment, and recommend the postponement of the next general election, and also recommend the adoption of the following resolution:

Resolved by the Council and House of Representatives of the Territory of Iowa, That the marshal of the Territory be requested to make a return of the census of the population of the Territory to the Secretary of the Territory, on or before the 15th day of July next, and that he be allowed a reasonable sum for all extra services in complying with this resolution.

The resolution was read a first time.

Mr Biggs, from the committee on roads and highways, reported No. 89, H. R. file, entitled "A bill to extend the time for locating the several Territorial roads authorized at the last session of the Legislature;" which was read a first time.

Mr Leffler, from the committee on claims, to whom was referred a Resolution for the compensation of Dr J. Davis, for services rendered in running the southern boundary of this Territory, with instructions to report a memorial to Congress for relief, moved that the committee be discharged from the further consideration of the subject, and that said Davis have leave to withdraw his papers.

To which the House agreed.

No. 5, C. F. entitled "Memorial relative to location by commissioners of Henry county for county purposes;" was read a first time.

No. 38, H. R. file, entitled "A bill to provide for the support of illegitimate children," as amended by the Council, was taken up and considered. All the amendments made by the Council were agreed to by the

House, with the exception of the proviso, stricken out by the Council in the fourth section; to which the House disagreed.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker—I am instructed to inform the House, that the Council have passed without amendment,

No. 55, H. R. file, "A memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin."

No. 63, H. R. file, "A memorial for the survey of the harbor at the town of Du Buque."

The Council have appointed Messrs Payne and Hepner, a committee of conference to act with a similar committee appointed by the House, in relation to the disagreeing vote of the two Houses, on No. 7, H. R. file, "An act regulating grocery license."

The Council insist upon their fourth and seventh amendments, to No. 27, H. R. file, "A bill regulating marriages," which have been disagreed to by the House, and have appointed Messrs Parker and Keith, a committee of conference in relation thereto. And then he withdrew.

On motion of Mr Hastings,

No. 13, H. R. file, entitled "A bill to amend an act entitled 'an act fixing the terms of the supreme and district courts,' " and for other purposes, was taken from the table, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the Committee had according to order, had said bill under consideration, and directed him to report the same without amendments; to which the House agreed.

Mr Cox moved to refer the bill to the committee on the judiciary; which motion was lost.

On motion of Mr Hastings,

Ordered, That the bill be engrossed and read a third time on Monday next.

No. 42, H. R. file, entitled "A bill to establish a seminary of learning at Parkhurst, in Scott county," as amended by the Council, was taken up and considered.

On motion of Mr Summers,

The amendments of the Council were agreed to.

No. 16, C. F. entitled "A bill to make valid in law the acts of John C. Mather, done and performed by him as county surveyor of the county of Henry, and Territory of Iowa."

No. 18, C. F. entitled "A bill to incorporate the Iowa flouring mill and manufacturing company," were severally read a third time and passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 67, H. R. file, entitled "A bill to regulate the practice of attorneys at law and solicitors in chancery, and for other purposes," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the committee had according to order, said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Hastings,

Ordered, That the bill be engrossed and read a third time on Monday next.

Mr Bailey gave notice that he would on some future day, ask leave to introduce a bill to prevent trespass on the 16th section.

No. 69, H. R. file, entitled "Resolution requesting our delegate in Congress to urge the passage of a law for a post road," was read a second time, and on motion, was ordered to be engrossed and read a third time on Monday next.

Mr Hastings moved that the House adjourn until 2 o'clock, P. M. which motion was lost.

Mr Walworth moved that the House adjourn until 3 o'clock, P. M. which motion was lost.

Mr Churchman moved that the House now adjourn, which was decided in the affirmative. Yeas—19. Nays—7.

The yeas and nays being desired by Mr Hastings, those who voted in the affirmative, are Messrs Bailey, Biggs, Churchman, Clark, Coop, Cox, English, Fleenor, Hall, Leffler, Mintun, Myers, Owen, Rich, Robertson, Ross, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Hastings, Hawkins, Langworthy, Lash, Patterson and Summers.

So the House adjourned until Monday next.

Monday Morning, Dec. 23, 1839.

On motion of Mr Summers,

Ordered, That the committee on expenditures be instructed to report a joint resolution, to pay the expenses of the joint committee appointed on the part of both Houses, to accompany the remains of the late Secretary of the Territory, to his residence at Glen Vernon.

On motion of Mr English,

e. Ordered, That the committee on roads and highways, be instructed to

enquire into the expediency of renewing and re-establishing a Territorial road, leading from Burlington to New London, on a straight line.

Mr Summers, from the committee of conference, appointed on the part of the House, to confer with a similar committee appointed on the part of the Council, in relation to the disagreeing vote of the two Houses, to the amendments to No. 7, H. R. file, entitled "An act regulating grocery license," reported that the said committee have agreed that both Houses should adhere to their disagreements.

The report of the committee was not concurred in.

On motion of Mr Brewer,

Ordered, That another committee of conference be appointed.

Messrs Brewer and Hastings were appointed said committee.

Mr Cox, from the committee on internal improvements, reported No. 90, H. R. file, entitled "Memorial to Congress for an appropriation to improve the Des Moines and Rock river rapids, in the Mississippi river."

Mr Robertson, in accordance with previous notice, introduced

No. 91, H. R. file, entitled "A bill supplementary to 'an act for the relief of the administrators of the estate of the late Benjamin W. Clarke.'"

Mr Wheeler, from the select committee appointed for that purpose, reported

No. 92, H. R. file, entitled "A bill to amend an act entitled 'an act to district the several counties in this Territory for the election of county commissioners.'"

Mr Summers, from the committee on townships and county boundaries, reported

No. 93, H. R. file, entitled "An act to organize the county of Clinton, and establish the seat of justice thereof."

Said memorial and bills were severally read a first time.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
Dec. 23, 1839. }

Received of Daniel Brewer, member of the House of Representatives, "A memorial to Congress on the subject of post roads in Iowa," presented this day for my consideration and approval.

(Signed.)

ROBERT LUCAS.

Mr Brewer, from the select committee appointed for that purpose, reported No. 94, H. R. file, entitled "A bill to provide for public printing." Which was read a first time.

Mr Myers, from the committee on engrossed bills, reported Nos. 13, 67, 69, H. R. file, as correctly engrossed.

Mr Mintun, in accordance with previous notice, reported No. 95, H. R. file, entitled "A bill to punish trespass on lands." Which was read a first time.

Mr Rich gave notice that he would, on some future day, ask leave to introduce a bill for the relief of the sheriff of Lee county.

Mr Patterson gave notice that he would, on some future day, ask leave to introduce a memorial to the Congress of the United States for an appropriation to construct a Territorial road from Keokuk to Mount Pleasant.

The Speaker announced the following communication from the Executive :

EXECUTIVE DEPARTMENT, I. T. }
Burlington, Dec. 21, 1839. }

To the Honorable the Legislative Assembly :

Gentlemen:—I have received a communication from the Executive of the State of New York, transmitting a copy of a law of that State, relative to the arrest and detention of fugitives from other States and Territories of the United States, which is herewith transmitted for your consideration.

The subject appears to be an important one and deserving your most serious attention.

The original communication is herewith sent to the House of Representatives, with a request that after its consideration in that House, it may be transmitted to the Council.

Very respectfully, your ob't servant,
ROBERT LUCAS.

The communication, together with the accompanying documents, were referred to the committee on the judiciary.

Mr Robertson presented the remonstrance of sundry citizens of Scott county, remonstrating against any change of the boundaries of said county, which was read, and,

On motion of Mr Summers,

Referred to the committee on township and county boundaries.

Mr Rich gave notice that he would, on some future day, ask leave to introduce a bill to raise all writings to the dignity of sealed instruments.

The Speaker announced the following communication from the Executive, which was read :

EXECUTIVE DEPARTMENT, I. T. }
Burlington, Dec. 20, 1839. }

To the Honorable the Legislative Assembly :

Gentlemen:—There was presented to me, on the 20th instant, for my consideration and approval, a bill entitled "An act to provide for the appointment of a librarian, and for other purposes." I have carefully examined this bill and approve of it in all its provisions, except the first section, which provides for the appointment of a librarian by joint ballot of the Council and House of Representatives, that being a mode of appointment entirely unprovided for in the organic law. I am compelled under a conscientious sense of duty, to withhold from the bill my assent on that account, and herewith return it to the House of Representatives without

my signature. I have been informed, that during the discussion of this bill in the House of Representatives, the act establishing the seat of government of this Territory, was referred to as a precedent for this mode of appointing officers. My opinion was expressed to the last legislative assembly on this subject, in communications to the House of Representatives of the 17th and 21st of January last, which will be found in the Journals of that House, (pages 235 and 265,) to which I respectfully invite the attention of the legislative assembly.

The opinion then expressed is still entertained by the Executive, and however unpleasant it may be to differ with the legislative assembly in opinion, he cannot conscientiously yield his assent to any bill that he believes to be contrary in its provisions to the organic law.

Very respectfully, your ob't servant,

ROBERT LUCAS.

On motion of Mr Hastings,

The House proceeded to reconsider the bill alluded to by the Executive, and the question being put, shall the bill pass by the constitutional majority, was decided in the negative. Yeas—6. Nays—16.

Those who voted in the affirmative, are Messrs Churchman, Cox, English, Langworthy, Owen, and Wheeler.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark, Coop, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Patterson, Rich, Robertson, Ross, Summers, and Johnston, Speaker.

So the bill was lost, there not being two-thirds of all the members present voting in favor thereof.

No. 65, H. R. file, entitled "A bill concerning enclosures and trespassing animals."

No. 13, H. R. file, entitled "A bill to amend an act entitled "An act fixing the terms of the supreme and district courts and for other purposes."

No. 67, H. R. file, entitled "A bill to regulate the practice of attorneys at law and solicitors in chancery, and the proceedings of the several courts of this Territory in certain cases."

No. 69, H. R. file, entitled "A joint resolution requesting our delegate in congress to urge the passage of a law for a post road."

No. 9, C. F. entitled "Joint resolutions relative to seals."

Said bills and resolutions were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Hawkins gave notice that he would on to-morrow or some future day ask leave to introduce "A bill for the appointment of a librarian and defining his duties."

Mr English gave notice that he would on to-morrow or some day thereafter ask leave to introduce "A bill to repeal a part of an act relating to the election of county commissioners of Des Moines county."

Mr Hastings gave notice that he would on some future day ask leave to introduce a bill to legalize the appointment of Pleasant Harris as Judge of Probate, in and for the county of Johnson.

No. 5, C. F. entitled "Memorial relative to location by commissioners of Henry county for county purposes," was read a second time.

Mr Rich moved to strike out all after the words "Congress assembled."

Mr Leffler moved the reference of said memorial to a select committee, which motion was lost.

The question then recurred to the motion to strike out, and was decided in the negative. Yeas—6. Nays—16.

The yeas and nays being desired by Mr Langworthy,

Those who voted in the affirmative, are Messrs Cox, Langworthy, Myers, Patterson, Rich and Wheeler.

Those who voted in the negative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Hastings, Hawkins, Lash, Leffler, Mintun, Owen, Robertson, Ross, Summers and Johnston, Speaker.

Mr Lash moved that the memorial be read a third time now, to which the House agreed.

The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Brewer,

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

TWO O'CLOCK, P. M.

On motion of Mr Hastings,

Ordered, That the committee on roads and highways be instructed to bring in a bill to establish a Territorial road from Bloomington, via Mud Creek bridge in section two, township seventy-eight north, range two west, to the county seat of Linn county; and also a road from Bloomington, via Moscow, via the county seat of Cedar county, to the county seat of Linn county.

Also a road from Bloomington to Iowa City, in accordance with the petitions presented to this House on this subject.

Mr Hastings, from the select committee to whom was referred the petition of sundry citizens of the counties of Muscatine and Johnson, for the establishment of a McAdamized road from Bloomington to Iowa City, asked leave to be relieved from any further consideration of said petitions. Leave was granted, and

On motion of Mr Hastings,

Ordered, That said petitions be referred to the committee on roads and highways.

No. 27, H. R. file, entitled "A bill regulating marriages," in which the Council insist upon their disagreeing vote was taken up, and

On motion of Mr Summers,

A committee of conference was appointed on the part of the House to confer with the Council in relation to said disagreeing vote, Messrs Hawkins and Summers, were appointed said committee.

No. 21, C. F. entitled "A bill to define the jurisdiction of the several counties in this Territory that front upon the Mississippi river," was read a second time.

Mr Summers moved that the bill be read a third time on to-morrow, which motion was lost.

On motion of Mr Hall,

Ordered, That the further consideration of said bill be indefinitely postponed.

No. 70, H. R. file, entitled "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river, opposite Cordova, Illinois," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 71, H. R. file, entitled "Memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom," was read a second time, and

On motion of Mr Leffler,

Said memorial was ordered to be engrossed and read a third time on to-morrow.

No. 72, H. R. file, entitled "Memorial to Congress for appropriations for building bridges and making other public improvements on the mail routes in the Territory of Iowa," was read a second time.

On motion of Mr Cox,

Ordered, That said memorial be engrossed and read a third time on Wednesday next.

No. 73, H. R. file, entitled "A bill for the limitations of suits on penal statutes, and criminal prosecutions," was read a second time.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported, that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hastings,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 74, H. R. file, "Resolution relative to compensation to J. G. Edwards, for printing in pamphlet form the act prescribing the duties of justices of the peace," was read a second time.

Mr Hastings moved to amend by adding the following:

"That the resolution passed at the last session of the Iowa Legislature, allowing Mr Edwards two hundred dollars for the same service, is hereby rescinded," to which the House agreed.

On motion,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 75, H. R. file, entitled "A bill for the relief of the sheriff of Jackson county," was read a second time, and

On motion of Mr Cox,

Ordered, That said bill be engrossed and read a third time on Friday next.

No. 76, H. R. file, entitled "A bill to amend an act entitled 'An act to organize the county of Linn, and establish the seat of justice thereof,'" was read a second time, and on motion, was ordered to be engrossed and read a third time on Friday next.

No. 77, H. R. file, entitled "A bill to incorporate the Philadelphia mill and manufacturing company," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

Mr Bailey moved to strike out of the second section, all after the word "company," in the third line of said section, to which the House agreed.

On motion of Mr Bailey,

Ordered, That the said bill be engrossed and read a third time on to-morrow.

On motion of Mr Hastings,

Leave of absence was granted to Mr Walworth until to-morrow.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker:—I am instructed to inform the House that the Council have agreed to the amendments made by the House to No. 16, C. F. "A bill to make valid in law the acts of John C. Mather, &c." and have disagreed to the amendments of the House to No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company."

The Council have passed No. 11, C. F. "A joint resolution relative to an additional appropriation to defray the expenses of the present Legislative Assembly."

No. 13, C. F. "A bill concerning the size of counties, and providing a way in which county lines may be altered;" also, with amendments,

No. 32, H. R. file, "A bill to re-locate the seat of justice in and for the county of Cedar."

In all of which the concurrence of the House is requested.

The Council have passed, without amendment,

No. 49, H. R. file, "A preamble and resolutions to the Congress of the United States, asking for an appropriation for the improvement of a Territorial road on the Des Moines river.

I am also instructed to inform the House that the Council insist upon their amendment to the fourth section of

No. 38, H. R. file, "A bill to provide for the support of illegitimate children."

And then he withdrew.

No. 78, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue,'" was read a second time.

Mr Rich moved to amend by striking out the word "fifty" in the 4th line of the 1st section, and inserting "twenty-five." To which the House agreed.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Thursday next.

No. 79, H. R. file, entitled "A bill to re-locate the county seat of Clayton county," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; and Mr Clark reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed, and read a third time on Thursday next.

No. 80, H. R. file, entitled "Memorial to Congress on the subject of a turnpike road from the city of Burlington via Mount Pleasant, to Fairfield," was read a second time.

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor, reported that the committee had, according to order, said memorial under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Coop,

Ordered, That said memorial be considered as engrossed and read a third time on to-morrow.

On motion of Mr Cox,

Ordered, That no gentleman be allowed to smoke within this House.

Mr Patterson, on leave being granted, reported No. 96, H. R. file, entitled "Resolution to defray the expenses incurred by the joint committee, appointed to attend the remains of the Hon. Wm. B. Conway, to Dav- enport," which was read a first time.

Mr Bailey gave notice that he would, on to-morrow, ask leave to introduce "A bill to continue in force an act passed at the last session, locating a Territorial road on the north side of the river Des Moines."

Mr Hall gave notice that he would, on some future day, introduce a bill to amend the law regulating general elections.

On motion of Mr Owen,

The House adjourned.

Tuesday Morning, Dec. 24, 1839.

Mr English, on leave being granted, introduced No. 97, H. R. file, entitled "Memorial to the Congress of the United States, for an appropria-

tion to finish a road leading from Burlington to the mouth of the Iowa river."

Mr Summers, on leave being granted, introduced No. 98, H. R. file, entitled "Resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque."

Said memorial and resolution were severally read a first time.

Mr Myers, from the committee on engrossed bills, reported Nos. 70, 71, 73, 74 and 75, H. R. file, as correctly engrossed.

Mr Biggs, from the committee on roads and highways, reported No. 99, H. R. file, entitled "A bill establishing certain territorial roads, therein named," which was read a first time.

Mr Brewer, from the committee on enrollments reported that

The joint committee on enrollments have this day presented to the Governor, for his approval, "An act to provide for the appointment of Notaries Public and to prescribe their duties," and a "Memorial to Congress for an additional appropriation for the completion of the Penitentiary."

They have also examined "A memorial for the improvement of the Iowa and Cedar rivers."

"A preamble and joint resolutions relative to the unsurveyed lands."

"Memorial for a survey of Skunk river," and

"An act to provide for the election of county treasurers and to define their duties," and find the same correctly enrolled.

The Speaker then signed the act, memorials and resolutions above named.

Mr Patterson gave notice that he would on to-morrow or some day thereafter ask leave to introduce a bill for the relief of Carriers.

Mr Hawkins, in accordance with previous notice, introduced No. 100, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," which was read a first time.

Mr Cox moved that the House reject the bill, which was decided in the negative. Yeas—2. Nays—22.

The yeas and nays being desired by Mr Patterson, those who voted in the affirmative, are Messrs Cox and Langworthy.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, Wheeler and Johnson, Speaker.

Mr Mintun gave notice that he would, on to-morrow or some subsequent day, ask leave to bring in a bill to amend the act creating the office of county surveyor.

No. 18, C. F. entitled "A bill to incorporate the Iowa flouring mill and manufacturing company," in which the Council disagreed to the amendments of the House, was taken up and considered.

On motion of Mr Hastings,

Ordered, That the House insist upon their amendments.

No. 11, C. F. entitled "A joint resolution relative to an additional appropriation to defray the expenses of the present Legislative Assembly."

No. 13, C. F. entitled "A bill concerning the size of counties and providing a way in which county lines may be altered."

Said resolution and bill were severally read a first time.

No. 32, H. R. file, entitled "A bill to re-locate the seat of justice in and for the county of Cedar, as amended by the Council, was taken up and considered. The House agreed to the amendments of the Council.

No. 38, H. R. file, entitled "A bill to provide for the support of illegitimate children," in which the Council insist upon their amendments, was taken up and considered.

Mr Hastings moved that the House insist upon their disagreeing vote; which motion was lost.

The House then recessed from their disagreeing vote.

Mr English moved that No. 87, H. R. file, "A bill to re-locate the seat of justice of Des Moines county," be taken up and considered. The motion was lost.

No. 70, H. R. file, entitled "A bill to authorize Avery Thomas to keep a Ferry across the Mississippi river opposite Cordova, Illinois."

No. 71, H. R. file, entitled "Memorial to Congress for an appropriation for a road opposite Burlington, in the Mississippi bottom."

No. 73, H. R. file, entitled "A bill for the limitations of suits on penal statutes and criminal prosecutions."

No. 74, H. R. file, entitled "Resolution relative to compensation to J. G. Edwards, for printing in pamphlet form the acts prescribing the duties of justices of the peace."

No. 75, H. R. file, entitled "A bill for the relief of the sheriff of Jackson county."

No. 80, H. R. file, entitled "A memorial to Congress on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield."

Said memorials, bills and resolution were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 81, H. R. file, entitled "Memorial for the speedy settlement of the Du Buque land claim," was read a second time, and

On motion of Mr Langworthy,

Ordered, That said memorial be engrossed and read a third time on Friday next.

No. 82, H. R. file, entitled "A bill to establish a Territorial Road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk," was read a second time, and

On motion of Mr Owen,

Was laid on the table, and made the order of the day for Friday next.

No. 83, H. R. file, entitled "A bill to amend an act allowing and regulating writs of attachment," was read a second time.

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Myers reported that the Committee had according to order, had said bill under consideration, and directed him to report the same without amendment. To which the House agreed.

On motion of Mr Rich,
Ordered, That said bill be recommitted to the committee on the judiciary.

No. 84, H. R. file, entitled "Joint resolution on the subject of post offices, &c." was read a second time, and

On motion of Mr Summers,
The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had according to order, had said resolution under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Robertson,
Ordered, That said resolution be engrossed and read a third time on Friday next.

On motion of Mr Summers,
The House adjourned till 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Coop gave notice that he would, on to-morrow or some subsequent day, ask leave to introduce a bill to incorporate the town of Salem, in the county of Henry.

Mr Cox, on leave being granted, presented the petition of sundry citizens of Jackson county, praying the location of a territorial road, commencing at Belleview, and running in a direction towards Iowa City, so as to intersect the road running from Du Buque to Iowa City, at or near the Buffalo Fork of the Wabesipinica river.

Said petition was referred to a select committee composed of the entire delegations from the counties of Jackson and Du Buque.

No. 85, H. R. file, entitled "A bill to incorporate the Upper Mississippi Hydraulic Company," was read a second time, and

On motion of Mr Summers, was ordered to be engrossed and read a third time on Friday next.

No. 86, H. R. file, entitled "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was read a second time.

Mr Hawkins moved that the bill be engrossed and read a third time on Friday next. And the question being put, was decided in the affirmative.

Yeas—13. Nays—7.

The yeas and nays being desired by Mr English.
Those who voted in the affirmative are Messrs Bailey, Biggs, Brewer, Clark, Hawkins, Leffler, Myers, Patterson, Rich, Ross, Summers, Wheeler, and Johnston, Speaker.

Those who voted in the negative, are Messrs Coop, Cox, English, Fleenor, Langworthy, Mintun and Robertson.

No. 87, H. R. file, entitled "A bill to re-locate the seat of justice of Des Moines county," was read a second time.

On motion of Mr Leffler,

Ordered, That the further consideration of said bill be indefinitely postponed.

No. 88, H. R. file, entitled "A Resolution requesting the Marshal of the Territory to make special returns to the office of the Secretary of the Territory after taking the census," was read a second time.

On motion of Mr Summers,

Ordered, That said resolution be laid on the table subject to the order of the House.

No. 98, H. R. file, entitled "A bill to extend the time for locating the several territorial roads authorized by the last session of the Legislature," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

Mr Langworthy moved to amend by adding in the 4th line of the 1st section after the word "the" "2nd" and "4th."

To which the House agreed.

On motion of Mr Coop.

The words "tenth" and "twelfth," were stricken from the 4th line.

Mr Brewer moved to add to said bill the following:

"And the commissioners whose powers and duties are hereby revived may meet at such time and place as they, or a majority of them may agree, for the purpose of discharging their duties."

To which the House agreed.

On motion of Mr Brewer,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 91, H. R. file, entitled "A bill supplementary to 'An act for the relief of the administrators of the estate of the late Benjamin W. Clarke,'" was read a second time.

On motion of Mr Robertson,

Ordered, That said bill be engrossed and read a third time on Friday next.

No. 92, H. R. file, entitled "A bill to amend 'An act to district the several counties in this Territory for the election of county commissioners,'" was read a second time, and

On motion of Mr Summers,

Ordered to be engrossed and read a third time on Saturday next.

No. 96, H. R. file, entitled "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport," was read a second time.

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr

Biggs reported that the committee had, according to order, said resolution under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That said resolution be engrossed and read a third time on Saturday next.

Mr Mintun, on leave being granted, introduced No. 101, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue.'"

Mr Owen, in accordance with previous notice, and on leave being granted, introduced No. 102, H. R. file, entitled "A bill to encourage the raising of sheep."

Said bills were severally read a first time.

On motion of Mr Hall,

The House adjourned until Friday next.

Friday Morning, Dec. 27, 1839.

Mr Churchman presented the petition of sundry citizens of Clayton county, praying that a charter may be granted to Angus M. Anderson, to keep a ferry across the St Peters river, at or near the mouth.

Also that a charter to keep a ferry across the Mississippi, at Massey's landing, be granted to Joseph R. Brown.

Also, that a charter be granted to Henry C. Mencke, to keep a ferry across the Mississippi river, above and near the falls of St Anthony.

The said petition, was referred to the committee on incorporations.

Mr Hall presented the petition of sundry citizens of Van Buren county, praying the passage of a law, to encourage the improvement of the breed of horses.

Said petition was referred to a select committee, composed of Messrs Hall, Clark and Rich.

Mr Summers gave notice, that he would on to-morrow, ask leave to introduce a bill, to provide for an extra session of the Legislative Assembly, in July next.

Mr Biggs, from the committee on roads and highways, reported No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways."

Mr Biggs from the same committee, reported No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways."

Mr Hastings, from the committee on the judiciary, to whom was referred the communication of the Executive of the State of New York reported No. 105, H. R. file, entitled "A bill to authorize the arrest and detention of fugitives from justice, from other States and Territories of the United States." Said bills were severally read a first time.

Mr Brewer from the committee on enrollments reported the following:

EXECUTIVE OFFICE, }
Dec. 24, 1839. }

Received of Daniel Brewer, member of the House of Representatives, "An act to provide for the election of county treasurers, and to define their duties;" "A memorial for a survey of Skunk river;" "A memorial for the improvement of the Iowa and Cedar rivers;" and "A Preamble and joint Resolution, relative to the unsurveyed lands," which have this day been presented for my consideration and approval.

(Signed)

ROBERT LUCAS.

Mr Brewer, from the committee of conference, appointed on the part of the House, to confer with a similar committee, appointed on the part of the Council, in relation to the disagreement of the House to the amendments made by the Council, to "A bill regulating grocery license," reported that they have agreed to recede from their disagreeing vote.

On motion of Mr Hastings,

Ordered, That the House concur in the report of the committee.

Mr Wheeler, from the committee on engrossed bills, reported No. 72, H. R. file, entitled "Memorial to Congress for appropriations for building bridges and making other public improvements on the mail routes in the Territory of Iowa."

No. 76, H. R. file, entitled "A bill to amend an act entitled 'An act to organize the county of Linn, and establish the seat of justice thereof.'"

No. 78, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue."

No. 79, H. R. file, entitled "A bill to re-locate the county seat of Clayton county."

No 84, H. R. file, entitled "A joint Resolution on the subject of post offices, &c."

No. 85, H. R. file, entitled "A bill to incorporate the Upper Mississippi hydraulic company," as correctly engrossed.

The said memorial, bills and resolution, were then severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich in accordance with previous notice, introduced No. 106, H. R. file, entitled "A bill for the relief of the collector of Lee county;" which was read a first time.

Mr Hastings gave notice, that he would on to-morrow, ask leave to introduce a memorial to Congress, for an appropriation for the improvement of the mail route, from Davenport by Bloomington, to Burlington.

Mr Brewer gave notice, that he would on some future day ask leave to introduce "A bill to amend an act entitled 'An act to establish the bounda-

ries of Louisa county and to locate the seat of justice of said county and for other purposes."

No. 11, C. F. entitled "Resolution requesting our delegate to procure an additional appropriation to defray the expenses of the present Legislative Assembly," was read a second time.

On motion, ordered, that said resolution be read a third time on to-morrow.

No. 13, C. F. entitled "A bill concerning the size of counties and providing a way in which county lines may be altered," was read a second time.

On motion of Mr Summers,

Ordered, That said bill be referred to the committee on township and county boundaries.

No. 90, H. R. file, entitled "Memorial to Congress for an appropriation to improve the Des Moines and Rock river rapids, in the Mississippi river," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent thereon, Mr Speaker resumed the chair, and Mr Brewer reported that the committee had according to order had said memorial under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion, ordered, that said memorial be engrossed and read a third time on Monday next.

No. 93, H. R. file, entitled "A bill to organize the county of Clinton, and establish the seat of justice thereof," was read a second time, and

On motion of Mr Summers,

Ordered to be engrossed and read a third time on to-morrow.

No. 94, H. R. file, entitled "A bill to provide for the public printing," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

On motion of Mr Hall,

Ordered, That said bill be recommitted to the select committee who reported the same.

No. 97, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa river," was read a second time.

On motion of Mr Summers,

Ordered, That said memorial be laid on the table subject to the order of the House.

No. 100, H. R. file, entitled "A bill to provide for the appointment of a librarian and for other purposes," was read a second time.

On motion of Mr Summers,
Ordered, That said bill be engrossed and read a third time on Monday next.

On motion of Mr Summers,
The House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker:—I am instructed to inform the House that the Council have receded from their disagreement to amendments made by the House to

No. 18, C. F. "A bill to incorporate the Iowa flouring mill and manufacturing company. And have passed

No. 53, H. R. file, "A bill to incorporate the Bloomington Education Society," with an amendment.

No. 5, C. F. "A bill relative to habeas corpus."

In which the concurrence of the House is requested.

No. 53, H. R. file, "A bill to incorporate the Bloomington Education Society," as amended by the Council, was taken up and considered.

And on motion of Mr Hastings,

Ordered, That the House agree to the amendments of the Council.

No. 5, C. F. entitled "A bill relative to habeas corpus," was read a first time.

Mr Brewer, from the committee on enrollments, reported "An act to establish a seminary of learning at Parkhurst, in Scott county," as correctly enrolled.

The Speaker then signed the above entitled acts.

Mr Cox gave notice that he would, on some future day, ask leave to introduce "A bill to establish a territorial road from Davenport to Du Buque."

Mr Myers, from the committee on engrossed bills, reported Nos. 77, 81, 86 and 91, H. R. file, as correctly engrossed.

No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 81, H. R. file, entitled, "A memorial for the speedy settlement of the Du Buque land claim," were then severally read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 86, H. R. file, entitled, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," was read a third time.

On motion of Mr English,

Ordered, That the following be added as section three of said bill :

"That no elector shall vote out of his precinct in casting his vote for the establishment of the county seat of Des Moines county."

The bill then passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, on leave being granted, presented the remonstrance of

sundry citizens of Cedar county, remonstrating against the re-location of the seat of justice of said county.

Which was, on motion, laid on the table subject to the order of the House.

Mr Walworth also, by leave of the House, introduced No. 107, H. R. file, entitled "A bill supplementary to 'an act to re-locate the county seat of Cedar county,'" which was read a first time.

Mr Patterson, on leave being granted, introduced No. 108, H. R. file, entitled "Resolution to compensate Dr James Davis," which was read a first time.

No 91, H. R. file, entitled "A bill supplementary to an act entitled 'An act for the relief of the administrators of the estate of the late Benjamin W. Clarke,'" was read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Summers, the House adjourned.

Saturday Morning, Dec. 28, 1839.

Mr Summers, in accordance with previous notice, introduced No. 109, H. R. file, "A bill to provide for an extra session of the legislative assembly, in July next.

Mr Patterson, in accordance with previous notice, introduced No. 110, H. R. file, entitled "A bill for the relief of carriers."

Mr Hall, in accordance with previous notice, introduced No. 111, H. R. file, entitled "A bill to amend an act entitled 'An act providing for and regulating general elections.'"

Mr Coop, from the select committee appointed for that purpose, reported No. 112, H. R. file, entitled, "A bill to incorporate the town of Salem, in Henry county," which were severally read a first time.

Mr Myers, from the committee on engrossed bills, reported No. 89, 92, 93, and 96, H. R. file, as correctly engrossed.

No. 82, H. R. file, entitled "A bill to establish a territorial road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk," was read a second time, and

On motion of Mr Owen, the House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 11, C. F. "Resolution instructing our delegate to apply for an additional appropriation to defray the expenses of the present legislative assembly," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 92, H. R. file, entitled "A bill to amend an act entitled 'An act to district the several counties in this territory, for the election of county commissioners,'" was read a third time.

On motion of Mr Summers,

Ordered, That the following be inserted after the word "Des Moines," in the fourth line of the first section, "Scott, Clinton, Louisa and Henry," the bill then passed, and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 93, H. R. file, entitled "A bill to organize the county of Clinton, and to locate the seat of justice thereof," was read a third time and passed. Yeas—20. Nays—5.

The yeas and nays being desired by Mr Cox,

Those who voted in the affirmative, are Messrs Biggs, Brewer, Coop, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Churchman, Cox, Langworthy and Wheeler. So the bill passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 96, H. R. file, entitled "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the honorable Wm. B. Conway to Davenport," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Walworth, No. 107, H. R. file, entitled "A bill supplementary to 'An act to relocate the seat of justice of Cedar county,'" was read a second time.

The House then resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Cox reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Walworth,

Ordered, That the forty-fourth rule be suspended, and that the bill be considered as engrossed, and be read a third time, now:

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

Ordered, That the clerk acquaint the Council therewith.

No. 95, H. R. file, entitled "A bill to punish trespass on lands," was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said

bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Cox,

Ordered, That the said bill be referred to a select committee, composed of one member from each electoral district, Messrs Cox, Fleenor, Owen, Hall, Coop, Mintun, Clark, Robertson, Walworth and Langworthy, were appointed said committee.

No. 98, H. R. file, entitled "A resolution requesting our delegate in Congress, to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," was read a second time; and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said resolution; after some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor reported that the committee had, according to order, had said resolution under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That the said resolution be engrossed and read a third time on Monday next.

On motion of Mr Hawkins,

Resolved, That the Secretary of the Territory be requested to furnish each member of the House, who are destitute of the same, with a copy of the laws of last session.

No. 99, H. R. file, entitled "A bill establishing certain territorial roads therein named," was read a second time; and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had, according to order, had said bill under consideration, and directed him to report that the committee had made some progress therein and asked leave to sit again—leave was granted.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker,—I am instructed to inform the House that the Council have passed No. 12, C. F. "Resolution relative to printing the laws of the present session."

No. 24, C. F. "A bill to authorize Elijah Buel to keep a ferry," &c.

No. 22, C. F. "A bill to regulate ferries in certain cases."

No. 26, C. F. "A bill to locate and establish a territorial road from Fairfield to Wapello," &c.

Also with amendments, No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry across the Mississippi river," &c. in which the concurrence of the House is requested.

The Council have passed without amendment,

No. 71, H. R. file, "A memorial to Congress for an appropriation, for a road opposite Burlington, in the Mississippi bottom."

No. 75, H. R. file, "A bill for the relief of Jackson county;" and then he withdrew.

On motion of Mr Churchman, the House adjourned until 3 o'clock, P. M.

TWO O'CLOCK, P. M.

On motion of Mr Cox,

The House again resolved itself into a committee of the whole House on No. 99, H. R. file, entitled "A bill establishing the Territorial roads therein named."

After some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

Mr Hawkins moved that the House disagree to that part of the report of the committee, which relates to the striking out of the ninth section of the said bill; which question was decided in the negative. Yeas—10. Nays—13.

The yeas and nays being desired by Mr Hawkins, those who voted in the affirmative, are Messrs Bailey, English, Hall, Hawkins, Leffler, Owen, Rich, Robertson, Ross and Wheeler.

Those who voted in the negative, are Messrs Biggs, Brewer, Coop, Cox, Fleenor, Hastings, Langworthy, Lash, Mintun, Myers, Patterson, Summers and Johnston, Speaker.

The House then agreed to the amendments of the committee.

Mr Coop offered the following as an additional section: That the tenth and twelfth sections of an act establishing certain Territorial roads approved, January 25, 1839, be and the same are hereby repealed.

On motion of Mr Lash,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

No. 101, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue, was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported, that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Biggs,

Ordered, That said bill be referred to the committee on finance.

Mr Rich gave notice, that he would on some future day ask leave to introduce a bill to incorporate the Tuscarora Steam Mill Company.

Mr Rich gave notice, that he would on some future day ask leave to introduce a bill to authorize Harriet Knapp, to sell and convey the interest of Nathaniel Knapp deceased, in the half breed lands in Lee county.

Mr Rich, from the committee on incorporations, to whom was referred the petition of sundry citizens of Clayton county, reported No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein named."

Mr English, in accordance with previous notice, reported No. 114, H. R. file, entitled "A bill to alter the manner of electing county commissioners in Des Moines county."

Mr Leffler, from the committee on claims, reported No. 115, H. R. file, entitled "A memorial to Congress for an appropriation for carrying the extra mail from Davenport to Du Buque, in the winter of 1838 and '39."

Said bills and memorial were severally read a first time.

No. 102, H. R. file, entitled "A bill to encourage the raising of sheep," was read a second time, and

On motion of Mr Summers,

Was ordered to be engrossed, and read a third time on Monday next.

No. 106, H. R. file, entitled "A bill for the relief of the sheriff of Lee county," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House, on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Rich,

Ordered, That the forty-fourth rule be suspended, and that the bill be considered as engrossed, and read a third time now.

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

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Biggs,

The House adjourned.

Monday Morning, Dec. 30, 1839.

Mr Rich presented the remonstrance of sundry citizens of Lee county, remonstrating against the location of a Territorial road from Fort Madison to Burlington; which was referred to the select committee to whom was referred the petitions of sundry citizens of Lee and Des Moines counties, praying for the location of said road.

Mr Bailey, from the committee to whom was referred that part of the Governor's message that relates to the establishment of a general system of common schools, reported No. 116, H. R. file, entitled "A bill to establish a system of common schools."

Mr Owen, in accordance with previous notice, introduced No. 117, H.

R. file, entitled "Preamble and joint resolution for the benefit of the former sheriffs."

Mr Hall, from the select committee appointed for that purpose, reported No. 118, H. R. file, entitled "A bill further to encourage the improvement of the breed of horses," which were severally read a first time.

Mr Rich, from the committee on incorporations, to whom was referred the petition of Geo. W. Jones, praying for a ferry charter, &c., made a report, which was read, and is as follows:

The committee on corporations, to whom was referred the petition of George W. Jones, of Grant county, Wisconsin Territory, praying for the renewal of a ferry privilege across the Mississippi river, at the town of Du Buque, report that they have had the subject so referred under consideration, and have come to the conclusion that this legislature ought not to grant the prayer of the petitioner.

Your committee have examined all the facts set forth in the above mentioned petition, and also the law under which the petitioner acquired his ferry privilege. It appears from the representations of the petitioner (and which are, no doubt, correct) that in the year 1836, he purchased from the administrators and heirs of Thomas Jordan, a certain ferry privilege across the Mississippi river, at the town of Du Buque, the purchase and transfer of which privilege were regularly approved by the proper authority in the State of Illinois, and by the District Court for Du Buque county. By this transaction the petitioner acquired all the rights and privileges of Thomas Jordan, deceased, and nothing more. The question here arises as to the duration of the privilege granted to Jordan, and subsequently transferred to the petitioner; and whether this privilege was illegally taken away from the petitioner by the act of the last legislature, granting to Timothy Fanning a right to keep a ferry across the Mississippi river, at Du Buque, with an exclusive privilege. Your committee have not been referred to any law, neither have they been able to find a special act of any legislature, giving to Jordan or the petitioner a privilege to keep a ferry from Du Buque to the opposite shore of the Mississippi river. It is evident, therefore, that the right of Jordan and the petitioner was acquired under a general law of Michigan regulating ferries, that being the only law in force upon this subject in Wisconsin in 1836. It will be seen by reference to the laws of Michigan, (page 522,) that a license could not be granted to keep a ferry for a longer term than three years. Agreeable to the petitioner's own showing, the license or privilege was originally granted to Jordan, but at what time is not stated. Your committee cannot, therefore, know precisely at what time said privilege expired; but they may safely conclude from the date of the purchase by the petitioner, and nothing appearing to the contrary, that it expired before the privilege was granted to Fanning. Admitting the above facts to be true, the last legislature did not take away from, or violate any of the rights of the petitioner, by granting the ferry privilege to Fanning—because the license of Jones had expired, and the board of county commissioners of Du Buque county had refused to renew said license. In doing so, the county commissioners only exercised a discretionary power,

and your committee know of no law that would have compelled them to act differently.

Your committee have also taken into consideration the fact that the above mentioned Timothy Fanning, agreeable to an act of the last legislature, has procured the necessary boats and hands, and put his ferry in successful operation, and he has acquired rights which will be materially affected if the prayer of the petitioner is granted.

On motion of Mr Rich,

Ordered, That the report be agreed to, and that the committee be discharged from the further consideration of said petition.

Mr Patterson, from the committee on expenditures, to whom was referred the petition of Benjamin Nye, moved that the committee be discharged from the further consideration of said petition, to which the House agreed.

On motion of Mr Patterson,

Ordered, That said petition be referred to the committee on the judiciary.

Mr Rich, in accordance with previous notice, introduced No. 119, H. R. file, entitled "A bill to incorporate the Tuscarora steam mill company," which was read a first time.

Mr Walworth, from the committee on enrollments, reported "An act to relocate the seat of justice in and for the county of Cedar."

"An act to relocate the seat of justice of the county of Johnson."

"A preamble and resolutions to the Congress of the United States, asking for an appropriation for the improvement of a Territorial road on the Des Moines river."

"Resolution relative to a supervisor to the printing of the laws of the present session."

"A memorial to the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin."

"A memorial for the survey of a harbor at the town of Du Buque," as correctly enrolled.

The Speaker then signed said acts, resolutions and memorials.

Mr Hastings, from the committee on the judiciary, to whom was referred "An act to provide for the compensation of printers of the Legislative Assembly, and for other purposes," passed at the last session, asked that the committee be discharged from the further consideration thereof, to which the House agreed.

On motion of Mr Hastings,

Ordered, That said act be referred to the committee on expenditures.

No. 12, C. F. entitled "Resolution relative to printing of the laws, &c. of the present session."

No. 22, C. F. entitled "A bill to regulate ferries in certain cases."

No. 24, C. F. entitled "A bill to authorise Elijah Buel to keep a ferry."

No. 26, C. F. entitled "A bill to locate and establish a territorial road from Fairfield to Wapello," were severally read a first time.

No. 70, H. R. file, "A bill to authorize Avery Thomas to keep a ferry

across the Mississippi river," opposite Cordova, Illinois, as amended by the Council, was taken up and considered, and,

On motion of Mr Robertson,

Ordered, That the House agree to the amendments of the Council.

— No. 100, H. R. file, entitled "A bill to provide for the appointment of a librarian, and for other purposes,"

No. 89, H. R. file, entitled "A bill to extend the time for locating the several territorial roads authorized by the last session of the Legislature," were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, from the joint committee on enrollments, reported, that they did on the 21st instant, present to the Governor for his approval,

"An act to authorize evidence by the oath of parties."

"An act to district the county of Henry into commissioners districts."

"An act relative to Coroners and their duties."

"Memorial on the subject of an appropriation on the territorial road from Du Buque to the northern boundary of Missouri."

Also, "Resolution relative to memorials and resolutions passed at the last session."

No. 5, C. F. entitled "A bill relative to habeas corpus," was read a second time, and

On motion, the House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hall,

Ordered, That said bill be referred to a select committee, composed of Messrs Rich, Churchman and Leffler.

Mr Myers, from the committee on engrossed bills, reported No. 82, H. R. file, entitled "A bill to establish a territorial road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk."

No. 90, H. R. file, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi."

No. 98, H. R. file, entitled "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities, on the route leading from Davenport to Du Buque."

No. 102, H. R. file, entitled "A bill to encourage the raising of sheep," as correctly engrossed.

The said bills, memorial and resolution were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair; and Mr Langworthy reported, that the committee had, according to order, said

bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed, with the exception of the amendments made to the 11th section of said bill.

Mr Lash offered the following in lieu of the 11th section, "that the persons required to render services under this act, shall receive compensation for each day they shall be necessarily employed, as follows, to wit: viewers and reviewers, two dollars each, chain carriers and markers out, one dollar and fifty cents each, and surveyors, three dollars, to be charged as costs and expenses, and paid out of the county treasury on the order of the county commissioners."

On putting the question, it was determined in the negative. Yeas—10. Nays—15.

The yeas and nays being desired by Mr Brewer, those who voted in the affirmative, are Messrs Churchman, Clark, Hastings, Lash, Leffler, Myers, Rich, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Biggs, Brewer, Coop, Cox, English, Fleenor, Hall, Hawkins, Langworthy, Owen, Patterson, Robertson, Ross and Wheeler.

On motion of Mr Cox,

The first blank in 3d line of 11th section, was filled with the words "one dollar and fifty cents."

On motion of Mr Bailey,

The second blank in the same line, was filled with the words "one dollar and twenty-five cents."

On motion of Mr Robertson,

The blank in the 4th line of the same section was filled with the words "two dollars and fifty cents."

On motion of Mr Churchman,

Ordered, That the following be added as an additional section:

Sec. 16. That all bonds given under the provisions of this act shall be deposited with the county commissioners' clerk, to be by him prosecuted under the order of the county commissioners, where the same shall have become forfeited, and money paid into the county treasury for the use of the county."

On motion of Mr Lash,

Ordered, That said bill be engrossed, and read a third time on tomorrow.

Mr Leffler presented sundry accounts against the Legislative Assembly, which were referred to the committee on expenditures.

Mr Churchman on leave being granted, introduced No. 120, H. R. file, entitled "Memorial to Congress for an appropriation to improve the roads therein named."

Mr Hastings, on leave being granted, introduced No. 121, H. R. file, entitled "Memorial to Congress for the improvement of the mail route from Davenport to Burlington," which were severally read a first time.

On motion of Mr English,

No. 87, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa river," was taken up and read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had according to order had said memorial under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Churchman,

Ordered, That said memorial be engrossed and read a third time on to-morrow.

On motion of Mr English,

The House adjourned till 3 o'clock, P. M.

THREE O'CLOCK, P. M.

Mr Hawkins, from the committee of conference appointed on the part of the House, to confer with a similar committee on the part of the Council, to take into consideration the disagreement between the two Houses on the bill regulating marriages, reported that the Council will recede from their fourth amendment to said bill, and that the House will recede from their disagreement to the eighth amendment to said bill.

On motion of Mr Hawkins,

Ordered, That the report of the committee be agreed to.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker—I am instructed to inform the House, that the Council have indefinitely postponed No. 65, H. R. file, "A bill concerning enclosures and trespassing animals," and have passed with amendments.

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant to Fairfield."

I herewith present, for your signature, No. 1, C. F. "An act relative to landlords and tenants."

No. 9, C. F. "Joint resolution upon the subject of seals," &c.

No. 16, C. F. "An act to make valid in law, the acts of John C. Mather." &c. And then he withdrew.

The Speaker then signed the above entitled acts and joint resolution.

Mr Cox by leave submitted the following resolutions, which were read.

Resolved, That the Secretary of the Territory is hereby authorized and required to pay to the several officers of the House of Representatives the per diem pay as herein specified, viz: chief clerk, per day, six dollars, assistant clerk five dollars, enrolling, engrossing and recording clerks, each per day four dollars, messenger, doorkeeper, sergeant-at-arms and firemen, each four dollars per day.

Resolved, That the Speaker of the House of Representatives shall issue a certificate countersigned by the chief clerk, setting forth the number of days each officer has served, and such certificate, when presented to the Secretary, shall be a sufficient voucher for him to pay the same, and to settle with the Secretary of the Treasury of the United States.

Mr Biggs moved to strike out the words "five" and "four" and insert in lieu thereof, "four" and "three."

Mr Cox called for a division of the question, first on striking out. The House refused to strike out.

The question then recurred on the adoption of the resolutions, and was decided in the affirmative. Yeas—17. Nays—7.

The yeas and nays being desired by Mr Biggs, those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Cox, Hall, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Rich, Robertson, Ross, Summers, Wheeler and Johnston, Speaker.

Those who voted in the negative are Messrs Bailey, Biggs, Coop, English, Fleenor, Lash and Patterson.

No. 105, H. R. file, entitled "A bill to authorize the arrest and detention of fugitives from justice from other states and territories of the United States," was read a second time, and on motion of Mr Hawkins, the House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Cox,

Ordered, That said bill be engrossed and read a third time on Thursday next.

No. 108, H. R. file, entitled "Resolution for the relief of Dr James Davis," was read a second time, and

On motion of Mr Biggs,

Ordered, That said resolution be laid on the table subject to the order of the House.

No. 109, H. R. file, entitled "A bill to provide for an extra session of the Legislative Assembly," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr English gave notice that he would on some future day introduce "A bill for the relief of the sheriff of Des Moines county."

No. 80, H. R. file, "Memorial to Congress on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," as amended by the Council, was taken up and considered, and

On motion,

Ordered, That the first amendment of the Council be disagreed to, and the second agreed to.

On motion of Mr Hastings, leave of absence was granted to Mr Walworth until to-morrow.

Mr Rich gave notice that he would on some future day ask leave to introduce "A bill to encourage the destruction of wolves in the county of Lee."

Mr Hall gave notice that he would on to-morrow introduce "A bill to amend an act entitled 'An act to provide for the appointment of justices of the peace and to prescribe their powers and duties and to regulate their proceedings,'" approved January 21, 1839.

Mr Hall moved the following resolution:

Resolved, That no new business shall be introduced into this House after the eighth day of January next.

On motion of Mr Patterson,
Ordered, That the word "eighth" be stricken out, and the word "twelfth" inserted.

On motion of Mr Brewer,
Ordered, That the word "business" be stricken out, and the word "bills" be inserted.

On motion of Mr Bailey,
Ordered, That the resolution, as amended, be laid on the table, subject to the order of the House.

On motion of Mr Biggs,
Ordered, That the committee on territorial affairs be instructed to make out an estimate of the amount of the expenses of the territory for the current year of 1840, and report the same to this House for their concurrence.

On motion of Mr Biggs,
No. 108, H. R. file, entitled "Resolution for the relief of Dr James Davis," was taken from the table and referred to the committee on territorial affairs.

On motion of Mr Biggs,
The House adjourned.

Tuesday Morning, Dec. 31, 1839.

Mr Brewer, from the joint committee on enrollments, reported "An act to incorporate the Bloomington Education Society," as correctly enrolled. The Speaker then signed the above entitled act.

Mr Myers, from the committee on engrossed bills, reported No. 97, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Burlington to the mouth of the Iowa river."

No. 99, H. R. file, entitled "A bill establishing certain Territorial roads therein named."

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly," as correctly engrossed.

Said memorial and bills were then severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Ross, from the committee on finance, to whom was referred No. 101, H. R. file, entitled "An act to amend 'An act for assessing and collecting county revenue,'" reported the same back to the House without amendment.

Said bill was read a first time.

Mr Rich, from the committee on incorporations, to whom was referred the memorial of the trustees of the town of Du Buque praying for a repeal of the charter granting Timothy Fanning to keep a ferry at said town, made a report which was read, and is as follows :

The committee on corporations to whom was referred the memorial of the president and trustees of the town of Du Buque praying for the repeal of a certain ferry charter granted to one Timothy Fanning, ask leave to report, that they have had said memorial under consideration, and are of opinion that it would be impolitic, if not unconstitutional, for this Legislature to grant the prayer of the memorialists.

Your committee have taken into consideration the fact, that the above mentioned Fanning has in good faith procured boats and hands and put his ferry in successful operation agreeable to the provisions of his charter. He has spent his time and his money relying upon the act of the Legislature to protect him, in the enjoyment of his privilege, and the repeal of his charter would take from him rights, which this Legislature in the opinion of your committee ought not to interfere with.

The policy of granting exclusive privileges in cases like this, is certainly a very bad one ; but the repeal of the above mentioned charter under existing circumstances, would afford a more dangerous precedent.

On motion of Mr Rich,

Ordered, That the report be agreed to, and the committee be discharged from the further consideration of said memorial.

Mr Hall, in accordance with previous notice introduced No. 122, H. R. file, entitled "A bill to amend an act entitled 'An act to provide for the appointing of justices of the peace, to prescribe their powers and duties and to regulate their proceedings,'" which was read a first time.

Mr Rich, from the committee on incorporations to whom was referred No. 66, H. R. file, entitled "A bill to incorporate the Bloomington Insurance Company." reported the same back to the House with amendments, which were read a first time.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker:—I am instructed to inform the House that the Council have passed No. 13, C. F. "Resolution relative to pay of officers and members, &c." In which the concurrence of the House is requested. And then he withdrew.

No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways," was read a second time. And on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

The House agreed to all the amendments made by the committee ex-

cept that made in the 2nd line of the first section; to which the House, on motion of Mr Langworthy, disagreed.

On motion of Mr Hawkins,

Ordered, That the words twenty-one be inserted in said line.

Mr Langworthy moved to strike out the word "ten" in the sixth line of the 17th section, and insert "five." Also, to strike out the word "fifty" in the same line, and insert "twenty-five." The motion was lost.

Mr Summers moved to insert in the 3d line of the 16th section after the word "dollar" the words "and fifty cents." The motion was lost.

Mr Brewer moved to insert after the word "shall" in the first line of the seventeenth section the words "wilfully and maliciously." The motion was lost.

On motion of Mr Cox,

Ordered, That the bill be engrossed and read a third time on Friday next.

No. 13, C. F. entitled "Resolutions relative to the pay of officers and members, &c." was read a first time.

On motion of Mr Langworthy,

Ordered, That the 44th rule of the House be suspended, and the resolutions be read a second and third time, now.

The resolutions were then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 110, H. R. file, entitled "A bill for the relief of carriers," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had according to order, had said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Owen,

Ordered, That the words "to the weather," in the sixth line of the third section be stricken out.

On motion of Mr Summers,

Ordered, That the bill be engrossed and read a third time on Friday next.

No. 111, H. R. file, "A bill to amend an act, entitled 'an act providing for and regulating general elections,' " was read a second time, and

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House with amendments.

Mr Hastings moved that the bill be referred to the committee on elections. The motion was lost.

The question was then taken, will the House agree to the report of the committee? and was decided in the negative.

On motion of Mr Hastings,

Ordered, That the second section of said bill be stricken out.

On motion of Mr Summers,

Ordered, That the word "September" in the third section, be stricken out.

On motion of Mr Hall,

Ordered, That the third section be stricken from the bill.

On motion of Mr Churchman,

Ordered, That the following be added to the bill as amended:

Sec. 2. That the form of the oath shall be, "I am a citizen of the United States; that I am above the age of twenty-one years; that my place of residence has been within this Territory for the last six months immediately preceding this election; that I am now a resident of this county, and that I have not voted at this election either at this or any other poll."

On motion of Mr Hall,

Ordered, That said bill be engrossed and read a third time on Friday next.

On motion of Mr Hall,

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

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—I am instructed to inform the House that the Council have rejected No. 107, H. R. file, "A bill supplementary to 'an act to relocate the seat of justice in Cedar county,'" and have passed, with amendments, No. 1, H. R. file, "A bill to provide for the organization of townships."

No. 8, H. R. file, "A bill to provide for the appointment and duties of auditor of public accounts," &c.

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections."

No. 73, H. R. file, "A bill for the limitations of suits on penal statutes, and criminal prosecutions."

No. 77, H. R. file, "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 84, H. R. file, "A joint resolution on the subject of post offices," &c. in which the concurrence of the House is requested.

Also, without amendment, No. 76, H. R. file, "A bill to amend an act entitled 'an act to organize the county of Linn,'" &c.

No. 81, H. R. file, "A memorial for the speedy settlement of the Du Buque land claim."

No. 100, H. R. file, "A bill to provide for the appointment of a librarian, and for other purposes." I herewith present for your signature, No. 5, C. F. "Memorial relative to location by commissioners of Henry county," &c.

No. 18, C. F. "An act to incorporate the Iowa flouring mill and manufacturing company." And then he withdrew.

The Speaker then signed the above named memorial and act.

No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein mentioned," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Rich,

Ordered, That said bill be laid on the table subject to the order of the House.

No. 114, H. R. file, entitled "A bill to alter the manner of electing the county commissioners of Des Moines county," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported, that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with an amendment; to which the House agreed.

On motion of Mr English,

Ordered, That said bill be engrossed and read a third time on Friday next.

No. 12, C. F. entitled "Resolutions relative to the printing of the laws of the present session," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said resolutions.

After some time spent therein, Mr Speaker resumed the chair and Mr Wheeler reported that the committee had, according to order, said resolutions under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That the forty-fourth rule of the House be suspended, and the resolutions be read a third time now. The resolutions were then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Churchman moved the following resolution:

Resolved, That John B. Russell, of Du Buque, be and he is hereby authorized to print ———— copies of the Journals of this House in pamphlet form, and have the same ready for delivery within four months from the close of the present session, and that he comply in all other respects with the provisions of the joint resolution relative to printing the laws.

On motion of Mr Hall,

Ordered, That said resolution be laid on the table, subject to the order of the House.

No. 22, C. F. entitled "A bill to regulate ferries in certain cases," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be read a third time on Thursday next.

No. 24, C. F. entitled "A bill to authorize Elijah Buel to keep a ferry," was read a second time, and

On motion of Mr Summers,

Ordered, That said bill be read a third time on Thursday next.

No. 26, C. F. entitled "A bill to locate and establish a territorial road from Fairfield to Wapello," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Biggs reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Coop,

Ordered, That said bill be read a third time on to-morrow.

Mr Brewer, from the committee on enrollments reported the following :

EXECUTIVE OFFICE, }
Dec. 30, 1839. }

Received of Daniel Brewer, member of the House of Representatives, "An act to relocate the seat of justice in and for the county of Cedar;" "An act to relocate the seat of justice of the county of Johnson;" "A memorial for the survey of the harbor at the town of Du Buque;" "A memorial to the President of the United States in relation to the Sioux half breed reservation on Lake Pepin;" "A resolution relative to a supervisor to the printing of the laws of the present session," and "A preamble and resolution to the Congress of the United States asking for an appropriation for the improvement of a territorial road on the Des Moines river," this day presented for my consideration and approval.

ROBERT LUCAS.

No. 1, H. R. file, entitled "A bill to provide for the organization of townships," as amended by the Council, was taken up and considered. The House agreed to all the amendments of the Council, with the exception of the 6th, 7th and 8th amendments, to which the House disagreed.

No. 8, H. R. file, "A bill to provide for the appointment and duties of auditor of public accounts," &c. as amended by the Council, was taken up and considered. The House agreed to all the amendments of the Council, except the first amendment, to which the House disagreed.

Mr English, in accordance with previous notice, and on leave, introduced No. 123, H. R. file, entitled "A bill for the benefit of the sheriff of Des Moines county," which was read a first time.

Mr Brewer moved that the House adjourn until Thursday next, which was decided in the negative. Yeas—10. Nays—15.

Mr Lash having desired the yeas and nays, those who voted in the affirmative, are Messrs Biggs, Brewer, Hall, Langworthy, Leffler, Mintun, Owen, Robertson, Summers and Walworth.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, Cox, English, Fleenor, Hastings, Hawkins, Lash, Myers, Patterson, Rich, Ross, Wheeler and Johnston, Speaker.

So the motion to adjourn until Thursday, was lost.

On motion of Mr Biggs,
The House adjourned.

Wednesday Morning, Jan. 1, 1840.

Mr Rich presented the petition of Harriet Knapp and others, praying the passage of a law confirming the title of Si-si-sa-man, to certain lands in the county of Lee, in the heirs at law of John H. Knapp deceased, which was,

On motion of Mr Rich,

Referred to a select committee, composed of the entire delegation from Lee county, with power to send for persons and papers.

Mr Hawkins moved the following resolution:

“Resolved, That the Secretary of the Territory be and he is hereby required to pay the private secretary of the Governor, five dollars per day, for his services during the present session of the Legislative Assembly.”

On motion of Mr Summers,

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

Mr Cox, from the select committee, to whom was referred, “A bill to punish trespass on lands,” reported No. 124, H. R. file, entitled “A bill to punish trespass on school and other lands,” as a substitute therefor, which was read a first time.

Mr Myers, from the committee on engrossed bills, reported No.’s 104, 105 and 110, H. R. file, as correctly engrossed.

Mr Cox, on leave introduced No. 125, H. R. file, entitled “A bill to amend ‘An act to incorporate the Iowa mutual insurance company,’” which was read a first time.

No. 61, H. R. file, entitled “A memorial for the relief of settlers upon school sections,” as amended by the Council, was taken up and considered. The House disagreed to the amendments of the Council.

No. 73, H. R. file, entitled “A bill for the limitations of suits on penal statutes and criminal prosecutions.”

No. 77, H. R. file, entitled "A bill to incorporate the Philadelphia mill and manufacturing company."

No. 84, H. R. file, entitled "A joint resolution on the subject of post offices," &c., as amended by the Council, were severally taken up and considered.

Ordered, That the amendments of the Council be agreed to.

No. 26, C. F., entitled "A bill to locate and establish a territorial road from Fairfield to Wapello," &c.

No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 66, H. R. file, entitled "A bill to incorporate the Bloomington insurance company," was read a second time, and

On motion of Mr Biggs,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

Mr Lash moved to strike out the word "sixty" in the third line of the tenth section, and insert the word "ten."

Mr Hastings called for a division of the question. First, on striking out sixty. On putting the question the House refused to strike out the word sixty.

A motion was made by Mr Hastings that the bill be engrossed and read a third time on Friday next, which question was decided in the affirmative, yeas 20, nays 2.

The yeas and nays being desired by Mr Langworthy,

Those who voted in the affirmative are Messrs Bailey, Biggs, Churchman, Coop, Cox, English, Fleenor, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers and Johnston, Speaker.

Those who voted in the negative are Messrs Langworthy and Wheeler.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker,—I am instructed to inform the House that the Council insist upon their amendments to

No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant, to Fairfield," and have passed without amendments

No. 90, H. R. file, "A memorial to Congress for an appropriation to remove obstructions on the rapids of the Mississippi."

I also herewith present for your signature

No. 13, C. F. "Resolutions relative to the pay of officers and members, &c."

And then he withdrew.

The Speaker then signed the above entitled resolution.

No. 101, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue," was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment.

Mr Churchman moved the following as an additional section to the bill:

Sec. 15. That so much of the act to which this act is amendatory, as relates to the collection of county revenue by sheriffs and collectors, be, and the same is hereby repealed. The motion was lost.

On motion of Mr Bailey,

Ordered, That said bill be referred to a select committee composed of one from each electoral district.

Messrs Churchman, Hawkins, Mintun, Owen, Bailey, Lash, Hastings, Summers, Cox and Walworth were appointed said committee.

Mr Walworth, from the joint committee on enrollments, reported the following:

EXECUTIVE DEPARTMENT, }
Dec. 30, 1839. }

Received of Mr Walworth, member of the House of Representatives, "An act to establish a seminary of learning, at Parkhurst, in Scott county," for consideration and approval.

ROBERT LUCAS.

EXECUTIVE DEPARTMENT, I. T. }
Dec. 31, 1839. }

Received of Mr Walworth, member of the House of Representatives, "A bill to incorporate the Bloomington education society."

ROBERT LUCAS.

On motion of Mr Lash,

The House adjourned.

Thursday Morning, Jan. 2, 1840.

Mr Robertson gave notice, that he would, on to-morrow or some day thereafter, ask leave to bring in a bill for the relief of certain officers of the county of Scott.

Mr Hawkins introduced No. 126, H. R. file, entitled "A resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," which was read a first time.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 4, C. F. "A bill concerning deeds and mortgages and to prevent frauds," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Bailey,

The resolution offered yesterday providing for the compensation of the private secretary of the Governor, was taken from the table, and referred to the committee on expenditures.

Mr Rich, from the select committee, to whom was referred the petition of Harriet Knapp and others, reported No. 127, H. R. file, entitled "A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp deceased," which was read a first time.

Mr Clark, from the committee on elections, reported that the committee had examined the certificates of all the members of this House, and found each member's certificate of election, valid and sufficient.

On motion of Mr Hastings,

The report was accepted.

Mr Myers, from the committee on engrossed bills, reported No.'s 111 and 114, H. R. file, as correctly engrossed.

No. 80, H. R. file, entitled "A memorial to Congress on the subject of a turnpike road from Burlington, via Mount Pleasant to Fairfield, as amended by the Council, was taken up and considered.

On motion of Mr Leffler,

Ordered, That the House insist upon their disagreeing vote, and that a committee of conference be appointed to confer with the Council, relative to the disagreeing vote of the two Houses. Messrs Leffler and Hawkins, were appointed said committee.

No. 22, C. F. entitled "A bill to regulate Ferries in certain cases."

No. 24, C. F. entitled "A bill to authorize Elijah Buel to keep a ferry."

No. 105, H. R. file, entitled "A bill to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

No. 110, H. R. file, entitled "A bill for the relief of carriers," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 112, H. R. file, entitled "A bill to incorporate the town of Salem in Henry county," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Cox, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Cox,

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

No. 115, H. R. file, entitled "A memorial to Congress for an appropriation for carrying the mail from Davenport to Da Buque, during the session of the Legislative Assembly of 1838-'39," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial; after some time spent therein, Mr Speaker resumed the chair, and Mr Langworthy reported that the committee had, according to order, said memorial under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Summers,

Ordered, That the memorial be considered as engrossed and read a third time now; the memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 117, H. R. file, entitled "Preamble and joint resolution for the benefit of the former sheriffs," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House, on said resolution; after some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported that the committee had, according to order, said resolution under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Owen,

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

No. 118, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses," was read a second time, and

On motion of Mr Hall,

Ordered, That said bill be engrossed and read a third time on Saturday.

Mr Walworth, on leave, presented the petition of sundry citizens of Cedar county, praying the passage of a law to incorporate a seminary of learning at Antwerp, in said county, which was referred to a select committee, viz: Messrs Walworth, Robertson and Clark.

Mr Hastings, on leave, presented the petition of sundry citizens of Muscatine county, praying for the location of a road from Wyoming to the seat of government of this Territory, which was referred to a select committee composed of the entire delegations from the counties of Louisa, Washington, Muscatine and Johnson.

No. 119, H. R. file, entitled "A bill to incorporate the Tuscarora steam mill company," was read a second time, and

On motion of Mr Rich,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be engrossed and read a third time on tomorrow.

No. 120, H. R. file, entitled "A memorial to Congress for an appropriation to improve the roads from Iowa City to Prairie Du Chein and

from Du Buque to the county seat of Delaware county," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had according to order said memorial under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Langworthy,

Ordered, That said memorial be engrossed and read a third time on Saturday next.

No. 122, H. R. file, entitled "A bill to amend an act entitled 'An act to provide for the appointing of justices of the peace, to prescribe their powers and duties, and to regulate their proceedings,'" was read a second time, and

On motion of Mr Cox,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had according to order said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Bailey,

Ordered, That said bill be referred to a select committee, Messrs Cox, Hall and Summers were appointed said committee.

No. 123, H. R. file, entitled "A bill for the benefit of the sheriff of Des Moines county," was read a second time, and

On motion of Mr English,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Leffler gave notice, that he would on to-morrow or some subsequent day introduce a bill to enable the people of the Territory of Iowa, to locate and establish the permanent seat of government of the Territory, and to provide for the erection of public buildings.

On motion of Mr Summers,

The House adjourned.

Friday Morning, Jan. 3, 1840.

Mr Robertson, in accordance with previous notice, introduced No. 128, H. R. file, entitled "A bill for the relief of certain officers of the county of Scott," which was read a first time.

Mr Churchman, from the committee on territorial affairs, made a report relative to the amount necessary to defray the expenses of the Territory, for the year 1840, which was read, and is as follows :

The committee on Territorial affairs, who were required to ascertain the amount necessary to defray the expenses of this Territory, for the year 1840, ask leave to report :

That they have ascertained from data based upon former expenditures, that the sum of thirty-six thousand five hundred dollars will be required to defray the ordinary expenses of the legislative and judicial system. And that an additional sum of, say seven thousand dollars, will be required to meet the expenses of an extra session in the ensuing summer, should one be held. In addition to this amount, the sum of one thousand dollars will be required to compensate Dr James Davis, for his services as commissioner on the part of the Territory, in making a survey of our southern boundary.

ABSTRACT.

For general expenses of government,	\$30,500
Extra session,	7,000
Appropriation to Dr Davis,	1,000
	<hr/>
	\$44,500

JAMES CHURCHMAN, Chairman of
Com. on Ter. affairs.

On motion of Mr Summers,

Ordered, That said report lie on the table, subject to the order of the House.

Mr Hastings gave notice that he would, on some future day, introduce "A bill to incorporate the Bloomington mill and manufacturing company."

Also, "A bill to amend the law regulating writs of attachment."

Mr Hastings, from the select committee appointed for that purpose, reported No. 129, H. R. file, entitled "A bill to establish a territorial road from Wyoming to Iowa city," which was read a first time.

Mr Rich, from the select committee, to whom was referred No. 5, C. F. entitled "A bill relative to habeas corpus," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Hawkins,

Ordered, That the 44th rule be suspended, and the bill be read a second time now ; the bill was then read a second time.

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Brewer reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Rich,

Ordered, That the further consideration of said bill be indefinitely postponed.

A message from the Council by Mr Wallace, their Secretary :

Mr. Speaker :—The Council have passed with amendments No. 29, H. R. file, “ A bill to encourage the destruction of wolves.”

No. 86, H. R. file, “ A bill to enable the citizens of Des Moines county to establish the seat of justice for said county.”

In which the concurrence of the House is requested.

Also, without amendment, No. 74, H. R. file, “ Resolution relative to compensation to J. G. Edwards.”

The Council have receded from their amendments to the 16th section of No. 1, H. R. file, “ A bill to provide for the organization of townships” and insist upon their amendments to the 19th section of said bill.

The Council also insist on their amendment to the 1st section of No. 8, H. R. file, “ A bill providing for the appointment and duties of auditor of public accounts,” &c.

Also, insist on their amendments to

No. 61, H. R. file, “ A memorial for the relief of settlers upon school sections,” and to their amendments to

No. 80, H. R. file, “ A memorial to Congress on the subject of a turnpike road from Burlington to Fairfield,” and have appointed Messrs Hughes, Inghram and Payne, a committee of conference in relation thereto ; and have passed

No. 28, C. F. “ A bill for the relief of certain officers in the Territory.”

In which the concurrence of the House is requested. And then he withdrew.

Mr Brewer, from the committee on enrollments, reported that the committee did on the 30th day of December, present to the Governor for his approval,

“ An act relative to landlords and tenants.”

“ An act to make valid in law the acts of John C. Mather, done and performed by him as county surveyor of the county of Henry, and Territory of Iowa,” and a

“ Joint resolution relative to seals,” &c.

Also, on the 31st,

“ An act to incorporate the Iowa flouring mill and manufacturing company,” and

“ Memorial relative to the location by the commissioners of Henry county.”

Also, on yesterday,

“ Resolutions relative to the pay of officers, members,” &c.

Mr Myers, from the committee on engrossed bills, reported No.'s 66, 117, 119, 103 and 123, H. R. file, as correctly engrossed.

Mr Coop gave notice, that he would on to-morrow, or some day thereafter, ask leave to introduce “ A bill granting a charter to William Warner to erect a mill dam across the Cedar fork of Skunk river, in Henry county.”

Mr Walworth, from the select committee appointed for that purpose,

reported No. 130, H. R. file, entitled "A bill to establish a seminary of learning at or near Antwerp, in Cedar county," which was read a first time.

No. 111, H. R. file, entitled "A bill to amend an act entitled 'An act providing for and regulating general elections,'" was read a third time and passed. Yeas—19. Nays—5.

The yeas and nays being desired by Mr Hastings,

Those who voted in the affirmative, are Messrs Bailey, Churchman, Coop, Cox, English, Fleenor, Hall, Hawkins, Langworthy, Lash, Mintun, Myers, Owen, Patterson, Rich, Ross, Summers, Walworth and Wheeler.

Those who voted in the negative, are Messrs Biggs, Brewer, Hastings, Robertson and Johnston, Speaker.

So the bill passed and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 66, H. R. file, entitled "A bill to incorporate the Bloomington insurance company."

No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways."

No. 114, H. R. file, entitled "A bill to alter the manner of electing the county commissioners of Des Moines county."

No. 119, H. R. file, entitled "A bill to incorporate the Tuscarora steam mill company."

No. 117, H. R. file, entitled "Preamble and joint resolution for the benefit of the former sheriffs."

No. 123, H. R. file, entitled "A bill for the benefit of the sheriff of Des Moines county," were severally read a third time, passed and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 4, C. F. entitled "A bill concerning deeds and mortgages and to prevent frauds," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Churchman, reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 116, H. R. file, entitled "A bill to establish a system of common Schools," was read a second time, and

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had according to order said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Summers,
 Ordered, That said bill be considered as engrossed, and read a third time now; the bill was then read a third time and passed.
 Ordered, That the clerk acquaint the Council therewith.
 And then the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Hastings gave notice, that he would on to-morrow or some future day, introduce a bill to remove the temporary seat of government from the City of Burlington to the town of Fort Madison.

Mr Biggs, on leave, presented the petition of sundry citizens of the county of Van Buren, praying for the re location of the seat of justice of said county, which was,

On motion of Mr Biggs,

Referred to a select committee composed of the entire delegation from the counties of Van Buren and Lee.

No. 124, H. R. file, entitled "A bill to punish trespass on school and other lands," was read a second time, and

On motion of Mr Mintun,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

Mr Rich moved that the House disagree to the amendments made by the committee to the 4th section.

The motion was lost.

Mr Summers moved to amend the 8th section, by inserting "any sum not exceeding ten dollars."

To which the House agreed.

Mr Summers moved to strike out the 4th section of the bill, which was decided in the negative. Yeas—7. Nays—15.

Mr Summers having desired the yeas and nays,

Those who voted in the affirmative, are Messrs Brewer, Hall, Langworthy, Myers, Owen, Summers and Wheeler.

Those who voted in the negative, are Messrs Bailey, Biggs, Churchman, Coop, Cox, English, Fleenor, Hastings, Hawkins, Lash, Mintun, Patterson, Ross, Walworth and Johnston, Speaker.

The House then agreed to the report of the committee.

On motion of Mr Coop,

Ordered, That said bill be engrossed and read a third time on Monday next.

On motion of Mr Langworthy,

Ordered, That No. 51, H. R. file, "A bill to incorporate the city of Du Buque," be taken from the table and referred to the select committee who reported the same.

On motion, the House adjourned.

Saturday Morning, Jan. 4, 1840.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker—The Council have passed No. 7, C. F. "A memorial to Congress for an appropriation for a military road from Fort Madison, &c."

No. 27, C. F. "A bill to regulate the admission of attorneys."

In which the concurrence of the House is requested.

The Council have passed with amendments, No. 96, H. R. file, "A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport," in which the concurrence of the House is requested.

The Council have disagreed to the first, and agreed to the second and third amendments of the House, to No. 26, H. R. file, "A bill to locate and establish a territorial road from Fairfield to Wapello, &c."

I herewith present for your signature, No. 11, C. F. "A resolution instructing our delegate to apply for an additional appropriation to defray the expenses of the present session, &c." And then he withdrew.

The Speaker then signed the above resolution.

Mr Churchman, from the select committee, to whom was referred No. 101, H. R. file, entitled "A bill to amend an act for assessing and collecting county revenue," reported the same back to the House with amendments, which were read a first time.

Mr Myers, from the committee on engrossed bills, reported No.'s 112, 118, 120, 121 and 124, H. R. file, as correctly engrossed.

Mr Walworth, from the committee on enrollments, reported the following as correctly enrolled,

"An act regulating grocery licenses."

"An act regulating marriages."

"An act to provide for the support of illegitimate children."

"An act to authorize Avery Thomas to keep a ferry across the Mississippi river, opposite Cordova, Illinois."

"An act for the relief of the sheriff of Jackson county."

"An act to provide for the appointment of a librarian, and for other purposes."

The Speaker then signed the above entitled acts.

Mr Biggs, from the select committee to whom was referred the petition of sundry citizens of Van Buren county, praying for the relocation of the seat of justice of said county, reported that in the opinion of the committee, the petitions did not contain a majority of the qualified voters of Van Buren county, which majority they believe necessary in order to grant the prayer of said petitioners.

On motion of Mr Hall,

Ordered, That said report be agreed to, and that the committee be discharged from the further consideration of said petition.

Mr Rich, from the select committee appointed for that purpose, reported No. 131, H. R. file, entitled "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half breed lands in Lee county," which was read a first time.

Mr Bailey moved to reconsider the vote by which No. 5, C. F., entitled "A bill relative to habeas corpus," was indefinitely postponed, to which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be referred to the committee on the judiciary.

No. 29, H. R. file, entitled "A bill to encourage the destruction of wolves," as amended by the council, was taken up and considered, and

On motion,

Ordered, That the House agree to the amendments of the Council.

No. 86, H. R. file, entitled "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," as amended by the Council, was taken up and considered.

Mr Hawkins moved to amend the amendment of the Council by striking out "six" and insert "four;" the motion was lost.

On motion of Mr Hastings,

Ordered, That the House disagree to the amendment of the Council.

No. 1, H. R. file, entitled "A bill to provide for the organization of townships," in which the Council insist upon their amendments to the 19th section of said bill, was taken up and considered.

On motion of Mr Summers,

Ordered, That the House recede from their disagreeing vote.

No. 84, H. R. file, entitled "A bill providing for the appointment and duties of auditor of public accounts," in which the Council insist upon their amendments to the first section of said bill, was taken up and considered, and,

On motion of Mr Summers,

Ordered, That the House recede from their disagreeing vote.

No. 61, H. R. file, entitled "A memorial for the relief of settlers upon school sections," in which the Council insist upon their amendments, was taken up and considered.

Mr Bailey moved that the House recede from their disagreeing vote; which was decided in the negative. Yeas—11. Nays—13.

The yeas and nays being desired by Mr Langworthy,

Those who voted in the affirmative are Messrs, Bailey, Biggs, Brewer, Coop, Hastings, Hawkins, Lash, Myers, Rich, Ross and Summers.

Those who voted in the negative are Messrs Churchman, Cox, English, Fleenor, Hall, Langworthy, Leffler, Mintun, Owen, Patterson, Robertson, Walworth and Johnston, Speaker.

Mr Langworthy moved that the House insist on their disagreement to the amendment of the Council, and that a committee of conference be appointed to confer with the Council relative to the disagreeing vote of the two Houses, which motion was decided in the affirmative. Yeas—16. Nays—8.

The yeas and nays being desired by Mr Churchman,

Those who voted in the affirmative are Messrs Churchman, Cox,

English, Fleenor, Hall, Hawkins, Langworthy, Leffler, Mintun, Owen, Patterson, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative are Messrs Bailey, Biggs, Brewer, Coop, Hastings, Lash, Myers and Rich.

Whereupon, Messrs Churchman, Hall and Owen were appointed said committee of conference.

On motion of Mr Mintun,

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

TWO O'CLOCK, P. M.

No. 112, H. R. file, entitled "A bill to incorporate the town of Salem," in Henry county.

No. 118, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses."

No. 120, H. R. file, entitled "A memorial to Congress for an appropriation to improve the roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county."

No. 121, H. R. file, "A memorial to Congress for the improvement of the mail road from Davenport to Burlington."

No. 4, C. file, entitled "A bill to prevent frauds," were severally read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 125, H. R. file, entitled "A bill to amend 'An act to incorporate the Iowa mutual fire insurance company,'" was read a second time, and

On motion,

Ordered, That said bill be engrossed, and read a third time on Monday next.

No. 126, H. R. file, entitled "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly," was read a second time, and

On motion of Mr Lash,

The House resolved itself into a committee of the whole House on said resolution; after some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had, according to order, said resolution under consideration, and directed him to report the same to the House with an amendment, to which the House agreed. Yeas—13. Nays—9.

The yeas and nays being desired by Mr Hastings, those who voted in the affirmative, are Messrs Bailey, Biggs, Clark, Coop, Cox, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Robertson and Walworth.

Those who voted in the negative, are Messrs Brewer, Churchman, Hall, Hastings, Langworthy, Rich, Summers, Wheeler and Johnston, Speaker.

Mr Ross moved to amend the resolution by inserting in the third line after the word "church" the following "or to Levi Hagar, their legally authorized agent," to which the House agreed.

On motion of Mr Robertson,

Ordered, That said resolution be engrossed and read a third time on Monday next.

No. 127, H. R. file, entitled "A bill to make valid in law, the deed of Si-si-sa-man a minor to John H. Knapp, deceased," was read a second time, and

On motion of Mr Rich,

Ordered, That the bill be engrossed and read a third time on Monday next.

No. 128, H. R. file, entitled "A bill for the relief of certain officers of the county of Scott," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

The bill was ordered to be engrossed and read a third time on Monday next.

On motion of Mr Patterson,

The House adjourned.

Monday Morning, Jan. 6, 1840.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker :—The Council have passed without amendment, No. 105, H. R. file, "A bill to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States," and have also passed,

No. 23, C. F. "A bill to provide for the election of delegate to Congress, judge of probate, county surveyors, and to amend 'An act regulating general elections in this Territory.' "

Also, with amendments, No. 17, H. R. file, "Memorial to Congress for establishing another land district in this Territory."

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly."

In which the concurrence of the House is requested.

The Council have receded from their amendment to No. 86, H. R. file, "A bill to enable the citizens of Des Moines county to establish the seat of justice for said county," and insist on their amendment, to

No. 61, H. R. file, "A memorial for the relief of settlers upon school sections," and have appointed Messrs Clark, Hepner and Hughes, a committee of conference in relation thereto.

The Council have passed without amendment,

No. 98, H. R. file, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," and have indefinitely postponed,

No. 114, H. R. file, "A bill to alter the manner of electing the commissioners of Des Moines county;" and then he withdrew.

Mr Brewer presented the petition of sundry citizens of Washington county, praying the location of a Territorial road from Mount Pleasant, via the county seat of Washington county, via the forks of Crooked creek to Iowa city.

On motion of Mr Brewer,

Ordered, That said petition be referred to a select committee, composed of the entire delegations from the counties of Louisa and Washington, Henry and Jefferson.

Mr Summers moved the following resolution :

Resolved, That the chief clerk be authorized to employ as many assistants to the enrolling clerk of this House, as he may think necessary.

On motion of Mr Cox,

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

Mr Langworthy, from the select committee, to whom was referred No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque, reported a substitute therefor," which was read a first time.

Mr Robertson, on leave introduced No. 132, H. R. file, entitled "Resolution limiting the amount to be expended by the commissioners authorized to erect the public buildings at Iowa city."

Mr Coop, in accordance with previous notice, introduced No. 133, H. R. file, entitled "A bill to authorize William Warner to erect a dam across Big Cedar, in Henry county."

Mr Bailey, on leave, introduced No. 134, H. R. file, entitled "A bill to amend an act subjecting real and personal estate to execution."

Mr Bailey, on leave, also introduced No. 135, H. R. file, entitled "A bill defining a lawful fence, and providing against trespassing animals," which were severally read a first time.

Mr Wheeler, from the committee on engrossed bills, reported No.'s 125, 126, 127 and 128, H. R. file, as correctly engrossed.

Mr Brewer, from the committee on enrollments, reported the following :

EXECUTIVE OFFICE, }
January 3, 1840. }

Received of Daniel Brewer, member of the House of Representatives, "An act to authorize Avery Thomas to keep a ferry across the Mississippi river," opposite Cordova, Illinois.

"An act for the relief of the sheriff of Jackson county."

"An act regulating grocery license."

"An act regulating marriages."

“An act to regulate conveyances.”
 “An act to provide for the support of illegitimate children,” and
 “An act to provide for the appointment of a librarian, and for other purposes,” this day presented for my consideration and approval.

ROBERT LUCAS.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 5, C. file, entitled “A bill relative to habeas corpus,” reported the same back to the House with amendments.

No. 7, C. file, entitled “A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post road on the Des Moines river.”

No. 27, C. file, entitled “A bill to regulate the admission of attorneys,” were severally read a first time.

No. 96, H. R. file, entitled “A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the honorable William B. Conway, to Davenport,” as amended by the Council, was taken up and considered.

On motion of Mr Cox,

Ordered, That the House agree to the amendment of the Council.

No. 26, C. file, entitled “A bill to locate and establish a territorial road from Fairfield to Wapello,” &c., in which the Council disagree to the amendments of the House, was taken up and considered, and

On motion of Mr Lash,

Ordered, That the House do recede from their first amendments to said bill.

On motion of Mr Brewer,

Ordered, That two members be added to the committee on enrollments.

Messrs Summers and Langworthy were thereupon added to said committee.

No. 124, H. R. file, entitled “A bill to punish trespass on school and other lands.”

No. 125, H. R. file, entitled “A bill to amend an act to incorporate the Iowa mutual fire insurance company.”

No. 126, H. R. file, entitled “Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly,” were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 127, H. R. file, entitled “A bill to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp,” was read a third time, and pending the question of the passage of the bill, Mr Brewer asked to be excused from voting. The House refused to excuse Mr Brewer.

The question was then put shall the bill pass. Which was decided in the affirmative. Yeas—14. Nays—6.

The yeas and nays being desired by Mr Cox,

Those who voted in the affirmative are Messrs Bailey, Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Patterson, Rich, Robertson, Summers and Wheeler.

Those who voted in the negative are Messrs Biggs, Brewer, Coop, Cox, Ross and Johnston, Speaker.

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

Ordered, That the clerk acquaint the Council therewith.

No. 128, H. R. file, entitled "A bill for the relief of certain officers of the county of Scott," was read a third time, passed and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 28, C. F. entitled "A bill for the relief of certain officers in the Territory," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Wheeler reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

Mr Lash moved to amend by inserting after the word "Territory," in the 3d line of the 1st section, the words "except the counties of Henry and Du Buque." To which the House agreed.

On motion, ordered, that the bill be read a third time on to-morrow.

No. 101, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue,'" was read a second time, and

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported that the committee had according to order, had said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Cox,

Ordered, That said bill be engrossed and read a third time on Wednesday next.

No. 129, H. R. file, entitled "A bill to establish a territorial road from Wyoming to Iowa city," was read a second time, and

On motion of Mr Hastings,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 130, H. R. file, entitled "A bill to establish a seminary of learning at or near Antwerp, in Cedar county," was read a second time, and

On motion of Mr Walworth,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Walworth,

Ordered, That said bill be engrossed and read a third time on Wednesday next.

No. 131, H. R. file, entitled "A bill to authorize Harriet Knapp to sell

and convey the interest of Nathaniel Knapp, deceased, in the half breed lands, in Lee county."

On motion of Mr Rich,
Ordered, That said bill do lie on the table until to-morrow.
On motion, the House adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

No. 23, C. F. "A bill to provide for the election of delegate to Congress, judge of probate, county surveyors, and to amend 'An act regulating general elections in this territory,'" was read a first time.

No. 17, H. R. file, entitled "A memorial to Congress for establishing another land district in this territory, as amended by the Council," was taken up and considered, and

On motion, ordered, that the House agree to the amendments of the Council.

No. 109, H. R. file, entitled "A bill to provide for an extra session of the Legislative Assembly," as amended by the Council, was taken up and considered.

Mr Bailey moved to amend the amendment of the Council by striking out the word "September" and insert "October," to which the House agreed.

The House then agreed to the amendments of the Council as amended.

On motion of Mr Leffler,
The House adjourned.

Tuesday Morning, Jan. 7, 1840.

A message from the Council, by Mr Wallace, their secretary :
Mr Speaker :--The Council have passed with amendments.

No. 99, H. R. file, "A bill establishing certain territorial roads therein named," also

No. 110, H. R. file, "A bill for the relief of certain carriers."

In which the concurrence of the House is requested.

The Council have rejected

No. 118, H. R. file, "A bill to further encourage the improvement of the breed of horses."

The Council have also passed with amendments,

No. 69, H. R. file, "Joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

No. 93, H. R. file, "A bill to organize the county of Clinton and establishing the seat of justice thereof."

In which the concurrence of the House is requested.

The Council have passed, without amendment,

No. 117, H. R. file, "Preamble and resolution for the benefit of former sheriffs." And then he withdrew.

Mr Brewer presented the petition of sundry citizens of the counties of Louisa and Washington, praying for the location of a territorial road from Black Hawk via Wapello via Holcomb's Mills on Crooked creek via Brighton to the forks of Skunk river.

On motion of Mr Brewer,

Ordered, That said petition be referred to a select committee to be composed of the entire delegations from the counties of Louisa, Washington, Henry and Jefferson.

On motion of Mr Summers,

Ordered, That the resolution offered by himself on yesterday relative to the employment of additional enrolling clerks be taken from the table. The resolution was taken from the table and adopted.

On motion of Mr Hawkins,

Resolved, (the Council concurring herein,) That the two Houses will meet in the hall of the House of Representatives at the hour of 3 o'clock, P. M. on Saturday next, when by joint ballot they will proceed to the election of a director of the penitentiary to fill the vacancy occasioned by the expiration of the term of office of John Claypole.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to incorporate the Philadelphia mill and manufacturing company."

"An act to amend an act, entitled 'an act to organize the county of Linn, and establish the seat of justice thereof.'"

"An act to encourage the destruction of wolves."

"An act for the limitations of suits on penal statutes and criminal prosecutions."

"An act providing for the appointment and duties of auditor of public accounts, and regulating the duties of territorial treasurer."

"Resolution relative to compensation to J. G. Edwards for printing in pamphlet form the act prescribing the duties of justices of the peace."

"A memorial to Congress for an appropriation to remove the obstructions on the rapids in the Mississippi."

"A memorial for the speedy settlement of the Du Buque land claim."

The Speaker then signed the above entitled acts, and memorials, and resolution.

Mr Hastings, in accordance with previous notice, introduced No. 136, H. R. file, entitled "A bill to incorporate the Bloomington mill and manufacturing company."

Mr Brewer, in accordance with previous notice introduced No. 137, H. R. file, entitled "A bill to amend an act entitled 'an act to establish the boundaries of Louisa county,' " said bills were severally read a first time.

On motion of Mr Bailey,

Ordered, That the resolution offered by Mr Hall, on the 10th of December last, be taken from the table and considered.

The question then recurred on the motion to adopt the resolution, which motion was lost.

Mr Hall gave notice that he would on some subsequent day ask leave to introduce a bill to so amend the election law as to allow the people of Van Buren county, to vote viva voce or ballot.

Mr Hall also gave notice that he would on to-morrow introduce a bill to further encourage the improvement of the breed of horses in Van Buren, Lee, Des Moines, Louisa, Muscatine and Johnson counties.

Mr Leffler, in accordance with previous notice, introduced No. 138, H. R. file, entitled "A bill to enable the people of the territory of Iowa, to locate and establish the seat of government of this territory, and to provide for the erection of public buildings," which was read a first time.

Mr Cox moved that the bill be rejected, and before the question was taken

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

Mr Speaker :--The Council have passed without amendment, No. 127, H. R. file, "A bill to make valid in law the deed of Si-si-sa-man," a minor, to John Knapp, deceased.

No. 125, H. R. file, entitled "A bill to amend 'an act to incorporate the Iowa mutual fire insurance company,'" and have passed with amendments, No. 56, H. R. file, "A bill for the relief of Van Buren county."

No. 123, H. R. file, "A bill for the benefit of the sheriff of Des Moines county."

I herewith present for your signature, No. 12, C. F. "Resolution relative to printing of the laws," &c.

No. 22, C. F. "An act to regulate ferries in certain cases."

No. 24, C. F. "An act to authorize Elijah Buel to keep a ferry." And then he withdrew.

The Speaker signed the above entitled acts and resolution.

The House then resumed the consideration of No. 138, H. R. file, and after debate, the House,

On motion of Mr Lash,

Adjourned until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Mr Hastings moved that a call of the House be had, which was ordered.

Whereupon it appeared that Messrs Churchman, Cox and Hall were absent.

The Speaker then directed the Sergeant-at-arms to compel the attendance of the absentees ; after a short time,

On motion of Mr Hawkins,

The further call of the House was dispensed with.

The House then again resumed the consideration of the motion to re-

ject No. 138, H. R. file, entitled "A bill to enable the people of the Territory of Iowa, to locate and establish the seat of government of this Territory, and to provide for the erection of public buildings,

And after debate, before the question was taken, the House adjourned.

Wednesday Morning, Jan. 8, 1840.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased."

"An act to amend an act to incorporate the Iowa Mutual Fire Insurance Company."

"An act to enable the citizens of Des Moines county to establish the seat of justice for said county."

"An act to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

"Preamble and resolution for the benefit of former sheriffs."

"Resolution to defray the expenses incurred by the joint committee to attend the remains of the Hon. Wm. B. Conway to Davenport."

"Joint resolutions on the subject of Post Offices."

"A memorial on the subject of an additional land district in the Territory of Iowa."

The Speaker then signed the above entitled acts and resolutions.

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
January 7, 1840. }

Received of Daniel Brewer, member of the House of Representatives, "A memorial to Congress for an appropriation for a road opposite Burlington in the Mississippi bottom." "Memorial for the speedy settlement of the Du Buque land claim." "A memorial to Congress for an appropriation to remove obstructions in the rapids of the Mississippi." "Resolutions relative to compensation to J. G. Edwards for printing in pamphlet form the act prescribing the duties of justices of the peace." "An act for the limitation of suits on penal statutes and criminal prosecutions." "An act to incorporate the Philadelphia Mill and Manufacturing company." "An act to encourage the destruction of wolves." "An act providing for the appointment and duties of Auditor of Public Accounts, and regulating the duties of Territorial Treasurer," and "An act to amend an

act entitled 'An act to organize the county of Linn and establish the seat of justice thereof.'" this day presented for my consideration and approval.

ROBERT LUCAS.

Mr Coop gave notice, that he would on to-morrow or some day thereafter, ask leave to introduce a bill to authorize Joseph Clinkenbeard to erect and keep a dam across Big Cedar in Jefferson county.

Also a bill to authorize John Troxall to erect and keep a dam across Big Cedar in Jefferson county.

Mr Patterson, in accordance with previous notice, introduced No. 139, H. R. file, entitled "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant," which was read a first time.

Mr Langworthy gave notice, that he would on to-morrow or some day thereafter introduce a bill to provide for the annual organization of the House of Representatives.

Mr Wheeler, from the committee on engrossed bills, reported No.'s 101, 129 and 130, H. R. file, as correctly engrossed.

No. 99, H. R. file, entitled "A bill establishing certain territorial roads therein named," as amended by the Council, was taken up and considered.

The House agreed to all the amendments of the Council, with the exception of the 3d, 13th and 14th amendments, to which the House disagreed; and further amended the amendments in the 3d section of said bill, by inserting after the word "grove," in the 6th line of said section, the words "to the county seat of Cedar county."

The House also further amended the amendment of the Council by filling the blank in the 21st section with the name of S. V. Wimple.

No. 110, H. R. file, entitled "A bill for the relief of certain Carriers," as amended by the Council, was taken up and considered,

And, on motion, the amendments of the Council were agreed to.

No. 69, H. R. file, entitled "A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

No. 55, H. R. file, entitled "A bill for the relief of Van Buren county."

No. 123, H. R. file, entitled "A bill for the benefit of the Sheriff of Des Moines county," as amended by the Council, were severally taken up and considered,

And, on motion, the amendments thereto were agreed to.

No. 93, H. R. file, entitled "A bill to organize the county of Clinton and establish the seat of justice thereof," as amended by the Council, was taken up, and the 1st and 2d and 4th amendments agreed to, and the 3d amendment was disagreed to.

No. 28, C. F. entitled "A bill for the relief of certain officers in the Territory," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hastings,

The House resumed the consideration of the motion to reject No. 138,

H. R. file, entitled "A bill to enable the people of the Territory of Iowa, to locate and establish the seat of government of this Territory, and to provide for the erection of public buildings."

And after debate the question was put, Shall the bill be rejected? And was decided in the affirmative. Yeas—15. Nays—10.

The yeas and nays being desired by Mr Walworth,

Those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Cox, Hastings, Langworthy, Mintun, Owen, Patterson, Rich Robertson, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Coop, English Fleenor, Hall, Hawkins, Lash, Leffler, Myers and Ross.

So the bill was rejected.

Mr Leffler asked leave of absence until Monday next for Mr Biggs. Leave was granted.

On motion of Mr Lash,

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

TWO O'CLOCK, P. M.

No. 101, H. R. file, entitled "A bill to amend 'An act for assessing and collecting county revenue.'"

No. 130, H. R. file, entitled "A bill to establish a seminary of learning at or near Antwerp, in Cedar county."

Were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 129, H. R. file, entitled "A bill to establish a Territorial road from Wyoming to Iowa city," was read a third time, and

On motion of Mr Hastings,

Ordered, That said bill do lie on the table, subject to the order of the House.

No. 5, C. F. entitled "A bill relative to habeas corpus," was read a second time.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and the bill be read a third time now.

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

Ordered, That the clerk acquaint the Council therewith.

No. 7, C. F. entitled "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a second time.

On motion of Mr Patterson,

Ordered, That said bill be read a third time on Friday next.

No. 23, C. F. entitled "A bill to provide for the election of delegate to Congress, Judges of Probate, Sheriffs, County Surveyors, and to amend 'An act regulating general elections in this territory,'" was read a second time, and,

On motion of Mr Robertson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had according to order said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr Summers,

Ordered, That said bill be referred to a select committee.

Whereupon, Messrs Summers, Bailey and Rich were appointed said committee.

No. 27, C. F. entitled "A bill to regulate the admission of attorneys," was read a second time, and,

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be read a third time on to-morrow.

Mr Owen gave notice that he would, on some future day, introduce a bill to punish offences against morality.

On motion, the House adjourned.

Thursday Morning, Jan. 9, 1840.

Mr Lash presented the petition of sundry citizens of Henry county, praying that Adam Ritchie may be authorized to build a dam across Crooked creek, which was laid on the table subject to the order of the House.

Mr Hastings presented the petition of sundry citizens of Washington county, praying the location of a road from English river via Cooper's ford, thence to Point Comfort, thence to Bloomington, in Muscatine county; said petition was referred to a select committee, composed of the entire delegation from the counties of Muscatine and Johnson, Louisa and Washington.

Mr English moved the following resolution:

Resolved, That the public printer be instructed to print one hundred copies of the road laws in pamphlet form, for the use of the supervisors of the roads of this Territory. And it shall be the duty of the clerk of each board of county commissioners in this Territory, to receive the same and distribute them among the various supervisors in his county.

On motion of Mr Hastings,

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

Mr Rich gave notice that he would, on to-morrow, ask leave to introduce a bill to authorize Robert E. Mott to keep a ferry across the Des Moines river at the Round mound, in Lee county.

Mr Summers, from the committee on township and county boundaries, reported No. 140, H. R. file, entitled "A bill to enlarge the county of Scott," which was read a first time.

Mr Hastings moved that the House reject the bill, which was decided in the affirmative. Yeas—11. Nays—9.

The yeas and nays being desired by Mr Summers, those who voted in the affirmative, are Messrs Bailey, Clark, Fleenor, Hastings, Hawkins, Lash, Leffler, Myers, Ross, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Coop, English, Langworthy, Owen, Patterson, Robertson, Summers and Wheeler. So the bill was rejected.

Mr Coop, in accordance with previous notice, introduced No. 141, H. R. file, entitled "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county."

Also, No. 142, H. R. file, entitled "A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county."

Mr Langworthy, in accordance with previous notice, introduced No. 143, H. R. file, entitled "A bill to provide for the annual organization of the House of Representatives."

Mr Owen, in accordance with previous notice, introduced No. 144, H. R. file, entitled "A bill to punish offences against morality."

Said bills were severally read a first time.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled, "An act to provide for the organization of townships."

"A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque."

Mr Bailey, on leave, presented the petition of sundry citizens of the town of Rising Sun, in Van Buren county, praying that the name of said town may be altered to that of Urbana.

On motion of Mr Bailey,

The petition was referred to a select committee, viz: Messrs Bailey, Coop and English.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 15, C. F. "Resolution requesting the appointment of a resident engineer."

Also, with amendments, No. 41, H. R. file, "A memorial to the President of the United States, for the postponement of the land sales in the Burlington land district."

No. 112, H. R. file, "A bill to incorporate the town of Salem, in Henry county."

In which the concurrence of the House is requested.

The Council have concurred in the amendment made by the House to amendment of Council to

No. 109, H. R. file, "A bill to provide for an extra session of the Legislative Assembly."

I herewith return the following acts, resolutions and memorials, the same being signed by the President of the Council.

"An act to amend an act to incorporate the Iowa mutual fire insurance company."

"An act to make valid in law the deed of Si-si-sa-man, a minor, to John H. Knapp, deceased."

"An act to enable the citizens of Des Moines county to establish the seat of justice for said county."

"An act to authorize the arrest and detention of fugitives from justice from other States and Territories of the United States."

"Memorial on the subject of an additional Land District in the Territory of Iowa."

"A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway to Davenport."

"Preamble and resolutions for the benefit of former sheriffs."

"Joint resolution on the subject of Post Offices."

I herewith present for your signature "An act to locate and establish a Territorial road from Fairfield to Wapello," &c.

And then he withdrew.

The Speaker then signed the above entitled act.

No. 27, C. F. entitled "A bill to regulate the admission of Attorneys," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 131, H. R. file, entitled "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half Breed lands in Lee county," was read a second time, and

On motion of Mr Rich,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Brewer, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed.

On motion of Mr Rich,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 132, H. R. file, entitled "Joint resolution relative to the Public Buildings at Iowa city," was read a second time, and

On motion of Mr Robertson,

Ordered, That said resolution do lie on the table, subject to the order of the House.

No. 133, H. R. file, entitled "A bill to authorize William Warner to

erect a dam across Big Cedar in Henry county," was read a second time, and

On motion of Mr Coop,

Was ordered to be engrossed, and read a third time on to-morrow.

No. 134, H. R. file, entitled "A bill to amend an act subjecting real and personal estate to execution," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Brewer,

Ordered, That the word "feather" be inserted before the word "bed" in the 8th line of the 1st section.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Hastings, from the select committee appointed for that purpose, introduced No. 145, H. R. file, entitled "A bill to establish a Territorial road from Bloomington, by Point Comfort, to the western line of Washington county." Which was read a first time.

No. 135, H. R. file, entitled "A bill defining a lawful fence and providing against trespassing animals," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Lash reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Rich,

Ordered, That the committee on Public Buildings, be instructed to report a bill to define the powers and duties of the acting commissioner of public works at Iowa city, and to limit the amount of money to be expended.

On motion of Mr Lash,

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

TWO O'CLOCK, P. M.

The House resumed the consideration of No. 135, H. R. file, entitled "A bill defining a lawful fence, and providing against trespassing animals."

On motion of Mr Bailey,

Ordered, That said bill do lie on the table subject to the order of the House.

No. 136, H. R. file, entitled "A bill to incorporate the Bloomington mill and manufacturing company," was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Hastings,

Ordered, That said bill be engrossed and read a third time on to-morrow.

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
Jan. 9th, 1840. }

Received of Daniel Brewer, member of the House of Representatives, "An act to amend an act to incorporate the Iowa mutual fire insurance company."

"An act to make valid in law the deed of Si-si-sa-man a minor to John H. Knapp, deceased."

"An act to enable the citizens of Des Moines county to establish the seat of justice for said county."

"An act to authorize the arrest and detention of fugitives from justice, from other states and territories of the United States."

"A preamble and resolution for the benefit of the former sheriffs."

"A joint resolution on the subject of post offices."

"A memorial on the subject of an additional land district in the Territory of Iowa."

"A resolution to defray the expenses incurred by the joint committee appointed to attend the remains of the Hon. Wm. B. Conway, to Davenport—this day presented for my consideration and approval.

ROBERT LUCAS.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 6, C. file, "Memorial to Congress for appropriations, to be expended in building bridges and improving roads on the mail routes in this Territory."

No. 14, C. file, "Resolution relative to the taking of the census."

No. 29, C. file, "A bill to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county."

No. 30, C. file, "A bill relative to the authentication of statutes, without the approval of the Governor, and for other purposes."

No. 31, C. file, "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved, January 24, 1839.

No. 33, C. file, "A bill to amend the 'Act providing for the appointment of justices of the peace,'" approved, January 21, 1839.

In which the concurrence of the House is requested.

The Council have receded from their amendment to the 5th section of No. 93, H. R. file, "A bill to organize the county of Clinton, and establish the seat of justice thereof."

The Council have passed without amendment,

No. 120, H. R. file, "A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie Du Chien, and from Du Buque to the county seat of Delaware county."

No. 126, H. R. file, "Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly."

The Council have agreed to the amendments of the House to No. 28, C. F. "A bill for the relief of certain officers in the Territory."

The Council have agreed to the first and second amendments of the House to amendments of Council to No. 99, H. R. file, "A bill establishing certain territorial roads therein named,"

And have receded from their amendments, viz: the striking out of the seventh section of said bill, and insist upon their amendments to the nineteenth and twenty-second sections, and have appointed Messrs Clark and Hepner a committee of conference in relation to the disagreement of the two Houses to amendments of the Council to the said twenty-second section.

The Council have passed with amendments, No. 82, H. R. file, "A bill to establish a territorial road from Burlington via Loyd's ford and Fort Madison to the town of Keokuk," also without amendment No. 66, H. R. file, "A bill to incorporate the Bloomington insurance company." No. 119, H. R. file, "A bill to incorporate the Tuscarora steam mill company." And then he withdrew.

No. 137, H. R. file, entitled "A bill to amend an act entitled 'An act to establish the boundaries of Louisa county,' " approved, January 12, 1839, was read a second time, and

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Myers, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment.

On motion of Mr English,

Ordered, That all after the enacting clause of said bill be stricken out.

Mr Hastings moved that the enacting clause of said bill be referred to the committee on township and county boundaries, which motion was lost.

On motion of Mr Fleenor,

Ordered, That the further consideration of the enacting clause of said bill be indefinitely postponed.

On motion of Mr Bailey,

Ordered, That No. 135, H. R. file, entitled "A bill defining a lawful fence, and providing against trespassing animals," be taken from the table and considered.

Mr Brewer moved the following as an additional section to said bill:

Sec. 5. That in all cases where there are no fence viewers it shall be competent for party or parties aggrieved by any trespass as aforesaid to make application to some justice of the peace in the vicinity who shall thereupon appoint two discreet persons to act as fence viewers in that particular case, and the persons so appointed shall take and subscribe an oath before such justice for the faithful discharge of their duties, and their

proceedings thereafter had in such case, shall be in all respects the same as fence viewers in other cases.

To which the House agreed.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque," was read a second time, and

On motion of Mr Langworthy,

Ordered, That the 44th rule be suspended, and that the bill be considered as engrossed, and read a third time now.

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

Ordered, That the clerk acquaint the Council therewith.

No. 15, C. file, entitled "Resolution requesting the appointment of a resident engineer," was read a first time.

No. 41, H. R. file, entitled "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," as amended by the Council, was taken up and considered.

Mr Owen moved that the House agree to the amendments of the Council; the motion was lost.

The House then, on motion, disagreed to the amendments of the Council.

No. 112, H. R. file, entitled "A bill to incorporate the town of Salem, in Henry county," as amended by the Council, was taken up, and

On motion of Mr Lash,

Ordered, That the amendments of the Council be agreed to.

No. 6, C. file, "Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory."

No. 14, C. file, "Resolution relative to the taking of the census."

No. 29, C. file, "A bill to authorize Adam Ritchie to erect a dam across Crooked Creek, in Henry county."

No. 30, C. file, "A bill relative to the authentication of statutes without the approval of the governor, and for other purposes."

No. 31, C. file, "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved January 24, 1839.

No. 33, C. file, "A bill to amend the 'Act providing for the appointment of justices of the peace,'" &c., approved January 21, 1839, were severally read a first time.

On motion of Mr Lash,

Ordered, That the 44th rule of the House be suspended and that No. 29, C. F. "A bill to authorize Adam Ritchie to erect a dam across Crooked Creek in Henry county," be read a second and third time now.

Said bill was then read a second and third time, passed, and the title agreed to.

No. 82, H. R. file, entitled "A bill to establish a Territorial road from Burlington via Loyd's ford and Fort Madison, to the town of Keokuk," as amended by the Council, was taken up and considered, and

On motion, Ordered that the House agree to the amendments of the Council.

Mr Summers, from the select committee to whom was referred No. 23, C. file, reported the same back to the House without amendment.

Mr Hastings, from the committee on the judiciary, reported No. 146, H. R. file, entitled "A bill to repeal 'An act respecting seals.'" Said bills were severally read a first time.

On motion of Mr Summers,

Ordered, That the House insist upon their disagreeing vote to amendments made by the Council to No. 99, H. R. file, entitled "A bill establishing certain territorial roads," and that a committee of conference be appointed to confer with the Council in relation to the disagreeing vote of the two houses.

Messrs Summers and Brewer were appointed said committee.

On motion of Mr Summers,
The House adjourned.

Friday Morning, Jan. 10, 1840.

Mr Patterson presented the petition of sundry citizens of the county of Lee, praying for the re-location of the seat of justice of said county.

On motion of Mr Patterson,

Ordered, That said petition be referred to a select committee, composed of the entire delegation from the county of Lee, and that they be instructed to report by bill or otherwise.

Mr Summers, from the committee of conference, appointed on the part of the House, to confer with a similar committee of the Council, in relation to the disagreeing vote of the two Houses, to

No. 99, H. R. file, entitled "A bill establishing certain territorial roads therein named," reported that the committee had performed the duty assigned them, and directed him to report that the committee have agreed that the House should recede from their disagreeing vote.

On motion of Mr Summers,

Ordered, That the report be agreed to.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act for the benefit of the sheriff of Des Moines county."

“An act to organize the county of Clinton and establish the seat of justice thereof.”

The Speaker then signed the above entitled acts.

Mr Hall, on leave, introduced No. 147, H. R. file, entitled “Joint resolution relative to a post route.”

Mr Hall, in accordance with previous notice, introduced No. 148, H. R. file, entitled “A bill to further encourage the improvement of the breed of horses in certain counties in this Territory.”

Mr Patterson, from the committee on expenditures, reported

No. 149, H. R. file, entitled “A bill allowing and confirming the compensation of the Printers, and other expenses of the last session of the Legislative Assembly.”

Said bills were severally read a first time.

Mr Hastings, on leave, introduced No. 150, H. R. file, entitled “A resolution instructing our delegate in Congress to procure an appropriation to defray the expenses incurred by reason of the late difficulties with the State of Missouri,” which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and the resolution be read a second time now. The resolution was then read a second time, and

On motion of Mr Hastings,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

Mr Wheeler, from the committee on engrossed bills, reported as correctly engrossed, No. 131, H. R. file, entitled “A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the half breed lands, in Lee county.”

No. 133, H. R. file, entitled “A bill to authorize William Warner to erect a dam across Big Cedar, in Henry county.”

No. 134, H. R. file, entitled “A bill to amend an act subjecting real and personal estate to execution.”

No. 135, H. R. file, entitled “A bill defining a lawful fence, and providing against trespassing animals.”

No. 136, H. R. file, entitled “A bill to incorporate the Bloomington mill and manufacturing company.”

Said bills were severally read a third time, passed, and their titles agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich, in accordance with previous notice, introduced No. 151, H. R. file, entitled “A bill to authorize Robert E. Mott to keep a ferry across the Des Moines river at the Round mound, in Lee county, which was read a first time.

Mr Bailey, from the select committee to whom was referred the petition of sundry citizens of the town of Rising Sun, in Van Buren county, praying that the name of said town may be changed to that of Urbana, reported that the committee had arrived at the conclusion that, to grant the prayer of the petitioners under the present circumstances, would operate to their disadvantage.

To which the House agreed.

And, on motion, ordered, that the committee be discharged from the further consideration of the said petition.

On motion of Mr Langworthy,

No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein named," was taken from the table,

And, on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr English, reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Summers,

Ordered, That the word "twenty," in the 4th line of the 1st section be stricken out, and the word "ten" be inserted.

On motion of Mr Langworthy,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 7, C. F. entitled "A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 6, C. F. entitled "A memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Churchman reported that the committee had, according to order, said memorial under consideration and directed him to report the same to the House with amendments.

To which the House agreed.

Mr Churchman moved that the last paragraph of said memorial be stricken out. The motion was lost.

On motion of Mr Summers,

Ordered, That the 44th rule of the House be suspended, and that the memorial be read a third time now.

The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 14, C. F. entitled "Joint resolution relative to the taking of the census," was read a second time, and on motion,

The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had according to order said resolution under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended and the resolution be read a third time now.

The resolution was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Bailey,

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

TWO O'CLOCK, P. M.

No. 15, C. file, entitled "Resolution requesting the appointment of a resident engineer," was read a second time.

Mr Summers moved that the resolution do lie on the table until the 2d Monday in July next. The motion was lost.

On motion of Mr Rich,

Ordered, That said resolution be read a third time on to-morrow.

No. 23, C. F. entitled "A bill to provide for the election of delegate to Congress, Judges of Probate, &c." was read a second time, and,

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler, reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

To which the House agreed,

Mr Hawkins moved the following as an amendment to the 4th section:

"Provided, That in any county in this Territory where the sheriff is appointed and commissioned by the Governor under the organic law, he shall hold his office until the expiration of said term."

Which motion was lost. Yeas—8. Nays—10.

The yeas and nays being desired by Mr Patterson,

Those who voted in the affirmative, are Messrs Hawkins, Lash, Leffler, Myers, Rich, Robertson, Ross and Summers.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark, Coop, English, Fleenor, Owen, Patterson, Wheeler and Johnston, Speaker.

On motion, ordered, that the 44th rule be suspended, and that said bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich asked leave of absence until to-morrow for Mr Hastings. Leave was granted.

No. 30, C. file, entitled "A bill relative to the authentication of statutes, without the approval of the Governor," was read a second time, and on motion,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Wheeler reported, that the committee had, according to order,

said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on to-morrow.

No. 31, C. F. entitled "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved January 24, 1839, was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hastings reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

Mr Owen moved that all after the word "as" in the ninth line of the seventh section be stricken out, and the following be substituted therefor: "soon as he may have as much as one hundred dollars in money so collected." The motion was lost.

On motion, the bill was ordered to be read a third time to-morrow.

No. 33, C. F. entitled "A bill to amend an act providing for the appointment of justices of the peace," approved January 21, 1839, was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Bailey reported that the committee had according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Hastings,

The following was inserted in the last line of the fourth section after the word "precinct" to wit: "and three in the Bloomington precinct, and three in the Iowa City precinct."

Mr English moved to strike out of the fourteenth section the words "one dollar" and insert "fifty cents" strike out "fifty" and insert "twenty-five."

To which the House agreed.

On motion of Mr Summers,

Ordered, That the forty-fourth rule of the House be suspended and that the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hall,

The "Resolution relative to the printing of the journals of the House of Representatives of the present session," was taken from the table and considered.

On motion of Mr Summers,

The first blank in said resolution was filled with the words "three hundred."

On motion of Mr Summers,

A call of the House was ordered, and the roll being called, the following named members did not answer to their names, viz: Messrs Cox and Langworthy.

On motion of Mr Hall,

Ordered, That Mr Cox be excused from attending the House.

The Speaker then despatched the sergeant-at-arms to compel the attendance of the absentee.

Mr Wheeler moved that the House do now adjourn, which was decided in the negative. Yeas—6. Nays—17.

The yeas and nays being desired by Mr Patterson. Those who voted in the affirmative, are Messrs Churchman, Clark, Hastings, Summers, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hall, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross and Walworth.

Mr Langworthy having appeared,

Mr Hastings moved that the resolution do lie on the table until Thursday next, which motion was lost. Yeas—8. Nays—16.

The yeas and nays having been desired by Mr Hawkins, those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Hastings, Langworthy, Mintun, Summers and Wheeler.

Those who voted in the negative, are Messrs Bailey, Coop, English, Fleenor, Hall, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Walworth and Johnston, Speaker.

Mr English moved to strike out the name of John B. Russell, and insert that of James G. Edwards, which was decided in the affirmative. Yeas—18. Nays—6.

Those who voted in the affirmative, are Messrs Bailey, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross and Walworth.

Those who voted in the negative, are Messrs Brewer, Churchman, Langworthy, Summers, Wheeler and Johnston, Speaker.

So the amendment was agreed to.

On motion of Mr Hawkins,

Ordered, That the word "Du Buque" be stricken out and the word "Burlington" be inserted, and that the word "four" be stricken out and the word "three" inserted.

The question then recurred on the adoption of the resolution, as amended, which is as follows:

Resolved, That James G. Edwards, of Burlington, be and he is hereby authorized to print three hundred copies of the journals of this House, in pamphlet form, and have the same ready for delivery within three months from the close of this session, and that he comply in all respects with the provisions of the joint resolution relative to printing the laws, which was decided in the affirmative. Yeas—22. Nays—2.

The yeas and nays being desired by Mr Walworth; those who voted in the affirmative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler,

Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Walworth and Wheeler.

Those who voted in the negative, are Messrs Summers and Johnston, Speaker.

On motion of Mr Coop,
The House adjourned.

Saturday Morning, Jan. 11, 1840.

A message from the Council, by Mr Wallace, their secretary :

Mr Speaker :—The Council have concurred in all the amendments to No. 6, C. file, "Memorial to Congress for an appropriation to be expended in building bridges and improving roads on the mail routes in this territory;" also, No. 14, C. file, "Resolution relative to taking the census," and have passed without amendment, No. 130, H. R. file, "A bill to establish a seminary of learning at or near Antwerp, in Cedar county.

The Council insist upon their amendments to No. 41, H. R. file, "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," and have passed, with amendments, No. 35, H. R. file, "A bill to provide for the execution of title deeds to lots in Iowa City, and for other purposes," in which the concurrence of the House is requested.

I herewith return "An act to organize the county of Clinton, and establish the seat of justice thereof," and "An act for the benefit of the sheriff of Des Moines county," the same being signed by the President of the Council. And then he withdrew.

Mr Coop presented the petition of sundry citizens of the county of Jefferson, praying for the re-location of a portion of the territorial road from Burlington to the Indian agency, which was,

On motion of Mr Coop,

Referred to a select committee, viz: Messrs Coop, English, and Myers.

Mr. Summers presented the claim of John G. M'Donald, which was,

On motion of Mr Summers,

Referred to the committee on expenditures.

Mr Mintun introduced No. 152, H. R. file, entitled "Resolution relative to the appointment of a committee on the part of the legislative assembly to examine and report upon the state of the public works at Iowa city, and Fort Madison.

Mr Patterson, from the select committee appointed for that purpose, reported No. 153, H. R. file, entitled "A bill to relocate the county seat of Lee county."

Mr Hastings, on leave, introduced No. 154, H. R. file, entitled "A resolution to provide for printing the reports of the decisions of the supreme court."

Mr Walworth from the committee on enrollments reported the following:

EXECUTIVE DEPARTMENT, }
January 10, 1840. }

Received from Mr Walworth, member of the House of Representatives, "An act to provide for the organization of townships." Also, "A resolution requesting our delegate in Congress to use his exertions to procure additional mail facilities on the route leading from Davenport to Du Buque," filed for consideration and approval.

ROBERT LUCAS.

Mr Walworth, from the committee on public buildings, reported No. 155, H. R. file, entitled "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city;" said resolutions and bills were severally read a first time.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled "An act for the relief of certain carriers."

"An act for the relief of Van Buren county."

"An act to provide for an extra session of the legislative assembly."

"An act to incorporate the Bloomington insurance company."

"An act to incorporate the Tuscarora steam mill company."

"A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie du Chien, and from Du Buque to the county seat of Delaware county."

"A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road."

"A resolution providing for the payment of the rent of the building occupied by the legislative assembly."

The Speaker then signed the above entitled acts and resolutions.

Mr Wheeler, from the committee on engrossed bills, reported Nos. 113 and 150, H. R. file, as correctly engrossed.

No. 15, C. F. entitled "Resolution requesting the appointment of a resident engineer."

No. 30, C. F. entitled, "A bill relative to the authentication of statutes without the approval of the governor, and for other purposes."

No. 31, C. F. entitled "A bill amendatory to 'An act for assessing and collecting county revenue,'" approved January 24, 1839.

No. 113, H. R. file, entitled "A bill to authorize the keeping of certain ferries therein mentioned."

No. 150, H. R. file, entitled "A resolution instructing our delegate in Congress to procure an appropriation to defray the expenses incurred by reason of the late difficulties with the state of Missouri," were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 139, H. R. file, "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant," was read a second time.

On motion of Mr Patterson,

Ordered, That said memorial be engrossed and read a third time on Monday next.

No. 141, H. R. file, entitled "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county," was read a second time, and

On motion of Mr Coop,

Ordered, That the bill be engrossed and read a third time on Monday next.

Also, No. 142, H. R. file, entitled "A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county," was read a second time, and

On motion of Mr Coop,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Clark reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Coop,

Ordered, That said bill be engrossed and read a third time on Monday next.

No. 143, H. R. file, entitled "A bill to provide for the annual organization of the House of Representatives," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor reported the same to the House with amendments.

On motion of Mr Bailey,

Ordered, That the word "annual" be inserted after the word "succeeding" in the fourth line of the first section.

On motion of Mr Hawkins,

Ordered, That the following be inserted after the word "clerk" in the third section: "or if he should not be present, then some member or other person appointed by the members present."

On motion of Mr Langworthy,

Ordered, That said bill be engrossed and read a third time on Monday next.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 16, C. file, "Joint resolution relative to compensation to Webber & Remey."

No. 17, C. F. "Joint resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of Governor of this territory by the people.

No. 18, C. F. "Resolution relative to pay for carrying extra mail."

No. 34, C. F. "A bill to repeal the acts therein mentioned."

In which the concurrence of the House is requested.

The Council have passed without amendment,

No. 133, H. R. file, "A bill to authorize William Warner to erect a dam across Big Cedar, in Henry county."

No. 136, H. R. file, "A bill to incorporate the Bloomington mill and manufacturing company," and have disagreed to the amendment of the House to

No. 23, C. F. "A bill to provide for the election of delegate to Congress," &c.

And then he withdrew.

No. 144, H. R. file, "A bill to punish offences against morality," was read a second time, and

On motion of Mr Owen,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Mintun reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments.

Mr Patterson moved that the House disagree to the amendment made to the first section. The motion was decided in the affirmative.

Mr Lash moved that the House disagree to the striking out of the third section. The motion was lost.

On motion of Mr Hall,

Ordered, That said bill be referred to a select committee. Messrs Hall, Owen and Lash were appointed said committee.

On motion of Mr Summers,

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

TWO O'CLOCK, P. M.

No. 145, H. R. file, entitled "A bill to establish a territorial road from Bloomington by Point Comfort to the western line of Washington county," was read a second time, and

On motion of Mr Bailey,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr English reported that the committee had, according to order, had said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on Monday next.

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
January 11, 1840. }

Received of Daniel Brewer, member of the House of Representatives, "An act for the benefit of the sheriff of Des Moines county," and "An

act to organize the county of Clinton and establish the seat of justice thereof." This day presented for my consideration and approval.

ROBERT LUCAS.

No. 146, H. R. file, entitled "A bill to repeal an act respecting seals," was read a second time, and

On motion of Mr Rich,

Ordered, That said bill do lie on the table subject to the order of the House.

No. 147, H. R. file, entitled "A joint resolution relative to a post route," was read a second time, and

On motion of Mr Summers,

Ordered, That said resolution be engrossed and read a third time on Monday next.

No. 148, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses in the counties herein named," was read a second time, and

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

No. 149, H. R. file, entitled, "A bill allowing and confirming the compensation of printers of the last Legislative Assembly and for other purposes," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments. To which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be engrossed and read a third time on Tuesday next.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have agreed to the "Resolution of the House fixing the time and place for the election of a director of the penitentiary." And then he withdrew.

No. 41, H. R. file, entitled "A memorial to the President of the United States for the postponement of the land sales in the Burlington land district," in which the Council insist upon their amendments, was taken up and considered.

On motion of Mr English,

Ordered, That the House do recede from their disagreeing vote.

On motion of Mr Summers,

The House reconsidered the last vote.

The question then recurred on the motion to recede from the disagreeing vote, which motion was lost.

On motion of Mr Summers,

Ordered, That the House do insist upon their disagreeing vote to th

amendments of the Council, and that a committee of conference be appointed.

Messrs Summers, Bailey and Lash were appointed said committee.

Mr Leffler, from the committee of conference appointed on the part of the House to confer with the Council in relation to the disagreeing vote of the two houses to No. 80, H. R. file, "A memorial to Congress on the subject of a turnpike road from Burlington via Mount Pleasant to Fairfield," reported that the committee had agreed to the amendment of the Council. The report of the committee was agreed to.

No. 35, H. R. file, entitled "A bill to provide for the execution of title deeds to lots in Iowa city, and for other purposes," as amended by the Council, was taken up and considered, and

On motion, the House agreed to the amendments of the Council.

On motion of Mr Hawkins,

Ordered, That a committee of two be appointed to inform the Council that the hall of the House of Representatives is now in readiness for their reception for the purpose of going into the election of a director of the penitentiary agreeably to the resolution adopted heretofore on the subject.

Whereupon, Messrs Hawkins and Hastings were appointed said committee.

The committee, after being absent a short time, reported that they had performed the duty assigned them.

Whereupon, the members of the Council having appeared, the two Houses,

On motion of Mr Bailey,

Proceeded to elect by joint ballot one director of the penitentiary at Fort Madison, in the place of John Claypole, whose term of service had expired.

On motion of Mr Hughes,

Mr Lewis, of the Council, and Mr Patterson, of the House of Representatives, were appointed tellers.

Mr Browne nominated John Claypole; upon counting the ballots, it appeared that John Claypole had received 31 votes.

J. G. Edwards	"	"	2	"
J. H. Randolph	"	"	1	"

Whereupon, John Claypole was declared by the Speaker duly elected director of the penitentiary for the term of three years.

The gentlemen of the Council then retired.

Mr Leffler gave notice that he would on some day hereafter, introduce a bill to alter and amend an act entitled "An act subjecting real and personal estate to execution."

Mr Churchman moved to reconsider the vote of yesterday on the resolution providing for the printing of the Journal of the House of the present session. The motion was lost.

Mr Bailey being in the chair officiating as Speaker, Mr Leffler moved the following resolution, which was unanimously adopted:

Resolved, That the Speaker of this House be allowed the sum of three dollars extra per day, for his services during the present session of the legislative Assembly.

No. 17, C. file, entitled "Joint resolutions requesting our delegate to Congress to obtain the passage of a law relative to the election of governor of this Territory by the people," was read a first time, and

On motion of Mr Rich,

The forty-fourth rule was suspended, and the resolution was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 16, C. file, entitled "Joint resolution relative to compensation to Webber and Remey."

No. 18, C. file, entitled "Resolution relating to the pay for carrying extra mail."

No. 34, C. file, "A bill to repeal the acts therein mentioned," were severally read a first time.

No. 23, C. file, "A bill to provide for the election of delegate to Congress, judges of probate, sheriffs, county surveyors, and to amend 'An act regulating general elections in this Territory,'" in which the Council disagree to the amendments of the House, was taken up and considered.

On motion of Mr Summers,

Ordered, That the House insist upon their amendments thereto.

On motion of Mr English,

The House adjourned.

Monday Morning, Jan. 13, 1840.

Mr Summers, on leave, introduced No. 156, H. R. file, entitled "Joint resolution requesting our delegate in Congress to obtain an appropriation to defray the expenses of the extra session of the Legislative Assembly in July next," which was read a first time.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 47 and 54, H. R. file, reported the same back to the House without amendment.

On motion of Mr Hastings,

Ordered, That the further consideration of said bills be indefinitely postponed.

Mr Patterson, from the committee on expenditures, reported No. 157, H. R. file, "A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly, and for other purposes."

Mr Hastings, in accordance with previous notice, reported No. 158, H. R. file, entitled "A bill to repeal a part of 'an act allowing and regulating writs of attachment.'"

Said bills were severally read a first time.
Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
January 11, 1840. }

Received of Daniel Brewer, member of the House of Representatives:
"An act to incorporate the Tuscarora steam mill company."
"An act for the relief of certain carriers."
"An act to incorporate the Bloomington insurance company."
"An act for the relief of Van Buren county."
"An act to provide for an extra session of the Legislative Assembly."
"A memorial to Congress for an appropriation to improve roads from Iowa city to Prairie Du Chien, and from Du Buque to the county seat of Delaware county."

"Resolution providing for the payment of the rent of the building occupied by the Legislative Assembly."

"A joint resolution requesting our delegate in Congress to urge the passage of a law for a post road," this day presented for my consideration and approval.

ROBERT LUCAS.

Mr Wheeler, from the committee on engrossed bills, reported as correctly engrossed, No. 139, H. R. file, "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant."

No. 141, H. R. file, "A bill to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county."

No. 143, H. R. file, "A bill to provide for the annual organization of the House of Representatives."

No. 142, H. R. file, "A bill to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county."

No. 145, H. R. file, "A bill to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county."

No. 147, H. R. file, "Joint resolution relative to a post route."

The said memorials, bills, and joint resolution were severally read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Churchman, from the committee of conference appointed to confer with a similar committee on the part of the Council, relative to the disagreeing vote of the two houses on No. 61, H. R. file, "A memorial for the relief of settlers on school sections, reported that the committee could not agree, and asked that the committee be discharged from any further consideration of the subject; the committee were discharged.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed without amendment, No. 73, H. R. file, "A bill to relocate the county seat of Clayton county," and have disagreed by unanimous vote to the amendment of the House to No. 30, C. F. "A bill relative to the authentication of statutes without the approval of the governor, &c."

I herewith present for your signature, "An act to regulate the admission of attorneys;" and then he withdrew.

The Speaker then signed the above entitled act.

No. 16, C. F. entitled "Joint resolution relative to compensation to Webber & Remey," was read a second time.

Mr Hastings moved that the resolution be read a third time on to-morrow, which was decided in the affirmative. Yeas—15. Nays—7.

The yeas and nays being desired by Mr Lash, those who voted in the affirmative, are Messrs Bailey, Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Rich, Ross, Summers and Walworth.

Those who voted in the negative, are Messrs Brewer, Coop, English, Fleenor, Lash, Patterson and Johnston, Speaker.

No. 18, C. F. entitled "Resolution relative to pay for carrying extra mail," was read a second time, and

On motion of Mr Summers,

The 44th rule of the House was suspended, and the resolution was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 34, C. F. entitled "A bill to repeal the acts therein named," was read a second time.

Mr Hastings moved to amend the bill by adding as an additional section,

Sec. 13. "That all that part of an act regulating the issuing of writs of *ne exeat* and injunction," approved Jan. 25, 1839, which relates to the issuing of writs of *ne exeat* is hereby repealed."

To which the House agreed.

On motion of Mr Summers,

Ordered, That said bill be read a third time on to-morrow.

No. 151, H. R. file, entitled "A bill to authorize Robert E. Mott to keep a ferry across the Des Moines river at the Round mound, in Lee county," was read a second time.

On motion of Mr Rich,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now.

The bill was read a third time and passed. Yeas—18. Nays—5.

The yeas and nays being desired by Mr Bailey,

Those who voted in the affirmative, are Messrs Brewer, Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Coop, English, Fleenor, and Lash. So the bill passed.

Ordered, That the clerk acquaint the Council therewith.

No. 153, H. R. file, entitled "A bill to relocate the county seat of Lee county," was read a second time, and

On motion of Mr Patterson,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Langworthy reported that the committee had, according to order, said bill under consideration and directed him to report the same to the House with amendments.

To which the House agreed.

On motion of Mr Owen,

Ordered, That said bill do lie on the table and be made the order of the day for to-morrow.

No. 154, H. R. file, entitled "A resolution to provide for printing the reports of the decisions of the supreme court," was read a second time, and

On motion of Mr Hastings,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 30, C. F. entitled, "A bill relative to the authentication of statutes without the approval of the governor, and for other purposes," in which the Council disagree to the amendments of the House, was taken up and considered.

On motion of Mr Summers,

Ordered, That the House do recede from their amendments.

Mr Walworth, in accordance with previous notice, reported No. 159, H. R. file, entitled "A bill to locate the seat of justice of Jones county."

Mr Coop, from the select committee appointed for that purpose, reported No. 160, H. R. file, entitled "A memorial to the President of the United States, praying the appointment of Alfred Hebard as engineer to relocate a part of the territorial road from Burlington to the Indian Agency;" said bill and memorial were severally read a first time.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and that

No. 157, H. R. file, "A bill to provide for the compensation of the printers, members and officers of the legislative assembly, and for other purposes," be taken up and read a second time now.

The bill was then read a second time, and on motion,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Walworth reported that the Committee had according to order, had said bill under consideration, and directed him to report the same to the House with amendments.

On motion of Mr Hastings,

Ordered, That the bill be referred to a select committee; Messrs Hastings, Hawkins and Bailey were appointed said committee.

Mr Summers presented the claim of George W. Hight, which was referred to the said select committee.

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

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their secretary :

Mr Speaker:--The Council have passed No. 43, C. F. "A bill to authorize William Ingersoll to build a dam across Skunk river, in Jefferson."

No. 44, C. F. "A bill amendatory to an act subjecting real and personal estate to execution," approved January 25, 1839.

No. 45, C. F. "A bill to establish a ferry across the Mississippi river;" in which the concurrence of the House is requested.

And then he withdrew.

The above mentioned bills were then taken up, and severally read a first time.

On motion of Mr Leffler,

Ordered, That one thousand copies of the report of Dr James Davis, in relation to the southern boundary of Iowa, be printed for the use of the members of this House.

Mr Patterson moved the following resolution :

Resolved, unanimously, That Joseph T. Fales is entitled to the thanks of this House for the able and efficient manner in which he has discharged the duties of chief clerk thereof during the present session.

The resolution was adopted.

Mr Hastings, from the select committee to whom was referred No. 157, entitled "A bill to provide for the compensation of printers, members and officers of the legislative assembly and for other purposes," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Hawkins,

Ordered, That the forty-fourth rule be suspended, and that the bill be read a second time now.

The bill was then read a second time, and

On motion of Mr Hall,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Ross reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments.

Mr Hall moved to strike out that part of the bill allowing compensation to the private secretary of the Governor.

Which was decided in the negative. Yeas--5. Nays--19.

Those who voted in the affirmative, are Messrs Hall, Lash, Rich, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Fleenor, Hastings, Hawkins, Langworthy, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross, Summers and Walworth.

On motion, the 44th rule was suspended, and the bill was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their secretary :

Mr Speaker :—The Council have passed No. 32, C. F. “ A bill appointing commissioners to review a territorial road.”

No. 36, C. F. “ A bill for the location of a territorial road from Mount Pleasant to the county seat of Washington county,” in which the concurrence of the House is requested.

Also, without amendment, No. 37, H. R. file, “ A memorial for a further appropriation for the road from Burlington to the Des Moines river.”

I herewith present for your signature :

“ An act amendatory to an act for assessing and collecting county revenue,” approved Jan. 24th, 1839.

“ An act to amend the ‘ act providing for the appointment of justices of the peace,’ ” approved Jan. 21st, 1839.

“ An act to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county.”

“ An act for the relief of certain officers in the territory.”

“ A resolution requesting the appointment of a resident engineer.”

“ Resolution relative to the taking of the census.”

“ Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this territory.”

And then he withdrew.

The Speaker then signed the above acts, resolutions and memorials.

On motion of Mr Bailey,

Leave of absence was granted Mr Biggs.

Mr Walworth, from the joint committee on enrollments, reported as correctly enrolled :

“ An act establishing certain territorial roads therein named.”

“ An act to incorporate the Bloomington mill and manufacturing company.”

“ An act to incorporate the town of Salem in Henry county.”

“ An act to provide for the execution of title deeds to lots in Iowa city, and for other purposes.”

“ An act to establish a seminary of learning at or near Antwerp, in Cedar county.”

The Speaker signed the above entitled acts, and then the House adjourned.

Tuesday Morning, Jan. 14, 1840.

A message from the Council by Mr Wallace, their secretary :

Mr Speaker:—The Council have passed with amendments, No. 116, H. R. file, "A bill to establish a system of common schools;" also, without amendment,

No. 139, H. R. file, "A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant."

No. 141, H. R. file, "A bill to authorize John Troxell, to erect a dam across Big Cedar in Jefferson county."

No. 142, H. R. file, "A bill to authorize Joseph Clinkenbeard, to erect a dam across Big Cedar in Jefferson county."

No. 151, H. R. file, "A bill to authorize Robert E. Mott, to keep a ferry, &c." And then he withdrew.

Mr Hastings, on leave introduced No. 161, H. R. file, entitled "A bill to lay out and establish a Territorial road from Wyoming to Iowa city," which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now.

The bill was then read a second and third time, passed and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Rich presented the petition of sundry citizens of Lee county, praying that the seat of justice may be located by a vote of the citizens of said county.

Said petition was referred to the select committee, composed of the delegation from the county of Lee.

Mr Myers, from the committee on engrossed bills, reported No.'s 148, 149 and 154, H. R. file, as correctly engrossed.

No. 32, C. file, entitled "A bill appointing commissioners to review a Territorial road."

No. 36, C. file, entitled "A bill for the location of a Territorial road from Mount Pleasant, to the county seat of Washington county," were severally read a first time.

A message from the Council, by Mr Wallace, their secretary :

Mr Speaker:—The Council have passed No. 15, C. file, "An act for the relief of the poor," also, with amendments,

No. 143, H. R. file, "A bill to provide for the annual organization of the House of Representatives."

No. 50, H. R. file, "A memorial to Congress for the improvement of the roads therein named:" in which the concurrence of the House is requested. And then he withdrew.

No. 153, H. R. file, entitled "A bill to relocate the county seat of Lee

county," being the order of the day, was taken from the table, and considered.

Mr Owen moved to strike out the word "forever" in the fifth line of the sixth section, to which the House agreed.

On motion of Mr Hastings,

Ordered, That the following be added to the sixth section, "and the treasurer of said county, is hereby authorized and required to pay said commissioners the respective sums allowed by this act out of any money in the treasury of said county, not otherwise appropriated."

Mr Rich moved to amend by striking out all after the enacting clause, and inserting the following as a substitute :

Section 1. That an election shall be held in the several precincts within the county of Lee, on the first Monday of March next, at which election every qualified voter shall be allowed to vote for the manner of locating the seat of justice of said county, those voting in favor of locating the seat of justice by commissioners as hereinafter provided, will write on their tickets the word "commissioners," and those voting in favor of locating said seat of justice by a vote of the people, will write on their tickets the word "people," and said election shall be conducted in every respect agreeable to the law regulating general elections in this Territory, approved January 25th, 1839.

Sec. 2. If a majority of the votes cast at said election shall be in favor of locating the seat of justice by a vote of the people, it shall be the duty of the clerk of the board of county commissioners to proceed immediately to cause notice to be given as in other cases, that there will be an election held at each of the election precincts within said county of Lee, on the _____ Monday of _____ next, and every qualified voter shall have a right to vote for the location of the seat of justice of said county; that said election shall be conducted in all respects agreeable to the law regulating general elections in this Territory, approved January 25th, 1839, and the poll books returned to the office of the clerk of the board of county commissioners, and by him opened in the same manner that the poll books of the general elections are opened and canvassed, and the result thereof proclaimed.

Sec. 3. Every legal voter shall be allowed to vote for any point as the future seat of justice that he may think proper, and every one who votes shall write or print on his ticket the name of the point for which he votes, and if any one point receives a majority of all the votes cast at said election, said point shall be declared the seat of justice of said county, and the county commissioners shall immediately proceed to select a suitable site and erect the public buildings for said county.

Sec. 4. If no point obtains a majority of all the votes cast at said election, then and in that case there shall be a second election held on the _____ Monday of _____ next, at which second election the two points receiving the highest number of votes at the first election shall be voted for and none others, and the point for which the highest number of votes is cast shall be declared the seat of justice of said county; and the county commissioners shall proceed to the erection of public buildings, as prescribed in section third of this act.

Sec. 5. As soon as the votes cast at the first election are counted agreeable to the provisions of law, if it shall appear that no one point has received a majority of all the votes cast at said first election, it shall be the duty of the clerk of the board of county commissioners to write out three notices for each election precinct in said county, which notices shall set forth the two places receiving the highest number of votes at the first election, and which are to be voted for at the second election, and also the day on which said second election is to be held, which notices shall be delivered to the sheriff, and by him posted up in the following manner, to wit: one at the place of voting in each precinct, and two at two of the most public places in each precinct, at least ten days before the time of holding said election.

Sec. 6. It shall be the duty of the county commissioners of said county to hold a special session of the county commissioners court, on the second Monday of February next, for the purpose of appointing judges of election, which judges, when so elected, shall act at all of the elections provided for in this act.

Sec. 7. If a majority of the votes cast at the aforesaid election provided for in the first section of this act, shall be in favor of locating said seat of justice by commissioners, it shall be the duty of the clerk of the board of county commissioners to notify the commissioners named in the bill offered by Mr Patterson, which followed.

The substitute was rejected. Yeas—8. Nays—14.

The yeas and nays being called for by Mr Patterson,

Those who voted in the affirmative, are Messrs Clark, Hall, Hawkins, Rich, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hastings, Lash, Leflier, Mintun, Myers, Owen, Patterson, Robertson and Ross.

Mr Rich moved to insert the following after the word "seat" in the 7th line of the 1st section of the original bill, viz: "as near the geographical centre as a suitable site can be obtained," to which the House agreed.

On motion of Mr Patterson,

Ordered, That the bill be considered as engrossed and read a third time now.

The bill was then read a third time, passed and its title amended.

Ordered, That the clerk acquaint the Council therewith.

No. 16, C. file, entitled "Joint resolution relative to compensation to Webber and Remey," was read a third time.

On motion of Mr Hawkins,

Ordered, That the further consideration of said resolution be indefinitely postponed.

No. 34, C. file, "A bill to repeal the acts therein mentioned," was read a first time.

Mr Hastings moved the following as an amendment by way of rider, "strike out the 9th section." To which the House agreed.

On motion of Mr Hawkins,

Ordered, That the following be inserted in the 5th line of the 1st sec.

tion after the word "Wisconsin," "except an act concerning the supreme and district courts and defining their powers."

The bill then passed, and its title was agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 148, H. R. file, entitled "A bill to further encourage the improvement of the breed of horses in the counties herein named," was read a third time.

On motion of Mr Bailey,

Ordered, That said bill do lie on the table subject to the order of the House.

No. 149, H. R. file, entitled, "A bill allowing and confirming the compensation of printers of the last Legislative Assembly and for other purposes," was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 154, H. R. file, entitled "Resolutions to provide for printing the reports of the decisions of the supreme court," was read a third time.

Mr Leffler moved the following as an amendment thereto, by way of rider, Resolved further, That one copy of said reports shall be presented to each of the judges of the supreme court, and each of the members of the bar of the supreme court of this territory.

Mr Rich moved to amend the amendment by striking out all after "judges of the supreme court," to which the House agreed.

The question then recurred on the adoption of the resolution as amended.

And passed in the affirmative.

No. 43, C. F. entitled "A bill to authorize Wm. Ingersoll to build a dam across Skunk river in Jefferson county," was read a second time.

On motion of Mr Coop,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now; the bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 44, C. F. entitled "A bill amendatory of an act subjecting real and personal estate to execution," approved January 25, 1839, was read a second time.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now; the bill was then read a third time and passed.

No. 45, C. F. entitled "A bill to establish a ferry across the Mississippi river," was read a second time, and

On motion of Mr Wheeler,

Ordered, That said bill be referred to a select committee composed of the entire delegation from the county of Du Buque.

No. 152, H. R. file, entitled "A resolution relative to the appointment of a committee on the part of the Legislative Assembly, to examine public buildings at Iowa City and Fort Madison," was read a second time, and

On motion of Mr Brewer,

The House resolved itself into a committee of the whole House on said resolution.

After some time spent therein, Mr Speaker resumed the chair, and Mr Fleenor reported that the committee had according to order said resolution under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Bailey,

Ordered, That said resolution be engrossed and read a third time on to-morrow.

No. 156, H. R. file, entitled "A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly," was read a second time, and

On motion of Mr Robertson,

Ordered, That the 44th rule be suspended, and that the resolution be read a third time now; the resolution was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 158, H. R. file, entitled "A bill to repeal a part of an act allowing and regulating writs of attachment," was read a second time.

On motion of Mr Bailey,

Ordered, That said bill be engrossed and read a third time on to-morrow.

On motion of Mr Mintun,

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

TWO O'CLOCK, P. M.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 8, C. F. "A memorial requesting the donation of the sections of land, contiguous to the section donated, as a location for the seat of government of this Territory."

No. 9, C. file, "Memorial for an appropriation for the purpose of paying off the militia of this Territory, &c."

No. 10, C. file, "Memorial to the Secretary of War, on the subject of arms, &c."

No. 11, C. file, "Memorial to Congress on the subject of an armory in the Territory of Iowa."

No. 35, C. file, "A bill for the relief of certain administrators."

No. 39, C. file, "A bill to establish a University at the town of Mount Pleasant, in Henry county."

No. 42, C. file, "A bill to amend 'an act relative to mechanics liens, and for other purposes,' " approved Dec. 17, 1838.

Also, with amendments, No. 26, H. R. file, "A bill to amend 'an act relative to the Penitentiary.' "

No. 104, H. R. file, "A bill for opening and regulating roads and highways."

In all of which the concurrence of the House is requested.

Also, without amendment, No. 161, H. R. file, "A bill to lay out and establish a territorial road from Wyoming to Iowa city."

The Council insist on their disagreement to the amendment of the House, to

No. 23, C. file, "A bill to provide for the election of delegate to Congress, &c." and have appointed Messrs Parker and Clark a committee of conference in relation thereto. And then he withdrew.

No. 160, H. R. file, entitled "A memorial to the President of the United States, praying the appointment of Alfred Hebard, as engineer to re-locate a portion of the territorial road from Burlington to the Indian agency," was read a second time, and

On motion of Mr Coop,

The 44th rule was suspended, and the memorial was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Brewer, from the committee on enrollments, reported as correctly enrolled,

"An act to re-locate the county seat of Clayton county."

"A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river."

"A memorial to Congress on the subject of a turnpike road from the city of Burlington via Mount Pleasant to Fairfield."

Mr Brewer, from the joint committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
January 14, 1840. }

Received of Daniel Brewer, member of the House of Representatives,

"An act to incorporate the Bloomington mill and manufacturing company."

"An act to provide for the execution of title deeds to lots in Iowa city, and for other purposes."

"An act establishing certain territorial roads therein named."

"An act to incorporate the town of Salem, in Henry county," and

"An act to establish a seminary of learning at or near Antwerp, in Cedar county," this day presented for my consideration and approval.

ROBERT LUCAS.

The committee did also on the 10th inst. present to His Excellency, "A bill to locate and establish a territorial road from Fairfield to Wapello, &c."

No. 116, H. R. file, entitled "A bill to establish a system of common schools," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the amendments of the Council be agreed to.

No. 15, C. file, entitled "A bill for the relief of the poor," was read a first time.

No. 143, H. R. file, entitled "A bill to provide for the annual organization of the House of Representatives," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the House agree to the amendments of the Council.

No. 50, H. R. file, entitled "A memorial to Congress for the improvement of the roads therein named," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the House agree to the amendments of the Council.

No. 8, C. file, entitled "A memorial requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of this Territory," was read a first time, and

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the memorial be read a second and third time now.

The memorial was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 9, C. file, entitled "Memorial to Congress for an appropriation for the purpose of paying off the militia of this Territory, &c." was read a first time.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker:—The Council have passed with amendments, No. 51, H. R. file, "A bill to incorporate the city of Du Buque."

No. 103, H. R. file, "A bill defining the duties of supervisors of roads and highways."

No. 147, H. R. file, "A joint resolution relative to a post route," in which the concurrence of the House is requested.

Also, without amendment, No. 131, H. R. file, "A bill to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the Half breed lands in Lee county;" also,

No. 145, H. R. file, "A bill to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county." And then he withdrew.

No. 155, H. R. file, entitled "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city," was read a second time, and

On motion of Mr English,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Summers reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments, to which the House agreed.

On motion of Mr Hastings,

Ordered, That the bill be considered as engrossed and read a third time now.

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

Ordered, That the clerk acquaint the Council therewith.

Mr Leffler gave notice that he would on some subsequent day introduce a memorial relative to the mail route from Burlington to Peoria.

On motion of Mr Summers,

Ordered, That a committee of conference be appointed on the part of the House to confer with the Council relative to the disagreeing vote of the two Houses to No. 23, C. file, entitled "A bill to provide for the election of delegate to Congress," and that said committee be composed of the delegates from the counties of Scott and Clinton.

A message from the Council by Mr Wallace, their secretary :
 Mr Speaker :—The Council have passed with amendments
 No. 157, H. R. file, "A bill to provide for the compensation of printers, officers, &c."

And then he withdrew.

On motion of Mr Hastings,

The last named bill was taken up and considered.

Mr Rich moved to disagree to the amendment of the Council allowing compensation to Charles Weston, as fiscal agent.

To which the House agreed.

Mr Summers moved that the House disagree to the amendment of the Council disallowing John G. McDonald his claim for extra services, &c.

Which was decided in the affirmative. Yeas—15. Nays—7.

The yeas and nays being desired by Mr Patterson,

Those who voted in the affirmative are Messrs Churchman, Clark, Hall, Hastings, Hawkins, Langworthy, Leffler, Myers, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Lash and Owen.

Mr Fleenor moved that the House agree to the amendment of the Council, in which they disallowed the claim of Horace Davis ; which question was decided in the negative. Yeas—10. Nays—12.

The yeas and nays being desired by Mr Hastings,

Those who voted in the affirmative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hall, Hawkins, Lash, Myers and Owen.

Those who voted in the negative, are Messrs Churchman, Clark, Hastings, Langworthy, Leffler, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

The House then agreed to all the other amendments, made by the Council to said bill.

On motion of Mr Rich,

The House adjourned until 7 o'clock, P. M.

SEVEN O'CLOCK, P. M.

Mr Leffler, on leave, and in accordance with previous notice, introduced No. 162, H. R. file, entitled "A bill to alter and amend an act entitled an act subjecting real and personal estate to execution." Which was read a first time.

No. 51, H. R. file, entitled "A bill to incorporate the city of Du Buque," as amended by the Council, was taken up and considered, and

On motion of Mr Langworthy,

Ordered. That the House agree to the amendments of the Council.

No. 10, C. F. entitled "A memorial to the Secretary of war on the subject of arms," &c. No. 11, C. F. memorial to Congress on the subject of a public armory in the Territory of Iowa.

Said memorials were severally read a first time.

No. 35, C. F. entitled "A bill for the relief of certain administrators, was read a first time, and

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now. The bill was then read a second and third time, passed and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 39, C. F. entitled "A bill to establish a University at the town of Mount Pleasant, in Henry county," was read a first time.

On motion of Mr Lash,

Ordered, That the 44th rule be suspended and that the bill be read a second and third time now. The bill was then read a second and third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, on leave and in accordance with previous notice, introduced No. 163, H. R. file, entitled "A bill to amend an act entitled an act providing for and regulating general elections in this Territory," approved Jan. 25, 1839, which was read a first time.

On motion of Mr Walworth,

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now. The bill was then read a second time, and

On motion of Mr Churchman,

The House resolved itself into a committee of the whole House on said bill. After some time spent therein, Mr Speaker resumed the chair, and Mr Robertson reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment. To which the House agreed.

Mr Summers moved that the enacting clause of said bill be stricken out. To which the House agreed.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker: The Council have passed No. 20, C. F. A bill concerning costs, and for other purposes. No. 37, C. F. A bill relative to evidence. No. 40, C. F. A bill to abolish imprisonment for debt. No 41, C. F. A bill to provide for the settlement of the claim that Des Moines county has upon Lee, Van Buren, Henry, Slaughter (now Washington) Louisa and Muscatine counties, in which the concurrence of the House is requested. And then he withdrew.

Mr Brewer, from the joint committee on enrollments, reported the following :

EXECUTIVE OFFICE, }
Jan. 14, 1840. }

Received of Daniel Brewer, member of the House of Representatives, "An act to relocate the county seat of Clayton county;" "Memorial to Congress on the subject of a turnpike road from the city of Burlington, via Mount Pleasant, to Fairfield;" "A memorial to Congress for a further appropriation for the road from Burlington to the Des Moines river," presented for consideration and approval.

ROBERT LUCAS.

On motion of Mr Hastings,

No. 41, C. F. "A bill to provide for the settlement of the claims that Des Moines county has upon Lee, Van Buren, Henry, Slaughter, (now

Washington,) Louisa and Muscatine counties, was taken up and read a first time.

Mr Summers made a motion that the House do now adjourn.

The motion was lost.

No. 42, C. F. entitled "A bill to amend an act relative to mechanics liens, and for other purposes," was read a first time.

And on motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now.

The bill was then read a second and third time and passed.

Ordered, That the clerk acquaint the council therewith.

No. 26, H. R. file, entitled "A bill to amend an act relative to the Penitentiary," as amended by the Council, was taken up and considered.

On motion of Mr Fleenor,

Ordered, That the amendments of the Council be agreed to.

No. 104, H. R. file, entitled "A bill for opening and regulating roads and highways, as amended by the Council, was taken up and considered. And, on motion, ordered, that the amendments of the Council be agreed to.

On motion of Mr Churchman,

The vote of the House, agreeing with the amendments of the Council to No. 26, H. R. file, was reconsidered.

On motion of Mr Owen,

Ordered, That the blank in the third section of said bill be filled with the words "five hundred."

The question then recurred on the amendments of the Council to said bill, as amended, and was decided in the affirmative. Yeas—14. Nays—6.

Those who voted in the affirmative, are Messrs Bailey, Brewer, Coop, English, Fleenor, Hastings, Hawkins, Lash, Mintun, Myers, Owen, Patterson, Robertson and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Langworthy, Leffler, Rich, Summers and Wheeler.

No. 103, H. R. file, entitled "A bill defining the duties of supervisors of roads and highways," as amended by the Council, was taken up and considered.

On motion, ordered, that the House agree to the amendments of the Council.

No. 147, H. R. file, entitled "A joint resolution relative to a post route," as amended by the Council, was taken up and considered, and

On motion, ordered that the amendment of the Council be agreed to.

No. 20, C. file, entitled "A bill concerning costs and fees, and for other purposes."

No. 37, C. file, entitled "A bill relative to evidence."

No. 40, C. file, "A bill to abolish imprisonment for debt," were severally read a first time.

On motion of Mr Robertson,

Ordered, That No. 46, H. R. file, entitled "A bill to make the certifi-

cates of purchase of land evidence of possession," be taken from the table; said bill was then read a third time.

Mr Rich moved to amend by way of rider, to strike out the word "possession," wherever it occurs, and insert "title." The motion was lost.

Mr Churchman moved the following amendment by way of rider:

"The provisions of this act shall not extend to any lands that at the time of entry in the land office have been or may be worked as mineral ground." The motion was lost.

Mr Leffler moved to strike out the word "possession," in the 5th line of the 1st section, and insert "title." The amendment was agreed to.

The question was then put. Shall the bill pass? And was decided in the affirmative. Yeas—10. Nays—8.

The yeas and nays being desired by Mr Hawkins, those who voted in the affirmative, are Messrs Bailey, Brewer, Coop, Hastings, Langworthy, Leffler, Rich, Robertson, Summers and Johnston, Speaker.

Those who voted in the negative, are Messrs English, Fleenor, Hawkins, Lash, Mintun, Myers, Owen and Patterson.

On motion of Mr Summers, at half past nine o'clock, the House adjourned.

Wednesday Morning, Jan. 15, 1840.

Mr Hawkins being in the chair, officiating as Speaker, Mr Summers moved the following resolution:

Resolved, That the thanks of this House be presented to the Hon. Edward Johnston, for the able, impartial and dignified manner in which he has presided over its deliberations and performed the arduous duties of the chair.

The resolution was unanimously adopted, all the members present voting therefor, viz:

Messrs Bailey, Brewer, Churchman, Coop, English, Fleenor, Hastings, Hawkins, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Wheeler.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp, deceased, in the half breed lands, in Lee county."

"An act to establish a territorial road from Bloomington by Point Comfort to the western line of Washington county."

"An act to provide for the annual organization of the Council and House of Representatives of the Territory of Iowa."

The Speaker then signed the above entitled acts.

Mr Summers, from the committee of conference appointed on the part of the House to act with a similar committee from the Council, on the disagreement to

No. 23, C. F. entitled, "A bill to provide for the election of delegate to congress, judges of probate, sheriffs, county recorders, county surveyors," and to amend "An act regulating general elections in this Territory," reported that the committee had an interview, and agreed that the thirteenth section of said bill, together with the amendment, shall be stricken out.

The report of the committee was adopted.

Mr Leffler, in accordance with previous notice, introduced No. 164, H. R. file, entitled "Memorial to the Post-master General relative to the mail route from Peoria to Burlington," which was read a first time.

Mr Leffler, on leave, introduced No. 165, H. R. file, entitled "Joint resolution relative to the compensation of Charles Weston, as fiscal agent," which was read a first time.

No. 9, C. F. entitled "Memorial to Congress for an appropriation for the purpose of paying off the militia of this Territory," was read a second time; and, on motion,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Coop reported that the committee had according to order, said memorial under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion, the 44th rule was suspended, and the memorial was read a third time and passed.

Ordered that the Clerk acquaint the Council therewith.

No. 10, C. F. entitled "A memorial to the secretary of war on the subject of arms," was read a second time; and, on motion,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler, reported that the committee had, according to order, said memorial under consideration, and directed him to report the same to the House with amendments.

A motion was made by Mr Summers to disagree to the amendments, which was decided in the negative. Yeas—10. Nays—11.

Those who voted in the affirmative, are Messrs Brewer, Hastings, Mintun, Owen, Patterson, Rich, Robertson, Summers, Walworth and Wheeler.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, English, Fleenor, Hawkins, Langworthy, Lash, Leffler, Myers and Ross.

Pending the proceedings on said memorial,

A message was received from the Council, by Mr Wallace, their secretary :

Mr Speaker:—The Council insist on their amendments to the tenth section of

No. 157, H. R. file, "A bill to provide for the compensation of the printers, members and officers of the Legislative Assembly and for other purposes;" and have receded from their amendments to the thirty-second and thirty-fifth sections of said bill.

The Council have also concurred in the amendment of the House to amendment of the Council to No. 26, H. R. file, "A bill to amend an act relative to the penitentiary;" and have disagreed to the amendment of the House by striking out the ninth section of No. 34, C. F. "A bill to repeal the acts therein mentioned;" and have passed with amendments No. 154, H. R. file, "A resolution to provide for printing the reports of the decisions of the supreme court;" and have passed with amendments No. 156, H. R. file, "A resolution relative to an appropriation to defray the expenses of the extra session," &c.

In which the concurrence of the House is requested.

And then he withdrew.

The House resumed the consideration of No. 10, C. F. when a motion was made by Mr Lash, that the memorial be read a third time now.

On motion of Mr Hastings,

A call of the House was ordered, and the roll being called Messrs Clark, Cox and Hall failed to answer to their names. The sergeant-at-arms was despatched to compel the attendance of the absentees, when,

On motion of Mr Langworthy,

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

TWO O'CLOCK, P. M.

Mr Bailey renewed the motion for a call of the House, which was ordered, and the roll being called, the following named members were found to be absent, viz: Messrs Cox, Hall, Lash, Myers, Rich, Ross and Walworth.

Mr Cox was excused.

The Speaker then despatched the Sergeant-at-Arms to compel the attendance of the absentees. After a short time, the absentees having appeared, the call of the House was suspended.

No. 157, H. R. file, entitled "A bill to provide for the compensation of printers, members, officers," &c. in which the Council insist upon their amendments, was taken up and considered, and on motion,

Ordered, That the House do recede from their disagreement to said bill.

Mr Brewer, from the joint committee on enrollments, reported "A memorial to Congress for the improvement of the roads therein mentioned," as correctly enrolled.

The Speaker then signed the above memorial.

Mr Langworthy presented the petition of sundry citizens of Jackson county, praying a re-location of the seat of justice of said county, which

was referred to a select committee composed of the entire delegations from the counties of Du Buque and Jackson.

A message from the Council, by Mr Wallace, their secretary :

Mr Speaker:—The Council have passed No. 47, C. F. “A bill amendatory to an act regulating practice,” &c., approved January 25th, 1839. In which the concurrence of the House is requested.

And then he withdrew.

Mr Hastings moved to take up No. 10, C. F. and that said bill be referred to a select committee.

Mr Langworthy, called for the previous question which was pending when the House adjourned.

The House refused to have the previous question put.

Mr Hastings renewed his motion that the memorial be referred to a select committee, which was decided in the negative. Yeas—10. Nays—14.

The yeas and nays being desired by Mr Hastings, those who voted in the affirmative, are Messrs Brewer, Clark, Hastings, Hawkins, Mintun, Owen, Robertson, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, English, Fleenor, Hall, Langworthy, Lash, Leffler, Myers, Patterson, Rich, Ross and Wheeler.

Mr Walworth moved to amend by adding the following, “or at Fort Armstrong on Rock Island,” which was lost. Yeas—7. Nays—17.

Those who voted in the affirmative, are Messrs Brewer, Clark, Hastings, Mintun, Robertson, Summers and Walworth.

Those who voted in the negative, are Messrs Bailey, Churchman, Coop, English, Fleenor, Hall, Hawkins, Langworthy, Lash, Leffler, Myers, Owen, Patterson, Rich, Ross, Wheeler and Johnston, Speaker.

The question then recurred on the motion to read the memorial a third time, which was decided in the affirmative. Yeas—23. Nays—1.

Those who voted in the affirmative, are Messrs Bailey, Brewer, Churchman, Clark, Coop, English, Fleenor, Hall, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth, Wheeler and Johnston, Speaker.

Mr Hastings voted in the negative.

The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their secretary :

Mr Speaker:—The Council have passed with amendments. No. 153, H. R. file, “A bill to remove and relocate the county seat of Lee county,” in which the concurrence of the House is requested.

I herewith present for your signature, “An act to prevent fraud,” “An act relative to the authentication of statutes, &c.” “Resolution requesting our delegate to Congress to obtain the passage of a law relative to the election of governor of this Territory by the people.” “A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river.” And then he withdrew.

The Speaker then signed the above entitled acts, resolutions and memorials.

On motion of Mr Patterson,

Ordered, That the report of the committee on territorial affairs, relative to further appropriations be taken from the table.

The report was then read, and

On motion of Mr Patterson,

Ordered, That the report be agreed to.

On motion of Mr Hastings,

Ordered, That George H. Walworth, be allowed pay for seventy-five days service as a member of this House.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to authorize Wm. Warner to erect a dam across Big Cedar in Henry county."

"An act to authorize John Troxell to erect a dam across Big Cedar, in Jefferson county."

"An act to authorize Joseph Clinkenbeard to erect a dam across Big Cedar, in Jefferson county."

"An act to authorize Robert E. Mott to keep a ferry across Des Moines river at the Round Mound, in Lee county."

"A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant."

The Speaker then signed the above entitled acts and memorial.

No. 11, C. file, entitled "A memorial to Congress on the subject of a public armory in the Territory of Iowa," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said memorial.

After some time spent therein, Mr Speaker resumed the chair, and Mr Myers reported that the committee had according to order, said memorial under consideration, and directed him to report the same to the House without amendments; to which the House agreed.

Mr Langworthy moved to strike out of the 12th line of said memorial, the words "on the Mississippi river," which motion was decided in the negative. Yeas—10. Nays—12.

Those who voted in the affirmative are Messrs Bailey, Churchman, Coop, English, Fleenor, Hawkins, Langworthy, Lash, Myers and Ross.

Those who voted in the negative, are Messrs Brewer, Clark, Hastings, Leffler, Mintun, Owen, Patterson, Rich, Robertson, Summers, Walworth and Johnston, Speaker.

Mr Churchman moved to strike out the word "make" and insert "direct," in the 11th line of said memorial, and to strike out all after the word "appropriation," in the same line, to the word "arms," in the 13th line, which motion was decided in the negative. Yeas—6. Nays—16.

The yeas and nays being desired by Mr Hastings,

Those who voted in the affirmative, are Messrs Churchman, Coop, English, Fleenor, Lash and Mintun.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark,

Hastings, Hawkins, Langworthy, Leffler, Myers, Owen, Patterson, Rich, Robertson, Ross, Summers, Walworth and Johnston, Speaker.

Mr English moved to strike out of the 12th line, the words "some convenient point," and insert "Burlington."

The motion was lost.

On motion of Mr Langworthy,

Ordered, That the 44th rule be suspended, and that the memorial be read a third time now.

The memorial was then read a third time, and the question being put, shall the memorial pass, it was decided in the affirmative. Yeas—18. Nays—2.

The yeas and nays being desired by Mr Churchman,

Those who voted in the affirmative, are Messrs Bailey, Brewer, Clark, Coop, English, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross, Summers and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman and Fleenor.

No. 149, H. R. file, "A bill allowing and confirming the compensation of the printers, and other expenses of the last session of the legislative assembly," as amended by the Council, was taken up and considered, and

On motion, Ordered, That the amendments of the Council be agreed to.

No. 15, C. file, entitled "A bill for the relief of the poor," was read a second time, and on motion,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Owen reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment; to which the House agreed.

On motion of Mr Brewer,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 20, C. file, entitled "A bill concerning costs and for other purposes," was read a second time, and

On motion of Mr Hastings,

Ordered, That said bill be referred to the committee on the judiciary.

No. 32, C. file, entitled "A bill appointing commissioners to review a territorial road," was read a second time, and

On motion of Mr Leffler,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Leffler reported that the committee had according to order said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr English,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now. The bill was then read a third time, passed, and its title agreed to.

Ordered, That the clerk acquaint the Council therewith.

No. 153, H. R. file, "A bill to remove and relocate the county seat of Lee county," as amended by the Council, was taken up and considered.

On motion of Mr Patterson,

Ordered, That the House do agree to the amendments of the Council.

No. 36, C. file, entitled "A bill for the location of a territorial road from Mount Pleasant to the county seat of Washington county," was read a second time.

On motion of Mr Brewer,

Ordered, That the further consideration of the bill be indefinitely postponed.

No. 164, H. R. file, "A memorial to the post-master general on the subject of the mail route from Peoria to Burlington," was read a second time, and

On motion of Mr Leffler,

Ordered, That the 44th rule be suspended, and the memorial be read a third time now. The memorial was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Fleenor,

The House adjourned.

Thursday Morning, Jan. 16, 1840.

Mr Hastings, on leave, introduced No. 167, H. R. file, entitled "A resolution relative to the publication of the laws of a general nature in certain newspapers," which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and the resolution be read a second and third time now. The resolution was then read a second and third time. Yeas—16. Nays—4.

The yeas and nays being desired by Mr Hawkins, on the passage of the resolution,

Those who voted in the affirmative, are Messrs Clark, Coop, English, Fleenor, Hastings, Langworthy, Lash, Leffler, Mintun, Myers, Patterson, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Hall, Hawkins and Rich. So the resolution passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to provide for the compensation of printers, officers," &c.

"An act to remove and re-locate the county seat of Lee county."

"An act to establish a system of common schools."

"An act to amend an act to provide for the erection of a penitentiary, and establishing and regulating prison discipline for the same."

"A resolution to provide for printing the reports of the decisions of the supreme court."

The Speaker then signed the above entitled acts and resolutions.

No. 156, H. R. file, entitled "A resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly," as amended by the Council, was taken up and considered. And on motion, ordered, that the amendments of the Council be agreed to.

A message from the Council, by Mr Wallace, their secretary:

Mr Speaker:—I herewith present for your signature, "An act to authorize William Ingersoll to build a dam across Skunk river in Jefferson county." "An act amendatory of an act subjecting real and personal estate to execution," approved January 25th, 1839. "An act for the relief of certain administrators." "An act to amend an act relative to mechanics liens, and for other purposes," approved December 17, 1838. "An act to establish a University at the town of Mount Pleasant, in Henry county." "An act relative to habeas corpus." And then he withdrew.

The Speaker then signed the above entitled acts.

No. 34, C. F. entitled "A bill to repeal the acts therein mentioned, in which the Council disagree to the amendments of the House," was taken up and considered.

Mr Robertson moved that the House do recede from their amendments. The motion was lost.

On motion of Mr Hastings,

Ordered, That the House do insist upon their amendments.

No. 38, C. F. entitled "A bill relative to divorce, alimony, and other purposes," was read a first time.

On motion of Mr Summers,

Ordered, That the forty-fourth rule be suspended, and that the bill be read a second and third time now.

The bill was then read a second time.

Mr English moved to strike out the 6th clause of the 2d section, which was decided in the negative. Yeas—2. Nays—19.

The yeas and nays being desired by Mr Summers,

Those who voted in the affirmative, are Messrs English and Rich.

Those who voted in the negative, are Messrs Bailey, Brewer, Clark, Coop, Fleenor, Hall, Hastings, Hawkins, Langworthy, Lash, Leffler, Mintun, Myers, Owen, Patterson, Ross, Summers, Walworth and Johnston, Speaker.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Hastings, on leave, introduced No. 168, H. R. file, entitled "A

bill amendatory to an act entitled 'an act to subject real and personal estate to execution,' " which was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended, and that the bill be read a second and third time now.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 162, H. R. file, entitled "A bill to alter and amend an act subjecting real and personal estate to execution," was read a second time.

On motion of Mr Leffler,

Ordered, That the 44th rule be suspended, and that the bill be read a third time now. The bill was then read a third time and passed.

Ordered, That the clerk acquaint the council therewith.

No. 159, H. R. file, entitled "A bill to locate the seat of justice of the county of Jones," was read a second time, and

On motion of Mr Walworth,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Patterson reported, that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments; to which the House agreed.

On motion of Mr Lash,

Ordered, That the bill be considered as engrossed and read a third time now.

The bill was then read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Wheeler, from the select committee to whom was referred No. 45 C. file, entitled "A bill to establish a ferry across the Mississippi river," reported the same back to the House with amendments, which were read a first time.

On motion of Mr Wheeler,

The 44th rule was suspended, and the bill was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 46, C. F. entitled "A bill relative to auctioneers and auction sales," was read a first time, and

On motion of Mr Hawkins,

The 44th rule was suspended, and the bill was read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 37, C. F. entitled "A bill relative to evidence," was read a second time, and

On motion of Mr Hastings,

Ordered, That said bill be referred to the committee on the judiciary.

Mr Brewer, from the joint committee on enrollments, reported that the said committee did, on the 14th instant, present to the Governor, for his approval, the following entitled acts:

"A resolution relative to the taking the census." "Resolution request

ing the appointment of a resident engineer." "Memorial to Congress for appropriations to be expended in building bridges and improving roads on the mail routes in this Territory." "An act amendatory to an act for assessing and collecting county revenue," approved January 24th, 1839. "An act for the relief of certain officers in the Territory." "An act to authorize Adam Ritchie to erect a dam across Crooked creek, in Henry county." "An act to amend the act providing for the appointment of justices of the peace," &c. approved January 21st, 1839.

Mr Rich, on leave, introduced No. 169, H. R. file, entitled "A bill fixing the time when the acts of the session of 1839-40, of the Iowa Legislature shall be in force." Which was read a first time.

On motion of Mr Rich,

Ordered, That the 44th rule be suspended, and the bill be read a second and third time now.

The bill was then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hastings,

Ordered, That no more new bills be introduced into this House the present session.

No. 152, H. R. file, entitled "A resolution relative to the appointment of a committee on the part of the Legislative Assembly, to examine the public buildings at Iowa city and Fort Madison."

No. 158, H. R. file, "A bill to repeal a part of an act allowing and regulating writs of attachment," were severally read a third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 40, C. F. "A bill to abolish imprisonment for debt," was read a second time, and

On motion of Mr Summers,

The House resolved itself into a committee of the whole House on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hall reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hall,

The rule was suspended, and the bill was read a third time and passed.

On motion of Mr Langworthy,

Ordered, That the select committee to whom was referred the petition of sundry citizens of Jackson county praying for a relocation of the seat of justice of said county, be instructed to report at the extra session in July next.

No. 41, C. file, "A bill to provide for the settlement of the claim that Des Moines county has upon Lee, Van Buren, Henry, Slaughter, (now Washington,) Louisa and Muscatine counties," was read a second time.

On motion of Mr Hawkins,

Ordered, That the 44th rule be suspended, and the bill be read a third time now; the bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 47, C. file, entitled "A bill amendatory of 'An act regulating practice, &c.'" approved, January 25, 1839, was read a second time, and

On motion of Mr Hastings,

The House resolved itself into a committee of the whole House on said bill; after some time spent therein, Mr Speaker resumed the chair, and Mr Rich reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House without amendment, to which the House agreed.

On motion of Mr Hall,

The 44th rule was suspended, and the bill was read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Summers, from the committee of conference appointed on the part of the House in relation to the disagreeing vote of the two Houses, to "A memorial to the President of the United States, for a postponement of the land sales," reported that the two Houses have agreed to adhere to said disagreeing vote, to which the House agreed.

No. 13, H. R. file, entitled "A bill to amend an act entitled 'An act fixing the terms of the supreme and district courts, and for other purposes,'" as amended by the Council was taken up and considered.

On motion, ordered, that the House disagree to the amendment which relates to Lee county, the striking out of the word "Scott," in the second section and the striking out of the third section; all the other amendments were agreed to.

No. 9, C. F. entitled, "A memorial for an appropriation for the purpose of paying off the militia of this Territory," as amended by the Council, was taken up and considered.

On motion of Mr Hall,

Ordered, That the amendment of the Council be agreed to.

No. 48, C. F. entitled "A bill to authorize the keeping a ferry at St. Anthony's Falls on the Mississippi river," was read a first time.

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

TWO O'CLOCK, P. M.

Mr Hastings, from the committee on the judiciary, to whom was referred No. 37, C. F. entitled "A bill relative to evidence," reported the same back to the House without amendment; said bill was read a first time.

On motion of Mr Hastings,

Ordered, That the forty-fourth rule be suspended and the bill be read a second and third time now; the bill was then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have passed No. 21, C. F. "Resolution relative to copying and forwarding memorial;" also with amendments, No. 155, H. R. file, "A bill to restrict the commissioners in the expendi-

ture of money in the erection of public buildings at Iowa City." In which the concurrence of the House is requested.

And then he withdrew.

Mr Walworth, from the committee on enrollments, reported "An act defining the duties of supervisors of roads and highways," as correctly enrolled. The Speaker then signed said act.

Mr Langworthy, on leave introduced No. 170, H. R. file, entitled "A bill to amend an act entitled 'An act fixing the terms of the supreme and district courts of the Territory of Iowa and for other purposes,'" approved January 21, 1839, which was read a first time.

On motion of Mr Langworthy,

The forty-fourth rule was suspended and the bill was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE, }

January 16, 1840. }

Received of Daniel Brewer, member of the House of Representatives, "An act to authorize Robert E. Mott to keep a ferry across the Des Moines river at Round Mound in Lee county."

"An act to authorize Joseph Clinkenbeard to erect a dam across Big Cedar in Jefferson county."

"An act to authorize John Troxell to erect a dam across Big Cedar in Jefferson county."

"An act to authorize William Warner to erect a dam across Big Cedar in Henry county."

"An act to authorize Harriet Knapp to sell and convey the interest of Nathaniel Knapp deceased, in the half-breed lands in Lee county."

"An act to establish a Territorial road from Bloomington by Point Comfort to the western line of Washington county."

"An act to provide for the annual organization of the Council and House of Representatives of the Territory of Iowa."

"Memorial to Congress for the improvement of the roads therein named."

"An act to establish a system of common schools."

"An act to remove and relocate the county seat of Lee county."

"An act to provide for the compensation of printers, officers," &c.

"A resolution to provide for printing the reports of the decisions of the supreme court."

"A memorial to Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant;" this day presented for my consideration and approval.

ROBERT LUCAS.

On motion of Mr Lash,

Ordered, That the vote of the House agreeing with the amendments of the Council to No. 9, C. F. be reconsidered. The question then recur-

red on the motion to agree to the amendment of the Council, which was decided in the negative.

No. 21, C. F. entitled "Resolution relative to copying and forwarding memorials," &c. was read a first time.

On motion of Mr Hastings,

Ordered, That the 44th rule be suspended and the resolution be read a second and third time now; the resolution was then read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 155, H. R. file, entitled "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city," as amended by the Council was taken up and considered.

Mr Lash moved that a call of the House be had, which was ordered; whereupon it appeared that Messrs Bailey, Churchman, Cox, English and Patterson were absent.

On motion of Mr Hall,

Leave of absence was granted Mr Bailey.

On motion of Mr Langworthy,

Leave of absence was granted Mr Churchman.

After a short time, the absentees having appeared, the further call of the House, was,

On motion of Mr Hastings, suspended,

Mr Hastings moved that the House disagree to the first amendment of the Council to said bill, which was decided in the affirmative. Yeas—14. Nays—10.

Those who voted in the affirmative, are Messrs Biggs, Coop, English, Fleenor, Hall, Hawkins, Lash, Leffler, Myers, Owen, Patterson, Rich, Ross and Johnston, Speaker.

Those who voted in the negative, are Messrs Brewer, Clark, Cox, Hastings, Langworthy, Mintun, Robertson, Summers, Walworth and Wheeler.

The House then agreed to all the other amendments of the Council to said bill.

A motion was made by Mr Hastings, that the House do now adjourn, which was decided in the affirmative. Yeas—16. Nays—8.

The yeas and nays being desired by Mr Summers,

Those who voted in the affirmative, are Messrs Biggs, Brewer, Clark, Coop, Cox, English, Fleenor, Hastings, Langworthy, Leffler, Patterson, Rich, Ross, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Hall, Hawkins, Lash, Mintun, Myers, Owen, Robertson and Summers.

So the House adjourned.

Friday Morning, Jan. 17, 1840.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have passed No. 22, C. file, “Joint resolution relative to the sale of the statute laws.”

No. 167, H. R. file, “Resolution relative to publishing the laws of a general nature, &c. of the present session, in certain newspapers.”

No. 124, H. R. file, “A bill to punish trespass on school and other lands.”

In which the concurrence of the House is requested.

The Council have receded from their amendment to the third section of

No. 13, H. R. file, “A bill to amend an act entitled ‘an act fixing the terms of the supreme and district courts, &c.’”

And have insisted on their amendments to the first section of No. 155, H. R. file, “A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city.”

The Council also insist on their amendment to the amendment of the House to No. 9, C. file, “Memorial for an appropriation to pay the militia of this Territory.”

And have passed without amendment “a memorial to the post-master general.”

The Council have adhered to their disagreement to the amendment of the House, to No. 34, C. file, “A bill to repeal the acts therein named.”

And then he withdrew.

Mr Brewer, from the joint committee on enrollments, reported that they did on yesterday present to the Governor for his approval and signature,

“An act relative to the authentication of statutes without the approval of the Governor and for other purposes.”

“Joint resolution requesting our delegate in Congress to obtain the passage of a law relative to the election of Governor of this Territory by the people.”

“A memorial to Congress for an appropriation for a military road from Fort Madison to a contemplated military post on the Des Moines river.”

“An act to prevent frauds.”

“Resolution relative to pay for carrying extra mail.”

“An act for the relief of certain administrators.”

“An act to amend ‘an act relative to mechanics liens, and for other purposes,’” approved Dec. 17, 1838.

“An act for the relief of the poor.”

“Preamble and memorial to Congress requesting the donation of the sections of land contiguous to the section donated as a location for the seat of government of this Territory.”

“An act relative to habeas corpus.”

“An act to provide for the election of delegate to Congress, judge of probate, sheriffs, county surveyors, and to amend ‘An act regulating general elections in this Territory.’ ”

“An act to establish a university at the town of Mount Pleasant, in Henry county.”

“An act to authorize Wm. Ingersoll to build a dam across Skunk river, in Jefferson county.”

“Memorial to Congress on the subject of a public armory in the Territory of Iowa.”

“An act to regulate the admission of attorneys.”

“An act amendatory to an act subjecting real and personal estate to execution,” approved January 25, 1839.

Mr Brewer also reported the following :

EXECUTIVE OFFICE, }
Jan. 17, 1840. }

Received of Daniel Brewer, member of the House of Representatives, “An act defining the duties of supervisors of roads and highways,” this day presented for my consideration and approval.

ROBERT LUCAS.

No. 22, C. F. “Joint resolution relative to the sale of the Statute Laws,” was read a first time. And

On motion of Mr Coop,

The 44th rule was suspended, and the resolution was read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council by Mr Wallace, their secretary :

Mr Speaker:—The Council have passed with amendments, No. 159, H. R. file, “A bill to locate the seat of justice in and for the county of Jones.” And then he withdrew.

No. 167, H. R. file, “A resolution relative to publishing the laws of a general nature of the present session in certain newspapers,” as amended by the Council, was taken up and considered.

And on motion, ordered, that the amendments of the Council be agreed to.

No. 124, H. R. file, entitled “A bill to punish trespass on school and other lands,” as amended by the Council, was taken up and considered.

And on motion, ordered, that the amendments of the Council be agreed to.

No. 155, H. R. file, “A bill to restrict the commissioners in the expenditure of money, in the erection of public buildings at Iowa city,” as amended by the Council, was taken up and considered.

Mr Churchman moved that the House do recede from their disagreeing vote to said bill.

Which was decided in the negative. Yeas—9. Nays—13.

The yeas and nays being desired by Mr Leffler,

Those who voted in the affirmative, are Messrs Brewer, Churchman,

Langworthy, Mintun, Rich, Robertson, Summers, Walworth, and Wheeler.

Those who voted in the negative, are Messrs Bailey, Biggs, Coop, English, Fleenor, Hall, Hawkins, Leffler, Myers, Owen, Patterson, Ross, and Johnston, Speaker.

Mr Brewer moved that the House insist upon their disagreeing vote to the amendment of the Council, and that a committee of conference be appointed to confer with a similar committee on the part of the Council, with instructions that the committee agree so to amend the bill as to restrict the commissioners to the sum of \$50,000, if the committee on the part of the Council will agree to the same.

The yeas and nays being desired by Mr Leffler,

Those who voted in the affirmative, are Messrs Brewer, Churchman, Mintun, Owen, Patterson, Robertson, Summers, Walworth and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Biggs, Coop, English, Fleenor, Hall, Hawkins, Langworthy, Leffler, Myers, and Ross.

Mr Bailey moved that the House insist upon their disagreeing vote, and that a committee of conference be appointed.

Mr Brewer moved that a call of the House be had; which was ordered.

And the roll being called, the following named members failed to answer to their names, viz: Messrs Clark, Cox, Hastings and Lash.

On motion of Mr Myers,

Leave of absence was granted Mr Lash.

On motion, ordered, that the further call of the House be suspended.

The question then recurred on the motion to insert, and that a committee of conference be appointed.

Which was decided in the affirmative. Yeas—15. Nays—8.

Those who voted in the affirmative, are Messrs Bailey, Biggs, Brewer, Coop, English, Fleenor, Hawkins, Leffler, Mintun, Myers, Owen, Patterson, Robertson, Ross and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Cox, Hall, Langworthy, Rich, Summers, Walworth and Wheeler.

Messrs Walworth and Leffler were appointed said committee.

Mr Walworth moved that the committee be instructed to limit the amount to \$51,000.

Which was decided in the affirmative. Yeas—12. Nays—11.

Those who voted in the affirmative, are Messrs Brewer, Churchman, Cox, Langworthy, Owen, Patterson, Rich, Robertson, Summers, Walworth, Wheeler and Johnston, Speaker.

Those who voted in the negative, are Messrs Bailey, Biggs, Coop, English, Fleenor, Hall, Hawkins, Leffler, Mintun, Myers and Ross.

A message from the Council by Mr Wallace, their Secretary:

Mr Speaker:—The Council have indefinitely postponed No. 78, H.R. file, "A bill to amend an act for assessing and collecting county revenue,"

No. 102, H. R. file, "A bill to encourage the raising of sheep," and No. 106, H. R. file, "A bill for the relief of the sheriff of Lee county." And then he withdrew.

No. 13, H. R. file, entitled "A bill to amend an act entitled 'An act

fixing the terms of the supreme and district courts, and for other purposes," in which the Council insist on their amendments relative to Lee county, was taken up and considered.

On motion of Mr Rich,

Ordered, That the House insist upon their disagreeing vote, relative to said amendment, and that a committee of conference be appointed.

Messrs Leffler and Rich were appointed said committee.

On motion of Mr Summers,

Ordered, That the House insist upon their disagreeing vote to the amendment relative to Scott county.

Mr Leffler, on leave, introduced No. 172, H. R. file, entitled "Joint resolution relative to the safe keeping of the furniture of the Legislative Assembly," which was read a first time. And

On motion of Mr Leffler,

The 44th rule was suspended, and the resolution was read a second and third time, and passed.

Ordered, That the clerk acquaint the Council therewith.

No. 9, C. F. entitled "Memorial for an appropriation for the purpose of paying off the militia of this Territory," &c. in which the Council insist upon their amendment, was taken up and considered.

And on motion, ordered, that the House do recede from their disagreeing vote.

No. 34, C. F. entitled "A bill to repeal the acts therein mentioned," in which the Council adhere to their disagreeing vote to the amendments of the House, was taken up and considered.

And on motion, ordered, that the House do recede from their amendments.

A message from the Council by Mr Wallace, their Secretary :

Mr Speaker :—The Council have passed with amendments, No. 159, H. R. file, "A bill to locate the seat of justice in and for the county of Jones." And then he withdrew.

No. 159, H. R. file, entitled "A bill to locate the seat of justice in and for the county of Jones," as amended by the Council, was taken up and considered. And

On motion of Mr Walworth,

Ordered, That the amendments of the Council be agreed to.

No. 43, C. F. "A bill to authorize the keeping a ferry at St Anthony's Falls, on the Mississippi river," was read a second time, and

On motion of Mr Langworthy,

The House resolved itself into a committee of the whole House, on said bill.

After some time spent therein, Mr Speaker resumed the chair, and Mr Hawkins reported that the committee had, according to order, said bill under consideration, and directed him to report the same to the House with amendments ; to which the House agreed.

On motion of Mr Wheeler,

Ordered, That the 44th rule be suspended, and that the bill be read : third time now.

The bill was then read a third time, passed, and its title was amended

Ordered, That the clerk acquaint the Council therewith.

A message from the Council, by Mr Wallace, their Secretary :

Mr Speaker:—The Council have indefinitely postponed No. 46, H. R. file, "A bill making certificates of the purchase of public lands evidence of title," and have appointed Messrs Clark, Browne and Lewis a committee of conference, to confer with the committee appointed by the House, in relation to the disagreement of the two Houses to amendments to No. 155, H. R. file, "A bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city."

And then he withdrew.

On motion of Mr Hall,

Ordered, That the chief clerk be paid for six days services after the adjournment, in closing up and settling the business of the present session, and that the following individuals be paid for services as enrolling clerks to the House of Representatives, viz: W. J. A. Bradford, eight days; Morgan Reno, for one day; John B. Russell, for three days; and John Garrigues, for three days; and that the Secretary be required to pay the same.

Mr Walworth, from the committee of conference on the part of the House, appointed to confer with a similar committee on the part of the Council, in relation to the disagreeing vote of the two Houses to the amendments of the Council made to the first section of a bill to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city, reported that they have agreed to amend the first section of this bill by striking out the word "sixty," in the fourth line, and inserting "fifty-one."

The report of the committee was agreed to.

Mr Summers, on leave, introduced No. 171, H. R. file, entitled "Joint resolutions approbating the views set forth in the late message of the President of the United States," which were read a first time, and are as follows:—

Resolved, by the Council and House of Representatives of the Territory of Iowa, That the principles and views of the President of the United States, generally, as set forth in his recent able message to Congress, are such as commend themselves to the cordial approbation of this Legislative Assembly.

Resolved, That approbating the bold and manly course of the President in his efforts to restore to the country a constitutional currency, this Legislative Assembly especially applaud his luminous discussion of this subject, as clearly demonstrating the identity of the best interests of the country with their final adoption.

Resolved, That the course of policy pursued by the present general administration towards the western country, has been liberal beyond example, and such as is deserving the approbation of the settlers.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended, and the resolutions read a second time now.

The resolutions were then read a second time.

Mr Hall moved that the resolutions do lie on the table until the second Monday in July next.

Which was decided in the negative. Yeas—6. Nays—12.

Those who voted in the affirmative, are Messrs Hall, Hawkins, Rich, Ross, Walworth and Wheeler.

Those who voted in the negative, are Messrs Bailey, Brewer, Coop, Cox, Fleenor, Langworthy, Leffler, Myers, Patterson, Robertson, Summers and Johnston, Speaker.

Mr Hall moved that the resolution be referred to a committee of the whole House.

The motion was lost.

Mr. Patterson moved that a call of the House be had, which was ordered.

And on the roll being called, the following named members failed to answer to their names, viz: Messrs Churchman, English and Mintun.

The Speaker then despatched the sergeant-at-arms to compel the attendance of the absentees.

After a short time, the absent members appearing,

On motion of Mr Walworth,

The further call of the House was dispensed with.

Mr Hall moved that the House adjourn until 2 o'clock, P. M.

The motion was lost.

On motion of Mr Summers,

Ordered, That the 44th rule be suspended and the resolutions be read a third time.

Mr Rich moved that the message referred to in the resolutions be read.

The motion was lost.

The resolutions were then read a third time and passed. Yeas—15. Nays—8.

Those who voted in the affirmative, are Messrs Bailey, Biggs, Brewer, Coop, Cox, English, Fleenor, Langworthy, Leffler, Mintun, Myers, Patterson, Robertson, Summers and Johnston, Speaker.

Those who voted in the negative, are Messrs Churchman, Hall, Hawkins, Owen, Rich, Ross, Walworth and Wheeler.

On motion of Mr Patterson,

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

TWO O'CLOCK, P. M.

Mr Summers, from the committee on enrollments, reported as correctly enrolled,

“An act to lay out and establish a territorial road from Wyoming to Iowa city.”

“Resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly.”

“A memorial to the post-master general.”

“A joint resolution relative to a post route.”

“An act to incorporate the city of Du Buque.”

“An act for opening and regulating roads and highways.”

“An act to amend ‘an act to provide for the erection of a penitentiary and establishing and regulating prison discipline for the same.’”

The Speaker then signed said acts, resolutions and memorials.

A message from the Council, by Mr Wallace, their secretary :
 Mr Speaker :—I herewith present for your signature,
 “ A memorial to the Secretary of War on the subject of arms, &c.”
 “ An act relative to divorce, alimony and other purposes.”
 “ An act to abolish imprisonment for debt.”
 “ An act to provide for the settlement of the claim that Des Moines has upon Lee, Van Buren, Henry, Washington, Louisa and Muscatine counties.”
 “An act to establish a ferry across the Mississippi river.”
 “An act relating to auctioneers and auction sales.”
 “An act appointing commissioners to review a Territorial road.”
 “An act amendatory of ‘An act regulating practice, &c.’” approved January 25, 1839.

The Council have appointed Messrs Hepner and Parker a committee of conference to confer with a similar committee of the House relative to the disagreement of the two Houses to amendments to No. 13, H. R. “A bill to amend an act entitled ‘An act fixing the terms of the supreme and district courts, &c.’”

And have concurred in amendments of the House to No. 48, C. file, “A bill to authorize the keeping of certain ferries therein named.”

And then he withdrew.

The Speaker then signed the above entitled acts.

On motion of Mr Summers,

Ordered, That a committee of conference be appointed to confer with the Council relative to the disagreeing vote of the two Houses, to No. 13, H. R. file, entitled “A bill to amend an act fixing the time of holding the supreme and district courts in the Territory.”

Messrs Summers and Leffler were appointed said committee.

Mr Hall introduced, by leave No. 173, H. R. file, entitled “A resolution relative to publishing a list of the acts of the present session,” which was read a first time, and

On motion of Mr Hall,

Ordered, That the 44th rule be suspended and the resolution be read a second and third time now; the resolution was then read a second and third time and passed.

Ordered, That the clerk acquaint the Council therewith.

On motion of Mr Hall,

Ordered, That the assistant clerk of this House be paid for four days services after the adjournment in closing up and settling the business of the present session.

Mr Brewer, from the committee on enrollments, reported “An act to restrict the commissioners in the expenditure of money in the erection of public buildings at Iowa city.”

“An act allowing and confirming the compensation of printers of the last Legislative Assembly,” as correctly enrolled.

Mr Leffler, on leave, introduced No. 174, H. R. file, entitled “A bill to amend an act fixing the terms of the supreme and district courts of the Territory of Iowa, and for other purposes,” which was read a first time.

On motion of Mr Leffler,

Ordered, That the 44th rule be suspended and the bill be read a second and third time now; the bill was then read a second time.

On motion of Mr Summers,

Ordered, That the word "December" be stricken out of the first section and the word "July" inserted.

Mr Rich moved to amend the second section; to which the House agreed.

The bill was then read a third time and passed.

Ordered, That the clerk acquaint the Council therewith.

A message from the Council by Mr Wallace, their secretary:

Mr Speaker:—The Council have appointed Messrs Parker and Lewis a committee of conference in relation to the disagreement of the two Houses upon No. 13, H. R. file.

And have passed without amendment, No. 171, H. R. file, "Joint resolutions approbating the views set forth in the late message of the President of the United States."

No. 172, H. R. file, "A resolution relative to the safe keeping of the furniture belonging to the Legislative Assembly."

No. 173, H. R. file, "A resolution relative to publishing a list of the acts of the present session."

No. 174, H. R. file, "A bill to amend 'An act fixing the terms of the supreme and district courts of the Territory of Iowa.'"

And then he withdrew.

On motion, the House adjourned until 6 o'clock, P. M.

SIX O'CLOCK, P. M.

Mr Summers, from the committee on enrollments, reported as correctly enrolled "An act to amend an act fixing the terms of the supreme and district courts of the Territory of Iowa, and for other purposes."

"Resolution relative to publishing a list of the acts of the present session."

The Speaker then signed the above entitled act and resolution.

A message from the Council, by Mr Wallace, their Secretary:

Mr Speaker:—The Council have appointed Messrs Hepner and Clark a committee to act in conjunction with a similar committee of the House, to wait upon the Governor and inform him that the two Houses have no further business before them, and to know if he has any further communications to make to them, and if not, they are now ready to adjourn *sine die*.

I herewith present for your signature, "An act to authorize the keeping of certain ferries therein mentioned."

And then he withdrew.

The Speaker then signed the above entitled act.

Mr Walworth, from the committee on enrollments, reported as correctly enrolled,

"An act to re-locate the seat of justice in and for the county of Jones."

"A resolution in relation to the safe keeping of the furniture belonging to the Legislative Assembly."

"Joint resolution approbating the views set forth in the late Message of the President of the United States."

The Speaker then signed the above entitled act and resolutions.

Mr Brewer, from the committee on enrollments, reported the following:

EXECUTIVE OFFICE, }
Jan. 16, 1840. }

Received of Daniel Brewer, member of the House of Representatives:

"An act to punish for trespass on school and other lands."

"Joint resolution approving the views set forth in the late message of the President of the United States."

"An act to locate the seat of justice in and for the county of Jones."

"An act to amend the act fixing the terms of the supreme and district courts of the Territory of Iowa, and for other purposes."

"A resolution relative to the safe keeping of the furniture, &c."

"Resolution relative to publishing the list of acts passed at the present session."

"Memorial to Congress on the subject of expenses incurred by the Marshal in sustaining the laws of the United States within this Territory."

"An act to repeal the acts therein mentioned."

"An act to authorize the keeping of certain ferries therein named."

"Joint resolution relative to the sale of the Statute Laws."

"A resolution relative to publishing the laws of a general nature of the present session in certain newspapers."

"An act to restrict the commissioners in the expenditure of public moneys at Iowa city."

"An act to lay out and establish a Territorial road from Wyoming to Iowa city."

"Resolution relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly."

"A memorial to the Postmaster General."

"A joint resolution relative to a post route."

"An act to incorporate the city of Du Buque."

"An act opening and regulating roads and highways."

"An act to amend an act to provide for the erection of a Penitentiary, and establishing and regulating prison discipline for the same."

And "An act for allowing and confirming the compensation of printers of the last Legislative Assembly, and for other purposes," this day presented for my consideration and approval.

(Signed)

ROBERT LUCAS.

Also, "A memorial to the Secretary of War."

"An act relative to divorce, and for other purposes."

"An act amendatory to an act regulating practice."

"An act relating to auctioneers and auction sales."

"An act appointing commissioners to review a Territorial road."

“An act to provide for the settlement of the claims that Des Moines county has upon the counties of Lee, &c. &c.”

“An act to establish a ferry across the Mississippi river.” And

“An act to abolish imprisonment for debt.”

On motion of Mr Summers,

Ordered, That a committee be appointed to act in conjunction with a similar committee on the part of the Council, to wait upon the Governor and inform him that the two Houses have no further business before them, and to know if he has any further communications to make to them, and if not, they are now ready to adjourn.

Whereupon, Messrs Summers and Hawkins were appointed said committee.

The committee retired, and after a short time returned and reported, that they had performed the duty assigned them, and that the Governor had no further communication to make to the Legislative Assembly at the present session.

On motion of Mr Hall,

Ordered, That a committee be appointed to wait upon the Council and to inform them that the House has no further business before them, and are now ready to adjourn *sine die*.

Whereupon, Messrs Hall, Churchman and Myers, were appointed said committee.

After being absent a short time the committee returned, and Mr Hall reported that the committee had performed the duty assigned them.

Messrs Parker, Lewis and Clark, a committee from the Council, was announced, and informed the House that the Council had no further business before them, and were now ready to adjourn *sine die*.

The committee then withdrew.

On motion of Mr Hawkins,

Ordered, That this House now adjourn *sine die*.

The Speaker then addressed the House as follows :

Gentlemen :—Before I say farewell to you, in accordance with the requirement of custom and the promptings of my own feelings, I shall take this occasion to return my warmest thanks for your complimentary resolution passed a few days ago.

The language of compliment is pleasant at all times, but truly so when we are assured that it is accompanied with feelings of friendship and respect.

If I have been enabled to discharge the duties of my station in a satisfactory manner, 'tis surely not attributable to my own knowledge or capacity, but to your indulgent forbearance. I have doubtless frequently erred, but your partiality has concealed it—your kindness has caused it to remain undiscovered.

The session has passed calmly and serenely away, and if a single ill feeling arose, it was instantly stifled.

The session has been one of business, not of excitement; and whether we have labored for good or for evil, is a tale which remains to be told. Of one thing I feel assured, that if we have erred, it has been with clean hands—with honest intentions.

To enact laws for the government and protection of a people so ent in their manners, habits and customs, as the citizens of our terr. are, is, as we have found, a work of no ordinary importance.

Great is the effect of the first enactments of a new country, and may we not hope that those which we have passed at our present session will have their due influence on the conduct and character of our people.

Gentlemen—'Tis ever painful to take leave of our friends, and let me assure you that 'tis not common-place courtesy when I say that I part from you all with regret.

A session of seventy-five days has made all around me familiar as household things, and doubtless I will often hear the voice of the Clerk at the desk, and fill the different seats in this hall with their proper occupants, in the visions of the night.

But we leave not as those who part without hope, for I flatter myself that I shall have the gratification of meeting you all in the ensuing summer, enjoying the good will of your constituents and the blessings of health.

Meanwhile you have my fondest wishes for your welfare, and the welfare of those whom you will meet at your homes.

This House is adjourned without day.

APPENDIX.

[No. 1.]

MEMORIAL

TO CONGRESS ON THE SUBJECT OF POST ROADS IN IOWA.

To the Honorable the Senate and

House of Representatives in Congress assembled.

Your memorialists the Council and House of Representatives of the Territory of Iowa, would most respectfully represent: That from the rapidity of the settlement of the country through which the respective post routes are hereinafter proposed to be established, a vast number of the citizens of this Territory are deprived of the benefits of mail privileges.

This Territory has been mainly settled since the establishment of any post routes by Congress and are now destitute of all mail facilities excepting those which have been afforded by the establishment of a very few special mail routes. Your memorialists would therefore most respectfully recommend the establishment by law of the following routes:

From West Point to St Francisville, Mo.

From Fort Madison to West Point, Salem and Fairfield, to the Indian Agency.

From Keokuk by Farmington, New Lexington, Bentonsport, Keosauqua, Rising Sun and Portland to the Indian Agency.

From Keosauqua by Philadelphia, Fairfield in Jefferson county, Washington in Washington county to Iowa city.

From Burlington to New London, Mount Pleasant, Fairfield to the Indian Agency.

From Burlington city by Virginia Grove in Louisa county to Iowa city.

From Fort Madison by Baltimore, Mount Pleasant and Trenton to Brighton.

From Burlington by Augusta, Denmark, West Point, Farmington, to Palmyra in Mo. passing through county seats in its course.

From Black Hawk by Wapello and Fredonia to Iowa city.

From Bloomington by Storm's settlement to the county seat of Washington.

From Drury's Landing in Rock Island county, Illinois, by Bloomington, Moscow and the county seat of Cedar county, to the county seat of Linn county.

From Davenport to the county seat of Linn county on the Territorial road.

From Rockingham by Centre Grove and Moscow to Iowa city.

From Fort Byron, Illinois via Parkhurst, Iowa, to the county seat of Cedar county.

From Dixon's Ferry via Albany, Illinois, and Camanche, Iowa, by the county seat of Cedar county to Iowa city.

From Iowa city by the county seat of Linn county, and by the county seat of Delaware county, and by the mouth of Elk creek, to Prairie La Porte.

From Burkhart's Point in Des Moines county, by Wapello to Grandview.

From Du Buque on the Territorial road, established by an act of the last Congress, to Keosauqua, in Van Buren county, and to Palmyra, Mo. and from Keosauqua to Jefferson city, Mo.

From Montpelier by the county seat of Cedar county, to the county seat of Jones county.

From Peru, Illinois, by Princeton, by Andover, Millersburgh, by Drury's landing to Bloomington, Iowa.

From Galena by Belleview, by Morton's mills, to the county seat of Jones county.

From Charleston by Goodnoe's mills, by Burliston's settlement, by Elk ford to the Point on the Territorial road where the said road crosses the Wabsepinea river, and thence to the county seat of Linn county.

Your Memorialists recommend the discontinuance of the following route :—

From Wapello by Cateese and Sipehamo to Napoleon.

Resolved, That his Excellency the Governor be requested to furnish the President of the Senate, the Speaker of the House of Representatives, and our Delegate in Congress, with copies of this memorial.

[No. 2.]

PREAMBLE AND JOINT RESOLUTIONS RELATIVE TO THE UNSURVEYED LANDS.

Whereas the country purchased of the Sac and Fox Indians, in the month of October, 1837, is rapidly populating, by a respectable and industrious class of citizens, making large farms, building towns, and constructing extensive machinery, which must necessarily be divided and subdivided by the future survey of the Government of the United States, the result of which will be loss, litigation and serious difficulty, the never failing check to such laudable industry. Therefore,

Be it resolved, by the Council and House of Representatives of the Territory of Iowa. That our Delegate in Congress be requested to use his best exertions to obtain an appropriation for the survey of all the unsurveyed lands in the Territory of Iowa, to which the Indian title has been extinguished.

And be it further resolved, That the Governor of this Territory be requested to forward four copies of these resolutions, one to our Delegate in Congress, one to the Speaker of the House of Representatives, and one to the President of the United States, and one to the Commissioner of the General Land Office.

[No. 3.]

MEMORIAL

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully call your attention to the improvement of the navigation of the Iowa and Cedar rivers. Your memorialists believe that the removal of a few obstructions, in the Cedar branch of the Iowa, would render this river navigable, for at least six months of the year, and for at least one hundred miles from its junction with the Iowa. The navigation of this river would render incalculable advantages to the inhabitants of the rich and densely populated country through which it flows. Towns and villages of some considerable importance, already exist on the banks of this river, which have no other facilities of communication with the Mississippi river, than those afforded by land.

Your memorialists, would refer your honorable body to the known liberality of the government, in granting donations to the States and Territories for the improvement of their harbors and the navigation of their rivers.

Your memorialists ask the extension of the same liberality for the improvement of the navigable streams in Iowa.

Your memorialists believe that a liberal donation from the government, for the improvement of the navigation of the Cedar and Iowa rivers, would not only develop the great resources of country through which these streams flow, but would render marketable vast quantities of the public lands, which would otherwise be unsaleable.

Resolved, That his Excellency the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 4.]

MEMORIAL,

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

Your memorialists, the Council and House of Representatives of Iowa Territory, beg leave to represent, that a large portion of the citizens of this Territory, in that part of the same watered by Skunk river and its numerous tributaries, are destitute of any kind of water conveyance for the exports and imports of the country except that which may be afforded by the improvement of said stream; which improvement your memorialists believe to be entirely practicable.

Your memorialists would represent that the country is already thickly settled by an industrious, enterprising class of citizens from the older settled parts of the United States, bringing with them their habits of industry and enterprise which have already produced a surplus of the products of the soil beyond the demands for the consumption of the country, and the inconvenience from the want of navigation by said river is already seriously felt.

Your memorialists beg leave to further represent to your honorable body that on account of the meandering of said stream, in making the surveys of the United States, and the consequent reservation of the same from sale, the country is deprived of its use for hydraulic purposes. We therefore ask your honorable body to order a survey of said river at as early a period as practicable, by a competent corps of engineers under the authority of the United States, with a view to ascertain the practicability of improving the navigation of the same.

Resolved, That his excellency the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 5.]

MEMORIAL

FOR A DONATION OF LAND FOR LITERARY PURPOSES.

To the Senate and House of Representatives of the United States.

Your memorialists the Legislative Assembly of the Territory of Iowa, now in session, beg leave to represent to your Honorable body, that there is no portion of the United States of America, more destitute of the means of education, than the people of the Territory of Iowa. It is deemed unnecessary by your memorialists, to attempt to enter into detail in relation

to the importance of education, while they are mindful of the character and intelligence possessed by the members comprising your honorable body.

Your memorialists, are convinced that the important support which education contributes and affords to the welfare of our Government, is but an item in the many arguments that might be offered in its favor.

Your memorialists are fully persuaded from the former liberality your honorable body has manifested on frequent occasions, by making donations in land, or appropriations in money, for the purpose of education in other Territories that you will manifest the same spirit on this occasion, to the infant but prosperous Territory of Iowa.

Your memorialists are fully convinced that your Honorable body must be aware of the great disadvantages which your memorialists must necessarily labor under for the want of funds for the purpose of education, in consequence of their frontier position.

Your memorialists would therefore pray your honorable body, to take the subject under their wise deliberation, and give it that just and impartial investigation which its magnitude demands.

Your memorialists in conclusion, would earnestly recommend to your consideration the propriety, and urge the importance of making a donation equal to two entire Townships of Land in the Territory of Iowa, for the purpose of establishing a college in said Territory.

Resolved, That the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives and one to our Delegate in Congress.

[No. 6.]

MEMORIAL

To Congress for establishing another Land District in this Territory.

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully call the attention of your honorable body to the necessity of establishing another land district in this territory.

This territory is now divided into two land districts, the land offices of which are situated, the one at the town of Du Buque, the other at the city of Burlington.

The Du Buque land district extends south to the township line that divides townships seventy-seven and seventy-eight, rendering the southwestern extreme of this district more than one hundred miles from the land office.

This subjects the numerous and *bona fide* settlers residing in this part of the Du Buque land district to many and unnecessary inconveniences.

The settlers in the northern part of the Burlington land district suffer many difficulties from the distance to the land office, and from the bad roads and impassable streams at certain seasons of the year.

Your honorable body will readily perceive, by reference to the map of Iowa, the great difficulties and many inconveniences suffered by the inhabitants of the middle part of this territory, being compelled to go to either extreme of the territory to secure their homes.

Your memorialists would, therefore, most respectfully recommend the passage of a law creating a new land district, the office for which shall be located at Iowa city, the seat of government for Iowa territory. This location, your memorialists believe would have the desired effect of affording more facilities to the settlers in purchasing the public lands than any other point that could be selected, as the lands on the Mississippi river have either already been sold or are now in market. This location would be nearly in the centre of a large district of country, a part of which has already been surveyed, and to the whole of which the Indian title has been extinguished.

[No. 7.]

MEMORIAL

To the Congress of the United States on the subject of amending the Organic Law of the Territory of Iowa.

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent, That the inhabitants of the Territory of Iowa, are put to great inconvenience, and in many cases have suffered actual loss by reason of the limited jurisdiction conferred upon Justices of the Peace by the law organizing this Territory.

Your memorialists would further represent, that in a great many cases it is preferable for those who may have a good and just cause of action, where the amount due is more than fifty dollars, to submit to the loss and neglect, to enforce the claim, than to seek redress in a court of record, thereby subjecting themselves to the expense and trouble of traveling in many cases twenty or thirty miles to the place where the court is held, and all the expense incidental to prosecuting a suit to final judgment.

Your memorialists would therefore respectfully pray your honorable body so to amend the organic law of this Territory, as to extend the jurisdiction of justices of the peace to the sum of one hundred dollars.

Resolved, That His Excellency the Governor, be requested to forward three copies of the above memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our delegate in Congress.

[No. 8.]

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would most respectfully represent, That at the last session of your honorable bodies, the sum of five thousand dollars was appropriated for the purpose of laying out and establishing a road in this Territory, commencing at Burlington, and running through the Territory to its western boundary, in a direction to the Indian Agency, on the Des Moines river, under the superintendence of R. C. Tilghman, United States Assistant Engineer. Your memorialists would respectfully represent that said road has been surveyed through to said western boundary of the Territory, and completed as far as Skunk river, in Des Moines county, being about one half of the work, and for want of means, the said superintendent has been compelled to suspend further operations. Your memorialists would further represent, that five thousand dollars more would be sufficient to complete this laudable work, which is not only beneficial to the Territory, but also to our nation, for the transportation of mails and the conveyance of munitions of war, which is of great importance, situated as this Territory is, upon the borders of an Indian country.

Your memorialists would therefore earnestly request your honorable bodies to grant to this Territory the further sum of five thousand dollars, for the completion of said road.

Resolved, That the Governor be requested to forward two copies of this memorial, one to the Secretary of War, and one to our delegate in Congress.

[No. 9.]

A PREAMBLE AND RESOLUTIONS

To the Congress of the United States asking for an appropriation for the improvement of a Territorial road on the Des Moines river.

Whereas, the Legislative Assembly of last session passed a law authorizing the survey and opening of a Territorial road, commencing at Keokuk on the Mississippi river in Lee county, running thence upon the north bank of the Des Moines river, passing through the towns of Farmington, New Lexington, Bentonsport, Columbus and Philadelphia; thence up to and terminating at Iowaville on the Des Moines river, formerly Iowa city; said road if improved must necessarily be of great importance both to the Territory and the general government. Keokuk, the commencing place of this road, is the natural and most convenient depot for all the extensive

Des Moines country, being situated at the foot of the Des Moines rapids and immediately above the mouth of the Des Moines river. This road when finished will afford great facilities for the transportation of mails, passing as it does through a number of towns and a densely populated country, terminating on the Indian borders, thereby affording the remotest of our inhabitants the benefit of mails,

And, Whereas this road passes over a number of tributary streams to the Des Moines river, which at many seasons of the year are backed up by the said river, making them impassable,

And, Whereas the improvement of said road is deemed to be of too much magnitude to be undertaken in the ordinary way of improving such roads,

Therefore, Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to use his influence in obtaining an appropriation of ten thousand dollars for the opening of said road.

Be it further Resolved, That the Governor be requested to forward one copy of this preamble and resolution to our delegate in Congress.

[No. 10.]

MEMORIAL

To Congress for the improvement of the roads therein mentioned.

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

The Council and House of Representatives of the Territory of Iowa, would most respectfully represent, that a great portion of the direct communication between the State of Illinois and the interior of this Territory, is cut off for the want of a road opposite the town of Bloomington in this Territory, to Drury's Mills, Illinois, a distance of only four miles. An appropriation of four or five thousand dollars would sufficiently improve this road. This improvement would not only be of great benefit to the government in the transportation of the mails; but would be of immense importance to the citizens of Illinois and Iowa.

Your memorialists also ask an appropriation of five thousand dollars for the improvement of the Territorial road from Bloomington to Iowa city, the seat of government of this Territory.

Also, an appropriation of six thousand dollars for the improvement of the Territorial road from the ferry landing opposite Oquaka, Illinois, to Napoleon in Johnson county; and an appropriation of ten thousand dollars for the improvement of the Territorial road from Black Hawk via Wapello and Mount Pleasant, to the southern boundary line of the county of Van Buren, in a direction to Jefferson city, Missouri.

Your memorialists ask a further appropriation of three thousand dol-

lars, to erect two bridges across the Muscatine slough, the one at the head of the slough at Bloomington, the other at or near section one, seventy-five north, range three west. This improvement would shorten the mail road from Bloomington to Black Hawk at least five miles.

Resolved, That His Excellency, the Governor, be respectfully requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to Hon. W. W. Chapman, our delegate in Congress.

[No. 11.]

A MEMORIAL

To the President of the United States, in relation to the Sioux half breed reservation on Lake Pepin.

To His Excellency, Martin Van Buren, President of the United States:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent: That by the ninth and tenth sections of a treaty concluded July 15th, A. D. 1830, between the commissioners on behalf of the United States and the Sacs and Foxes, Sioux and other tribes of Indians, a certain tract of country therein described, was reserved for the use and occupation of the half breeds of the Sioux nation of Indians.

They would further represent, that the tenth section of the above recited treaty authorizes and empowers the President of the United States "to assign to any of the said half breeds, to be held by him or them in fee simple, any portion of said land," &c.

Therefore, your memorialists respectfully request that your Excellency will make such division among said half breeds, whenever they may desire the same; for your memorialists believe that such a course will cause permanent settlements to be made on said reservation, and tend greatly to promote the prosperity and security of that portion of the Territory. And your memorialists, &c.

[No. 12.]

MEMORIAL

For the survey of the Harbor at the town of Du Buque.

*To the Honorable the Senate
and House of Representatives of the United States.*

Your memorialists the Council and House of Representatives of the Territory of Iowa, respectfully represent: That it has ever been the wise policy of our national government to encourage, foster and protect commerce, by extending to it every facility consistent with the constitutional powers of the same, in removing as far as possible every obstruction to the navigation of our great rivers, the natural channels of trade and travel, the construction of harbors to render secure all vessels engaged in the trade of our country, thus bringing as it were distant ports together, uniting all parts of the country in one common interest; and that where obstructions to this free intercourse existed, it has only been necessary to make your honorable bodies acquainted with the facts, to ensure their early attention and efficient aid in removing such obstructions. With the numerous precedents which the proceedings of Congress afford, we beg leave to call your attention to the necessity of the improvement of the Harbor at Du Buque, confident that the utility of the same cannot admit of a reasonable doubt, when the advantage it will be both to the citizens of the same and to the United States are seen and appreciated.

That its importance may be seen, your memorialists would further represent, that Du Buque is situated on a slough of the Mississippi river; that for one and a half miles below, and two miles above, the slough is connected with the river only by a narrow and shallow inlet; that the depth of the water in the slough is less than upon the Rapids, consequently in low water, boats are compelled to land outside the island in front of the town, rendering it very difficult to get freight on shore, and when in higher stages of water the boats can pass up the slough to a landing on an arm of the river convenient to the town, those bound for the various ports above Du Buque are compelled to descend below the foot of the island one and a half miles below Du Buque, and then pass up on the outside of the island.

This delay and difficulty will be entitled to no little weight, when it is taken into consideration that no boats pass by Du Buque without landing, and when your honorable bodies reflect that a vast extent of country north of this place is fast becoming settled with an industrious and business population.

Your memorialists further represent, that the head of the bay into which boats in moderate stages land, is about six hundred and fifty yards from the foot of Lake Peosta, a beautiful sheet of water one mile long, separated from the main channel of the Mississippi only by a portage of four

hundred yards. Your memorialists are of opinion that by uniting Lake Peosta with the Mississippi at Eagle Point, where a strong current strikes the shore, by a canal ten feet deep, and connecting it at the foot with the bay in front of the town by a canal eight feet deep, a strong current can be produced, which will bring sufficient water into the slough to enable the largest boats in the trade, at all seasons of the year, to come with ease to the best landing, thus shortening the distance of travel to boats going up at least three miles and giving a current to sweep away the filth that collects in the bay, producing water in its healthful state. The length of the two canals will not exceed one thousand yards, and boats are able in the high stages of water to pass over six hundred yards of the line of the proposed canal.

Your memorialists would further represent, that by these short canals a high and beautiful landing will be made for two miles up the river, connecting Du Buque with the town of Eagle Point. As the site, the entire extent is beautifully calculated for the same, and the unparalleled rapidity with which Du Buque is growing, warrants the assurance that the day is not far distant when the two towns will meet and comprise the city of Du Buque.

Your memorialists would further represent, that Du Buque is the commercial depot for all the lead on the west side of the Mississippi, as well as the landing for a vast extent of country back, which is calculated to sustain a dense population, and is becoming filled with industrious farmers, which being yet in the hands of government, must be enhanced by the increase of commercial facilities. With these facts before you, your memorialists pray that you will cause a survey of the proposed improvement to be made by a suitable engineer, confident that a work of so much importance will not be permitted to go undone when the cost is so small in comparison with the good to be effected.

And that you will make an appropriation sufficient to complete the work which it is confidently believed will not cost more than fifteen thousand dollars.

Resolved, That the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives and one to our Delegate in Congress.

[No. 13.]

JOINT RESOLUTION,

Requesting our Delegate in Congress to urge the passage of a law for a Post Road.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to urge the passage of a law establishing a post road from Andover, Illinois, by Illinois city, Wyoming, Iowa, to Moscow.

[No. 14.]

MEMORIAL

To Congress for an appropriation for a road opposite Burlington, in the Mississippi bottom.

To the Honorable the Senate and House of Representatives of the United States:

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent: That the sum of twenty-five hundred dollars was appropriated at the last session of Congress for the improvement of the road across the Mississippi bottom, opposite the city of Burlington, in the State of Illinois, that the sum already appropriated is insufficient to improve the said road, and will be comparatively lost unless a further appropriation shall be made to complete said work.

Your memorialists would further represent, that the said road is one of the principal thoroughfares from the State of Illinois to the Territory of Iowa, that during the high water of the spring and summer seasons, said road is altogether impassable, that the travel west to the city of Burlington is diverted from its proper course, and that travelers and emigrants cannot reach the city of Burlington without ferrying about three miles and a half during such high water.

Your memorialists would further represent, that said road, if improved, would be an important thoroughfare for the passage of troops and the transportation of the munitions of war from the western States of the union, to the south-western frontier of the Territory, and the northern frontier of the State of Missouri.

Your memorialists further represent, that great difficulty has been experienced hitherto in the transportation of the mails for the want of said improvement; that their passage has been frequently interrupted and delayed, and that the people of the southern part of the Territory, in consequence of such delay, have already experienced great inconvenience.

Your memorialists, therefore request a further appropriation of seven thousand five hundred dollars, for the completion of said road, believing that such sum would make said road passable at all seasons of the year.

Resolved, That His Excellency, the Governor, be requested to forward one copy of this memorial to the President of the Senate, one copy to the Speaker of the House of Representatives, one copy to the Hon. W. W. Chapman, our delegate in Congress, and one to the Hon. John T. Stuart of the House of Representatives, from the State of Illinois.

[No. 15.]

MEMORIAL

To Congress on the subject of a turnpike road from the city of Burlington via Mount Pleasant to Fairfield.

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, beg leave to represent to your honorable bodies, that the rapid settlement and prosperous condition of the agricultural and manufacturing interests of the interior of our territory and the consequent increase of travel and business, and the growing surplus of the products of our rich and fertile region, demand facilities for conveying our articles of export to some point on the Mississippi river, as well as a convenient channel for the conveyance of the imports of the Territory.

Believing that a turnpike road from the city of Burlington into the interior, would add more than its cost to the value of the public domain, as well as afford a facility of transportation of incalculable advantage to the industrious farmers and enterprising merchants of our country, we therefore pray your honorable bodies to authorize a survey of a route for a macadamized road from the city of Burlington, commencing at the west end of High street, thence on the nearest and best route by New London and Mount Pleasant to Fairfield, in Jefferson county, and also grant an appropriation of money or land to make the same; and also a sum sufficient to erect a bridge across Skunk river on said road.

Resolved, That the Governor be requested to forward three copies of the foregoing memorial, one to the President of the Senate, one to the Speaker of the House of Representatives and one to our delegate in Congress.

[No. 16.]

JOINT RESOLUTION

On the subject of Post Offices, &c.

Whereas the Legislative Assembly of this Territory have at the present session memorialized Congress for the establishment of a mail route on the national road from Du Buque to the southern boundary of the Territory; and whereas it is confidently believed that the same will be granted; therefore

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to use his best

exertions to have a mail carried upon said route as soon as the same is established, and also to recommend the establishment of post offices on said route as follows: One at the Falls of the Maquoketa in Du Buque county, and that Arthur Thomas be appointed post master; one at Buffalo fork in Jones county, and that George H. Walworth be appointed post master; one at Ivanhoe in Linn county, and that Anson Cowles be appointed post master; one at or near Astoria in Washington county, and that David Goble be appointed post master; one at Washington in Henry county, and that John Courey be appointed post master.

Resolved, That His Excellency the Governor, be requested to forward one copy of this resolution to the Postmaster General, and one to our delegate in Congress.

[No. 17.]

MEMORAL

For the speedy settlement of the Du Buque land claim.

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully represent: That the inhabitants of that part of the Territory, including the greater portion of the county of Du Buque, and known as the Du Buque claim, are materially injured and subjected to much inconvenience and disquietude in consequence of the postponement and delay of the sales of public lands in that district, caused by the pendency of that claim. And further, that these persons have settled upon and improved their lands, (many of them under permits from the United States agent) in the full belief that the benefits of the pre-emption law would be extended to them, and that much of their property consists in their improvements, and that any unnecessary delay in settling this claim must operate prejudicial to their interests. We therefore pray your honorable bodies to have some speedy action on the subject, that they may purchase their farms and homes.

Resolved, That the Governor be requested to forward three copies of the foregoing memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 18.]

A MEMORIAL

To Congress for an appropriation to remove obstructions on the Rapids of the Mississippi.

To the Honorable the Senate and House of Representatives of the United States.

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully call your attention to the great importance of removing the obstructions to the navigation of the Mississippi river, occasioned by the rapids in said river, generally designated as the Des Moines and Rock river, or upper and lower rapids, they would suggest an important difference in the character of the navigation of the Mississippi from all other streams of the west, above the mouth of Missouri river, that it is not so much affected by dry and wet seasons; the upper Mississippi at all seasons, except on the rapids, furnishing abundance of water at all its lowest stages for boats drawing four feet.

As evidence of the practicability of removing said obstructions, they refer to the report of the engineer employed by the United States to make a survey of said rapids, and to the success attending the work on the lower rapids the past season. The extent of country to be benefited by the removal of said obstructions, can be best appreciated by an examination of the maps of the country above them; they would refer to the annual messages of the Executives of Wisconsin and Iowa Territories, as evidence of the rapid increase, of the importance of the country to be benefited by the proposed improvements.

Your memorialists are satisfied from information they have collected, that the number of arrivals and departures of steam boats from the ports of Galena and Du Buque the past season, amount to four hundred, having an estimated tonnage amounting to thirty thousand tons.

They would state as their firm conviction, that a much greater tonnage is employed in the trade above the lower rapids now than was employed in the entire trade of the Mississippi valley, above the mouth of the Ohio twenty years ago; that the trade of Du Buque alone is now greater than was the trade of St Louis then. An important item of this trade is lead, furnishing four fifths of the entire consumption of the United States, and in which all are interested.

The government is largely and directly interested in the removal of said obstructions, as thereby the expense would be greatly lessened and the facility greatly increased in the transportation of troops, military stores and government supplies. In illustration of this, they refer to the freighting government account this last fall of the steamboat Detroit, with supplies for St Peters, at six dollars per hundred pounds, when, if these obstructions had not been in the way, they believe the freight might have been transported at one dollar per hundred pounds, or less. They

would respectfully call your attention to the fact that almost the entire Territory bordering upon and above these rapids are government lands not yet brought into market, and which are settling with a rapidity heretofore unparalleled; that the sale of these lands will afford a large and increasing revenue for many years to come; that any increased facilities in the intercourse with the country will increase its value and expedite its settlement and sale.

The average price of freight from St Louis above the rapids, at seasons when the rapids are not an obstruction, will hardly range so high as fifty cents; and at seasons when it is necessary on their account to re-ship, they rise as high as two dollars, and even higher, per hundred pounds; that these rapids may be fairly estimated as constituting such an obstruction to the navigation as to render necessary re-shipment at them one half the business season; and your memorialists are confident in the opinion that the obstructions of these rapids increase the cost of transportation upon a fair estimate of the entire freights over them, both ascending and descending, one hundred per cent. and that the price of passage on steamboats is affected in nearly the same rates.

They would call your attention to the subject, that in consequence of these rapids a much smaller class of steamboats are employed in the trade, greatly to its prejudice, and a direct trade without the expenses of re-shipment with New Orleans and other distant and important ports, obstructed.

Your memorialists state that not only the country bordering on the Mississippi above these rapids, but the entire union will, in nearly an equal degree, enjoy the benefits accruing from the removal of these obstructions to the navigation of the upper Mississippi, by the increased value it will give to the public lands, by lessening of the expense of the transportation of lead, and thereby lessening the costs of its production to the consumer, and by the increased facility of its trade and settlement, in which all are interested.

Your memorialists would submit the opinion, that the entire expense which will be incurred in the improvement of the rapids so as to render the navigation over them equal in goodness and safety to the navigation generally of upper Mississippi, will not equal the increased expense of one year, to the transportation over them occasioned by their obstruction.

Your memorialists, therefore, urge upon your consideration the great propriety for the above considerations and others, which will readily suggest themselves, of making such speedy and competent appropriations, and adopting such measures as will in the shortest time consistently with economy ensure the removal of the obstructions occasioned to the navigation of the upper Mississippi by the before designated rapids, &c. &c.

[No. 19.]

A RESOLUTION

Requesting our Delegate in Congress to use his exertions to procure additional mail facilities on the route leading] from Davenport to Du Buque.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be requested to use his best exertions to have a line of semi-weekly post coaches put upon the mail route from Davenport to Du Buque, via Pleasant Valley, Parkhurst, Wabesipinica, Camanche, Charleston and Belleview.

Resolved, That His Excellency the Governor, be requested to forward two copies of this resolution, one to the Post Master General, and one to our delegate in Congress.

—
[No. 20.]

PREAMBLE AND RESOLUTION

For the benefit of the former Sheriffs.

Whereas, William B. Slaughter, Secretary of the Territory of Wisconsin, has refused or neglected to pay the sheriffs in the counties on the west side of Mississippi river for taking the census in the year 1838,

Therefore, Resolved, by the Council and House of Representatives of the Territory of Iowa, That our delegate in Congress be instructed to use his best exertions to procure pay for the said Sheriffs.

—
[No. 21.]

MEMORIAL

To Congress for an appropriation to improve Roads from Iowa city to Prairie Du Chien and from Du Buque to the county seat of Delaware county.

*To the Honorable the Senate and
House of Representatives of the United States:*

Your memorialists, the Council and House of Representatives of the Territory of Iowa, respectfully ask your attention to the subject of improving the Territorial road from Iowa city to Prairie Du Chien, and

would therefore represent to your honorable bodies that said road will form a truly important link in the communication between the garrisons on the Upper Mississippi and those on the Missouri river, and as a road has already been surveyed and partly improved, by a former act of Congress, from the northern boundary of Missouri to Iowa city, the road now asked to be improved will form one continued communication along our frontier, and affording the surest means of protection from Indian Hostilities. An appropriation of twenty thousand dollars will render this road from Iowa city to Prairie Du Chien a great facility for the transportation of arms, ammunition and troops in time of war, and for the furnishing of supplies for the garrisons above mentioned.

Your memorialists would further represent that the county of Delaware is a flourishing county next west of the county of Du Buque, has been organized at the present session of our Legislature, and a direct communication is much needed from Du Buque to the seat of justice of the said county of Delaware which could be afforded if an appropriation of five thousand dollars should be made for the establishment and improvement of said road.

Your memorialists, therefore, respectfully but earnestly ask for the passage of an act appropriating the above amount for the purpose aforesaid, and as in duty bound, &c.

Resolved, That his Excellency the Governor be requested to forward three copies of this memorial, one to the President of the Senate, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 22.]

MEMORIAL

To Congress for an appropriation for a road from Keokuk via West Point to Mount Pleasant.

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

Your memorialists, the Council and House of Representatives of the Territory of Iowa, would respectfully represent: That the construction of a Territorial road from Keokuk, in the county of Lee, through West Point in said county, to Mount Pleasant, in a direction to Iowa city, the seat of government of said Territory, is a subject of great importance to the people of the Territory through which it would pass. The low stage of the Mississippi river at certain seasons of the year renders it necessary for steamboats to land their cargoes at Keokuk, and it is therefore necessary for the citizens in the south and southwest part of the Territory to transport their goods by land where there are no suitable roads or bridges over the numerous streams which they must necessarily pass. There-

fore, we respectfully ask that you should appropriate the sum of ten thousand dollars, to be expended in constructing a road from Keokuk by West Point, in Lee county to Mount Pleasant in Henry county, to be laid out under the direction of some experienced engineer.

Resolved, That his Excellency be requested to forward two copies of this memorial, one to the Speaker of the House of Representatives, and one to our Delegate in Congress.

[No. 23.]

JOINT RESOLUTION RELATIVE TO A POST ROUTE.

Resolved, by the Council and House of Representatives of the Territory of Iowa, That our Delegate in Congress be, and he is hereby requested to use his best exertions to have a semi-weekly post route established, direct from Burlington city to Keosauqua in Van Buren county.

Resolved, That his Excellency the Governor is respectfully requested to forward a copy of this resolution to our Delegate in Congress.

[No. 24.]

RESOLUTION

Relative to an appropriation to defray the expenses of the extra session of the Legislative Assembly.

Resolved by the Council and House of Representatives of the Territory of Iowa, That our delegate to Congress be requested to obtain an appropriation of ten thousand dollars to defray the expenses of the extra session of the Legislative Assembly to be held in July next.

Resolved, That the Governor is hereby requested to forward one copy of the above resolution to our Delegate in Congress.

[No. 25.]

MEMORIAL

To the Hon. Amos Kendall, Post Master General of the United States.

Your memorialists the Council and House of Representatives of the Territory of Iowa, respectfully represent, That on the first day of July A. D. 1839, a contract was entered into on route No. 2858 to carry the mail from Burlington in the Territory of Iowa, to Peoria in Illinois, once a

week in two horse stages. It was ascertained that all the intermediate post offices on this route were supplied with cross mails, and the Territorial officers and citizens of Burlington, believing that the Post Master General would sanction the change after understanding the great advantage it would confer without any additional expense arising from it, prevailed upon the contractor to combine this route, with route No. 2788 as thereby the mail would be carried through from Peoria to Burlington three times a week, in four horse post coaches in two days, whereas according to the contract it would be carried between these points but once a week in two horse coaches. The contractor has in accordance with the solicitations just mentioned, carried the mail thrice a week, on Route No. 2788, from Peoria to Burlington, greatly to the advantage of the whole country, and to the injury of no portion of it. The Post Master General it is hoped will not suffer the remonstrances of five small and unimportant offices that are without this mail, well supplied by cross routes, to defeat the interests of the whole Territory.

It is by this mail that every thing from Washington reaches the officers of the Territory and a contraction of these facilities would greatly embarrass them in the discharge of their official duties, and retard the reception and transmission of intelligence from nearly all the States to a degree amounting not merely to a privation but an absolute grievance.

Resolved, That the Governor be requested to forward one copy of this memorial to the Post Master General of the United States.

RULES

FOR THE GOVERNMENT OF THE

HOUSE OF REPRESENTATIVES.

TOUCHING THE DUTY OF THE SPEAKER.

I. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum shall cause the journal of the preceding day to be read.

II. He shall preserve order and decorum, and speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

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

IV. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say Aye;" and after the affirmative voice is expressed, "As many as are of the contrary opinion say No." If the Speaker doubts, or a division be called for, the House shall decide. Those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

V. When any motion or proposition is made, the question, "Will the House now consider it," shall not be put unless it is demanded by some member, or is deemed necessary by the Speaker.

VI. The Speaker shall examine and correct the Journal before it is read. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

VII. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

VIII. In all cases where the House is equally divided, the Speaker shall give the casting vote, and shall also vote on a call of the Ayes and Noes.

IX. All acts, addresses and joint resolutions, shall be signed by the Speaker, and all writs, warrants and subpœnas issued by order of the House shall be under his hand and seal, attested by the clerk.

X. In cases of any disturbances or disorderly conduct in the lobby, the Speaker or chairman of the committee of the whole House, shall have power to have the same cleared.

XI. ORDER OF THE BUSINESS OF THE DAY.

After the Journal is read, the following order shall govern :

1st—Petitions or memorials to be offered.

2d—Resolutions.

3d—Reports of committees.

4th—Bills, messages and communications on the Speaker's table.

5th—Bills and resolutions ready for a second reading.

6th—Bills on their passage.

7th—Reports in possession of the House, which offer grounds for a bill are to be taken up in order that the bill may be ordered in.

8th—Bills or other matters before the House and unfinished the preceding day.

9th—These matters being despatched for expediting business, the general file of bills and other matters are to be taken up, agreeable to their first introduction to the House.

OF DECORUM AND DEBATE.

XII. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr Speaker," and shall confine himself to the question under debate, and shall avoid personalities.

XIII. If any member, in speaking or otherwise, transgress the Rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the members called to order he is at liberty to proceed. If otherwise he shall not be permitted to proceed without leave of the House, and if the case require it he shall be liable to the censure of the House.

XIV. When two or more members happen to rise at once, the Speaker shall name the member who is first to speak.

XV. No member shall speak more than twice to the same question without leave of the House, nor more than once until every member choosing to speak shall have spoken.

XVI. If a question pending be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken twice on the preceding day shall be permitted to speak again without leave.

XVII. Whilst the Speaker is putting any question or addressing the House none shall walk out of or across the House, or when a member is speaking shall entertain private discourse, nor whilst a member is speaking shall pass between him and the chair.

XVIII. No member shall vote on any question in the event of which

he is immediately and particularly interested, or in any case where he was not present when the question was put.

XIX. Upon a division and count of the House on any question no member without the bar shall be counted.

XX. Every member who shall be in the House when the question is put shall give his vote, unless the House for special reasons shall excuse him.

XXI. When a motion is made and seconded it shall be stated by the Speaker, or being in writing, it shall be handed to the Chair and read aloud by the Clerk before being debated.

XXII. Every motion shall be reduced to writing if the Speaker or any member desire it.

XXIII. After a motion is stated by the Speaker or read by the Clerk it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

XXIV. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried shall be considered equivalent to its rejection.

XXV. When a resolution shall be offered, or a motion made, to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The committee of the whole House; a standing committee; a select committee.

XXVI. A motion to adjourn shall be always in order: that and the motion to lie on the table, shall be decided without debate.

XXVII. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and until it is decided shall preclude all amendment and further debate upon the main question.

XXVIII. On a previous question there shall be no debate.

XXIX. When a question is postponed indefinitely it shall not be acted upon again during the session.

XXX. Any member may call for a division of the question, which shall be divided if it comprehends questions so distinct that one being taken away, the rest may stand entire for the discussion of the House; a motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert.

XXXI. Motions and reports may be committed at the pleasure of the House.

XXXII. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

XXXIII. When a motion has been once made and carried in the affirmative or negative it shall be in order for any member in the majority

to move for the reconsideration thereof on the same or succeeding day, and such motion shall take precedence of all other questions except a motion to adjourn.

XXXIV. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

XXXV. Every order, resolution or vote to which the concurrence of the Council shall be necessary, shall be read to the House and laid on the table on a day preceding that in which the same shall be moved unless the House shall otherwise expressly allow.

XXXVI. Petitions, memorials and other papers addressed to the House shall be presented by the Speaker or by a member in his place; a brief statement of the contents thereof shall verbally be made by the introducer, and shall not be debated or decided on the day of their being first read, unless, where the House shall direct otherwise, but shall lie on the table to be taken up in the order they were read.

XXXVII. A proposition requesting information from the Governor, Secretary or any other Territorial officer, shall lie on the table one day for consideration unless otherwise ordered by unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees, and when adopted the clerk shall cause the same to be delivered.

XXXVIII. Any five members, including the Speaker, if there be one, shall be authorized to compel the attendance of absent members.

XXXIX. Upon calls of the House or in taking the Ayes and Noes on any question the names of the members shall be called alphabetically.

XL. No member shall absent himself from the service of the House unless he is sick and unable to attend.

XLI. Upon a call of the House the names of the members shall be called over by the Clerk and the absentees noted, after which the names of the absentees shall again be called over and the Sergeant-at-Arms shall be directed by the Speaker to compel their attendance.

XLII. No committee shall sit during the sitting of the House without special leave.

OF BILLS.

XLIII. Every bill shall be introduced by motion for leave, or by an order of the House on the report of the committee. One day's notice at least shall be given of the motion to bring in a bill.

XLIV. Every bill shall receive three several readings in the House previous to its passage, and all bills shall be despatched in order as they were introduced unless where the House shall direct otherwise; but no bill shall be twice read on the same day without special order of the House.

XLV. The first reading of a bill shall be for information; and if opposition be made to it, the question shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

XLVI. Upon a second reading of a bill, the Speaker shall state that it is ready for commitment, or engrossment; and if committed then the question shall be whether to a select or standing committee, or to a committee of the whole House. If to a committee of the whole House, the House shall determine on what day; but if the bill be ordered to be engrossed the House shall appoint the day when it shall be read a third time.

XLVII. Not more than three bills originating in the House, shall be committed to the same committee of the whole, such bills being analogous in their nature, which analogy shall be determined by the Speaker.

XLVIII. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

XLIX. All bills ordered to be engrossed shall be executed in a fair round hand.

L. No amendment except by way of rider shall be received to any bill on its third reading.

LI. When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

LII. That all bills on their second reading shall be read by their title, unless the reading of said bill shall be called for, by a member of the House.

OF COMMITTEES OF THE WHOLE HOUSE.

LIII. In forming committees of the whole House, the Speaker shall leave his chair, and a chairman to preside in committee shall be appointed by the Speaker.

LIV. Upon bills committed to committee of the whole House, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; after report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

LV. All amendments made to an original motion in committee shall be incorporated with the motion and so reported.

LVI. All amendments made to a report committed to a committee of the whole House, shall be noted and reported as in case of bills.

LVII. All questions whether in committee or in the House, shall be propounded in the order which they were moved, except that in filling up blanks the largest sum and longest time shall be first put.

LVIII. The rules of the House shall be observed in committee of the whole House, so far as they are applicable.

LIX. No standing rule, or order of the House, shall be rescinded or changed, without one day's notice being given of the motion therefor, nor shall any rule be suspended except by a vote of at least two thirds of the members present, nor shall the order of business, as established by the rules of the House be postponed or changed, except by a vote of at least two thirds of the members present.

LX. It shall be in order, for the committee on enrolled bills to report at any time.

LXI. When a member moves the reference of any subject to a standing committee of the House, he shall have the liberty of being a member of the same during the consideration of the subject so referred.

JOINT RULES OF BOTH HOUSES.

I. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for that purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour to be agreed on by their chairman, meet and state to each other, verbally or in writing, as either shall choose, the reasons of their respective Houses, for and against the amendment, and confer freely thereon.

II. When a message shall be sent from the Council to the House of Representatives, it shall be announced at the door of the House by the door-keeper, and shall be respectfully communicated to the Chair, by the person with whom it may be sent.

III. The same ceremony shall be observed when a message shall be sent from the House of Representatives to the Council.

IV. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

V. After a bill shall have passed both Houses, it shall be duly enrolled by the clerk of the House, or of the Council, as the bill may have originated in the one or the other House, before it shall be presented to the Governor.

VI. When bills are enrolled, they shall be examined by a joint committee of two from the Council and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two Houses and correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the House in which the bill originated.

VII. After examination and report, each bill shall be signed in the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

VIII. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor for his approbation, it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary of the House, in which the same did originate, and shall be entered on the Journal of each House; the said committee shall report the day of pre-

resentation to the Governor, which shall also be entered on the journal of each House.

IX. All orders, resolutions and votes, which are to be presented to the Governor, for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in cases of bills.

X. When a bill or resolution, which shall have been passed in one House, is rejected in the other, notice thereof is to be given to the House in which the same may have passed.

XI. When a bill or resolution, which has been passed in one House, is rejected in the other, it is not to be brought in during the same session, without a notice of five days and leave of two thirds of that House in which it shall be renewed.

XII. Each House shall transmit to the other, all papers on which any bill or resolution may be founded.

XIII. After each House shall have adhered to their disagreements, a bill or resolution is lost.

XIV. When bills which may have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

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